

# VIETNAM 2023 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

There were no significant changes in the human rights situation in Vietnam in the past year.

Significant human rights issues included credible reports of: arbitrary or unlawful killings by the government; torture or cruel, inhuman, or degrading treatment and punishment by government agents; involuntary or coercive medical or psychological practices; arbitrary arrest or detention; serious problems with the independence of the judiciary; political prisoners; transnational repression against individuals in another country; arbitrary or unlawful interference with privacy; serious restrictions on freedom of expression and media freedom, including unjustified arrests or prosecutions of journalists, censorship, and the enforcement of criminal libel laws; serious restrictions on internet freedom; substantial interference with the freedom of peaceful assembly and freedom of association, including overly restrictive laws on the organization, funding, or operation of nongovernmental and civil society organizations; restrictions of religious freedom; restrictions on freedom of movement, including exit bans and denial of issuance of passports; inability of citizens to change their government peacefully through free and fair elections; serious and unreasonable restrictions on political participation; serious government corruption; serious government

restrictions on human rights organizations; trafficking in persons; and systematic restrictions on workers' freedom of association.

The government occasionally took corrective action, including prosecutions against officials who committed human rights abuses, but security authorities and other state officials frequently acted with impunity.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were reports that the government or its agents committed arbitrary or unlawful killings. Media reported at least five deaths in custody.

Authorities stated one died of “corporal punishment” by a security officer and two died due to medical problems.

On January 5, Dinh Diem, a pastor held prisoner at No. 6 Detention Center in Nghe An Province, died after hospitalization. Authorities attributed his death to a medical problem. Diem's family disputed this finding and told media he had numerous bruises on his body.

On May 25, Nguyen Tan Duong died while in the custody of Bu Dang District public security authorities in Binh Phuoc Province. State media reported Duong was detained with two other suspects in the early morning May 25.

By 10 a.m. Duong was declared dead; when his body was taken to the hospital, it was covered in bruises on the head, limbs, and buttocks.

There were reports that authorities harassed and intimidated families who questioned the official determinations of cause of death.

## **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

## **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses**

The constitution and law prohibited torture, violence, coercion, corporal punishment, or any form of treatment harming the body and health, or the honor and dignity of persons detained or incarcerated. Nevertheless, detainees commonly reported mistreatment and torture by security officers during arrest, interrogation, and detention.

Activists reported Ministry of Public Security officials assaulted political prisoners to extract confessions or used other means to induce written confessions, including instructing fellow prisoners to assault them. Abusive treatment was not limited to activists or persons involved in politics. Human rights monitoring groups issued multiple reports of security forces using excessive force while on duty and investigators allegedly torturing

detainees.

In February, human rights groups reported Dak Lak security officers detained and physically assaulted two ethnic minority H'mong leaders from Subdivision 179 in Lam Dong Province after the leaders spoke to foreign diplomats. Similarly, on June 23, human rights groups reported authorities in Soc Trang Province detained a Khmer Krom activist for disseminating UN publications on human rights. Security officers reportedly assaulted him while he was in custody.

Authorities held at least four activists at institutions for the mentally ill as a form of punishment or coercion, according to human rights groups. Family members of prisoners and former prisoners also reported officials of medical institutes performed unnecessary medical procedures on prisoners and detainees.

Le Anh Hung reported medical staff and patients beat him during his detention at National Psychiatric Hospital No. 1 in Hanoi from 2019-2023. He reported staff injected him with a drug that caused hallucinations and lethargy and tied him to a metal bed for resisting injections.

Although impunity in the security forces was a significant problem, and police, prosecutors, and government oversight agencies seldom investigated specific reports of mistreatment, authorities did punish or prosecute some police and security officers for abuse of authority. On July 4, My Hao Town

police suspended a Hoa Phong Commune public security officer, Tong Hong Nui, for three months during an investigation into his alleged July 3 beating of a detainee while on duty at the public security office.

In a small number of cases, the government held police and other security officials responsible for a death in custody, typically several years after the death. Despite guidance from the Supreme People's Court to charge police and other security officers responsible for deaths in custody with murder, officers who were held responsible typically faced lesser charges. Public security authorities conducted their own internal affairs investigations under the supervision of prosecutors to determine whether police and other security officers were responsible for deaths in custody.

### **Prison and Detention Center Conditions**

Prison conditions varied substantially from province to province and by prison. Former convicts, family members, and lawyers reported that most had austere conditions but were generally not life threatening.

**Abusive Physical Conditions:** Insufficient and unclean food, inadequate health care, overcrowding, lack of access to potable water, poor sanitation, and excessive heat during the summer remained serious problems. Prison officials failed to prevent prisoner-on-prisoner violence.

There were reports many prisoners suffered from deteriorating health due to psychological abuse, poor diet, and denial of medical treatment. For

example, authorities at Gia Trung Prison denied Nguyen Truong Ton access to adequate healthcare for severe medical conditions related to his eyesight and post-COVID-19 complications, according to a human rights NGO.

Authorities placed prisoners in solitary confinement for standard periods of three months, reportedly only after less rigorous punishments had been imposed.

Families of many political prisoners expressed concerns regarding poor detention conditions and health-care services for aged and weak prisoners. Authorities often delayed or denied requests for medical care outside the prison system. There were reports of inmates dying in custody, or shortly after their release, due to the poor prison conditions and lack of access to adequate medical care.

**Administration:** There was no system by which prisoners could file uncensored complaints. The Ministry of Public Security reported prisoners could file formal complaints with a prosecutor's office. These, however, had to go through the same prison officials who were often the focus of the complaint.

**Independent Monitoring:** The Ministry of Public Security, the government entity that managed prisons, generally did not allow access to independent domestic or international monitors, although at times it permitted visits by diplomats.

## **d. Arbitrary Arrest or Detention**

The constitution prohibited arbitrary arrest and detention, but authorities did not respect this prohibition. The law allowed the government to arrest and detain persons “until the investigation finishes” for particularly serious crimes, including national security cases. Detainees or their representatives had no right to challenge the lawfulness of an arrest before a court.

### **Arrest Procedures and Treatment of Detainees**

By law, authorities generally required a warrant approved by a prosecutor or a decision from a court to arrest a suspect. The law also allowed authorities to hold an individual without a warrant in “urgent circumstances,” such as when evidence existed a person was preparing to commit a crime or when police caught a person in the act of committing a crime. Human rights lawyers, however, claimed that detention without warrants was a common practice. There were numerous instances in which activists were taken into custody without an arrest warrant.

In addition to actual arrest, lawyers and human rights nongovernmental organizations (NGOs) reported that, in many cases, authorities “invited” individuals to present themselves at public security offices without being given a clear reason. These individuals could be held for hours, questioned, or pressured to write or sign statements.

The law allowed the investigating agency to hold a suspect for 36 hours without an arrest warrant. The investigating agency had to issue an emergency custody order within 12 hours of the arrest, and then had to notify the prosecutors within 12 hours of issuing the emergency custody order. The prosecutor was required to approve or disapprove the arrest within 12 hours of receiving notice from the investigating agency. The investigating agency could extend custody twice, each time for three days, with the approval of the prosecutors. Especially in politically motivated cases, these procedures were not applied consistently or strictly.

Although the criminal procedure code set time limits for detention while under investigation, the law allowed the Procurator General of the Supreme People's Procuracy (prosecutor) to decide on temporary detention of an individual "until the investigation finishes" in cases of particularly serious crimes, including national security cases.

While a suspect was detained during investigation, authorities at times denied family visits to those arrested on national security charges or in politically motivated cases not related to national security charges. The law allowed for bail in the form of money or property as a measure to replace pretrial detention, but it was seldom granted.

The law required authorities to inform persons held in custody, or accused of or charged with a crime, of their legal rights, including the right to an attorney within three days of arrest. By law the government was required



to assign a lawyer to a criminal defendant in cases in which the defendant was charged with offenses punishable by death, was a child or person with physical disabilities, or was deemed mentally incompetent, or if the defendant (or their lawful representative) did not seek legal assistance.

Despite the law, authorities used bureaucratic delays to deny timely access to legal counsel. In politically sensitive national security cases, the government routinely prohibited defense lawyers' access to their clients until after officials completed their investigations and formally charged the suspect. At times authorities only permitted attorneys access to their clients or the evidence against them immediately before the case went to trial, denying them adequate time to prepare a defense. Investigators reportedly coerced detainees not to hire certain lawyers or to accept lawyers assigned by authorities. There were also reports of authorities forcing lawyers not to defend activists or to refrain from providing substantive arguments and evidence in court in favor of activist clients.

Political dissident Tran Van Bang was sentenced to eight years in prison and three years on probation for "propaganda against the State." One of two lawyers who defended Bang in the first-instance trial withdrew from the appeal trial, citing pressure from an undisclosed source.

Detainees had the right to notify family members of their arrest, but it was not always observed. Although police generally informed families of detainees' whereabouts, the Ministry of Public Security in many cases held

bloggers, activists, and others suspected of political or national security offenses incommunicado for extended periods. Authorities arrested Hoang Van Vuong on January 3, but only informed his family four months after his arrest. Vuong's trial occurred on April 18 without a defense lawyer or his family present.

**Arbitrary Arrest:** Arbitrary arrest and detention, particularly for political activists and individuals protesting land seizures or other matters deemed politically sensitive, remained a serious problem.

Authorities subjected activists and civil society organizers to varying degrees of arbitrary detention in their residences, in vehicles, at public security offices, at "social protection centers," or at local government offices.

Authorities detained Phan Tat Thanh July 5-12 without a warrant, according to his family. On July 25, police provided the family a temporary custody order authorizing his detention from July 13.

On July 31, authorities took Le Xuan Dieu to a public security office in Ho Chi Minh City for questioning without a warrant. Dieu's family reported that authorities beat Dieu during the interrogation, resulting in bruises on his face, soft tissue injuries, and a cracked rib. On August 1, authorities forced Dieu to admit ownership of two Facebook accounts and fined him 7.5 million dong (\$300). Authorities also forced Dieu to sign a pledge to not disclose information about his questioning and assaults, and to not write

about politics on his Facebook accounts, according to his family.

**Pretrial Detention:** The maximum pretrial detention was nominally 23 months in cases of “particularly serious offenses.” Authorities, however, ignored requirements governing pretrial detention with impunity, and police and prosecutors used lengthy pretrial detention to punish or pressure human rights defenders to confess to crimes, activists claimed. On August 30, political activist Le Anh Hung was sentenced to five years’ imprisonment “for abusing democratic freedoms,” after being held in pretrial detention for four years.

### **e. Denial of Fair Public Trial**

The law provided for an independent judiciary, but the judiciary was effectively under the control of the Communist Party of Vietnam (CPV). There were credible reports of endemic corruption through the abuse of political influence and bribery and of judicial inefficiency that significantly compromised judicial independence.

In July the Supreme People’s Procuracy indicted the former chief judge of Bac Lieu People’s Court, Chau Van My, for soliciting bribes. According to the indictment, My coerced a young woman defendant to give him money and sex on numerous occasions in exchange for a more lenient sentence in a trial over which My presided.

Most, if not all, judges were members of the CPV and were screened by it

and local officials during their selection process to determine their suitability for the bench. The party's authority was particularly notable in high-profile cases and when authorities charged a person with corruption or challenging or harming the party or the state. Defense lawyers routinely complained that, in many cases, it appeared judges determined the guilt of defendants prior to the trial.

Harassment of defense attorneys continued during and after trials. In March, Long An Province authorities reportedly summoned five lawyers who defended members of a religious community because of their public discussions about the case on social media.

The law required attorneys to violate attorney-client privilege in national security cases or other serious crimes by revealing the content of attorney-client discussions to investigators and in court.

## **Trial Procedures**

While the constitution provided for the right to a fair and public trial, this right was not evenly enforced. Judges presiding over politically sensitive trials generally did not permit the defense to exercise their legal rights.

The law stated that defendants were innocent until proven guilty. Defendants' right to prompt, detailed information concerning the charges against them was rarely respected. Defendants' right to a timely trial was ignored with impunity, and although trials generally were open to the

public, judges closed trials or strictly limited attendance in sensitive cases. There were several cases, particularly of political activists, in which authorities denied requests for relatives or other observers to attend trials despite the trials being ostensibly open to the public.

The court sometimes denied suspects the right to their own choice of attorney and assigned one. Defendants' right to communicate with a lawyer when on trial for a criminal charge that could result in a 15-year or longer sentence, including capital cases, was often not respected.

Although the defense had the right to cross-examine witnesses, there were multiple instances in which the defense did not know which prosecution witnesses would be called and were not allowed to cross-examine those witnesses or otherwise challenge their statements. In many political trials, the defense was not allowed to examine or review prosecution evidence. A defendant had the right to present a defense, but the law did not expressly state the defendant had the right to call witnesses; lawyers were discouraged from calling witnesses or witnesses were barred from testifying.

Defendants' right not to be compelled to testify or confess guilt was not respected. The law required video or audio recording of interrogations during the investigation, prosecution, and sentencing phases of cases. In multiple criminal trials, authorities used such videos to manipulate the court and public perception of the suspect and the case, according to human rights activists.

In most trials defense attorneys were given time to address the court and question their clients. In trials involving individuals charged under national security articles, judges occasionally silenced defense lawyers who were making arguments on behalf of their clients.

## **Political Prisoners and Detainees**

Based on reports by media, NGOs, and other observers, authorities as of October 31 held at least 187 persons for political or human rights activism, including 162 convicts and 25 in pretrial detention. According to media and human rights groups, from January 1 to October 31, authorities detained 25 individuals and convicted 23 who were exercising internationally recognized human rights such as the freedoms of expression, peaceful assembly, and association. Most of these arrests and convictions were linked to online blogging, and defendants were charged with “making, storing, spreading, or propagating information, materials, or items” for the purpose of “opposing” the state and “abusing democratic freedom.”

NGOs said in prior years authorities at times subjected political detainees to examination and treatment of alleged mental illness.

According to family members of prisoners, prison officials often held political prisoners in small groups separate from the general inmate population and treated them differently. In many cases, political prisoners’ daily schedules differed from those of the general inmate population, and

they were not afforded the opportunity to leave their cells for work or interaction with the general prison population. Some political prisoners enjoyed better material conditions than nonpolitical prisoners but were subjected to more psychological harassment. In other cases, political prisoners were harassed by prison authorities and other inmates, the latter sometimes at the instigation of officials. Officials subjected some political prisoners to longer periods of solitary confinement than the three months given to other prisoners.

In some cases, rations appeared to be more limited for political prisoners than others. Former political prisoners reported they received only two small bowls of rice and vegetables daily, often mixed with foreign matter such as insects or stones. Some complained prisoners who were on a diet for medical reasons could not get enough suitable food. Family members of many imprisoned activists who were ill claimed medical treatment was inadequate and resulted in long-term health complications.

Political prisoners and their family members reported prison authorities at times revoked, reduced, denied, or delayed visitation rights and did not allow visitors to provide items to family members. Family members of political prisoners reported authorities frequently limited them to two telephone calls per month, each normally five to seven minutes in length. Prison authorities often held political prisoners far from their homes, making family visits difficult, and routinely did not inform family members of prison

transfers. Authorities often did not allow political prisoners in pretrial detention to meet their families and lawyers until the investigation finished, and in some cases political prisoners could not meet family members until after their appellate hearings. For example, authorities denied family visits to political prisoner Bui Tuan Lam for two months after his appeal on August 31. Prison authorities denied family visitation in September without justification and later transferred Lam to a prison away from his home province on October 20 without informing the family. Lam's family learned of the transfer only when Lam called home on October 27 from the new prison.

Courts routinely handed down severe sentences to the most prominent activists or those linked to overseas groups.

**Amnesty:** On May 12, the government granted amnesty to environmental activist Nguy Thi Khanh, approximately six months prior to her expected release date.

On July 10, authorities released and deported Australian citizen Chau Van Kham, reportedly a member of the banned group Viet Tan. In 2019 he was sentenced to 12 years' imprisonment on a subversion charge.

On September 9, authorities amnestied social advocate Mai Phan Loi, approximately 18 months prior to his expected release date.



## **f. Transnational Repression**

**Extraterritorial Killing, Kidnapping, Forced Returns, or Other Violence or Threats of Violence:** In April, Duong Van Thai, a blogger who fled Vietnam to Thailand in 2019, went missing in Bangkok, according to his family.

Although Ha Tinh provincial authorities announced they detained a man named Duong Van Thai on April 14 for “illegally crossing the border,” NGOs and media reported Thai was abducted by Vietnamese authorities in Thailand and forcibly returned to Vietnam. The Ministry of Public Security stated Thai was accused of distributing antistate propaganda; as of December, he was in detention.

## **g. Property Seizure and Restitution**

By law all land belonged to the government (“all the people of Vietnam”), which granted considerable decision-making authority for land pricing, allocation, and reclamation to local people’s committees and people’s councils, whose decisions regarding land often lacked transparency and due process.

Disputes over land expropriations for development projects remained a significant source of public grievance. Many individuals whose land the government forcibly seized protested at government offices for unaddressed complaints.

Expropriation of land owned by ethnic minorities in the Central Highlands was common. Preferential government treatment for domestic and foreign companies that invested in highland areas populated predominantly by ethnic minorities as well as government-supported infrastructure and agricultural development programs in those areas tended to benefit nonindigenous residents.

The government prohibited class-action lawsuits against government ministries, thus rendering ineffective joint complaints in land rights disputes.

## **h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law prohibited arbitrary or unlawful interference with privacy, home, or correspondence, but the government at times violated them.

By law, authorities needed warrants to enter homes forcibly, but Ministry of Public Security officers regularly entered or surveilled homes, particularly of activists, without legal authority. They often intimidated residents with threats of repercussions for failure to allow entry.

On March 14, members of the Zen Hermitage on the Edge of the Universe reported authorities broke into their compound without a warrant and forced some members to go to the public security office for interrogation.

On July 26, authorities forcefully entered the compound without a warrant

again; they conducted a search and filmed the prayer hall.

In late 2022 and early 2023, local authorities in northern provinces such as Cao Bang, Bac Can, Tuyen Quang, and Thai Nguyen without warrants broke into residences of the followers of Duong Van Minh (who died in 2021).

They reportedly destroyed altars and replaced Duong Van Minh decorations with Ho Chi Minh portraits and national flags.

Without legal warrants authorities regularly opened and censored targeted private mail, confiscated packages and letters, and monitored telephone conversations, email, text messages, blogs, and fax transmissions. The government cut telephone lines and interrupted cell phone and internet service of several political activists and their family members.

The Ministry of Public Security maintained a system of household registration and block wardens to monitor unlawful activity. The ministry closely monitored individuals engaged in or suspected of engaging in unauthorized political activities.

Activists and their family members reported harassment by provincial authorities. Representatives from state-run organizations and progovernment groups visited activists' residences and attempted to intimidate them into supporting government policies, according to social media and activists' reports. Family members of activists also reported numerous incidents of physical harassment, intimidation, and questioning

by Ministry of Public Security officials.

On March 30, Ho Chi Minh City authorities asked Nguyen Thi Hue, mother of imprisoned political prisoner Huynh Duc Thanh Binh, to report for questioning on April 4. At the police station, Hue reported the head of ward police and five city police told her to encourage her son to plead guilty and threatened her with prosecution if she continued to meet with monks from the independent Unified Buddhist Church of Vietnam.

The family of Bui Tuan Lam (also known as “Green Onion Bae,” a social media commentator) reported authorities surrounded their house three days before Lam’s public trial for “propaganda against the State” on May 25. After the trial, a group of security officers physically assaulted Lam’s wife and his brothers then detained them for several hours at the Hoa Cuong Bac Ward police station, Hai Chau District, according to the family and a diplomat who attempted to attend the trial.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution and law provided for freedom of expression, including for members of the press and other media; however, the government did not respect these rights, and laws specifically encroached on freedom of

expression. The government also continued to use broad national security and antidefamation provisions in the law to restrict freedom of expression. Such provisions established crimes such as “sabotaging the infrastructure of socialism,” “sowing divisions between religious and nonreligious people,” and “propagandizing against the state” as serious offenses against national security. The law also expressly forbade “taking advantage of democratic freedoms and rights to violate the interests of the state or lawful rights and interests of organizations or individuals.”

**Freedom of Expression:** The government restricted speech that criticized individual government leaders or the party, promoted political pluralism or multiparty democracy, or questioned policies on sensitive matters, such as human rights, religious freedom, sovereignty disputes with the People’s Republic of China, or coercive land seizure. Authorities regularly questioned, imposed fines, and prosecuted individuals for speech deemed unacceptable.

On July 11, Lam Dong Province authorities arrested Duong Tuan Ngoc for “spreading information against the state.” State media reported on July 21 that Ngoc posted and shared articles and video clips with content that “distorted reality, defamed the people’s administration, slandered the socialist regime in Vietnam, and insulted leader Ho Chi Minh.”

On August 8, a court in Huong Khe District, Ha Tinh Province, sentenced Hoang Thi Son and Thai Thi Be to 15 months in jail for “abusing democratic

freedoms.” According to local authorities, the two individuals produced and shared on social media complaints and reports about land seizures implicating local officials in corruption and wrongdoings.

Authorities prevented the display of the flag of the Republic of Vietnam, the former government in southern Vietnam.

Foreign academic professionals temporarily working at universities in the country could generally discuss nonpolitical topics widely and freely in classes, but government observers regularly attended classes taught by both foreigners and nationals.

The government prohibited any public criticism of the CPV and state policy, including by independent scientific and technical organizations, even when the criticism was presented to a purely academic audience. The government exerted influence over exhibits, music, and other cultural activities by requiring numerous authorizations.

**Violence and Harassment:** Independent journalists faced restrictions on freedom of movement, other forms of harassment, and physical attacks if they reported on sensitive topics. The government also monitored journalists’ meetings and communications. The government punished journalists for failing to self-censor, including by revoking journalists’ press credentials.

### **Censorship or Content Restrictions for Members of the Press and Other**

**Media, Including Online Media:** Although the law allowed organizations to run their own media outlets, CPV-, government-, and party-controlled mass media organizations exercised legal authority over all major print, broadcast, online, and electronic media, primarily through the Ministry of Information and Communications under the overall guidance of the CPV Information and Education Commission.

The government could fine journalists and newspapers for failing to cite their sources of information or for using “documents and materials from organizations and personal letters and materials from individuals, without clearly stating the sources of such information.” The law allowed the government to punish publishers if they published false information or content the government deemed objectionable.

On July 14, the Ministry of Information and Communications suspended publication of the digital magazine *Zing News*, fined it 243.5 million dong (\$10,200), and revoked its press operating license. The suspension came after an investigation by the ministry; the ministry ruled the magazine did not “conform to the principles and purposes of the operating license” and “published and broadcast false information that caused serious impact.”

Authorities frequently intervened directly with media to dictate or censor a story, and permitted media outlets to report only on predetermined topics; the Ministry of Information and Communication fined outlets that reported unapproved political and socioeconomic news. Pervasive self-censorship,

including among independent journalists and bloggers, due to the threat of dismissal and possible arrest, assisted the party and government to control media content.

Media independent of government authority operated on a limited basis online, primarily via blogs and social media, but independent journalists faced government harassment.

Journalists employed by foreign-based media outlets operated under significant restrictions. For example, foreign journalists required formal permission to travel outside Hanoi, and “live” foreign television programming was required to run on a 30- to 60-minute delay to enable content monitoring.

The law limited satellite television access to senior officials, foreigners, luxury hotels, and some members of the press, but persons throughout the country accessed foreign programming via home satellite equipment or cable.

Viewers reported interruption of coverage of various commentaries, documentaries, and movies on human rights incidents in the country, the Vietnam War, the Cold War, the Soviet era, or reports involving trade tensions.

**Libel/Slander Laws:** Defamation was a criminal offense, and the laws were enforced, especially against critics of the Communist Party and government.



**National Security:** The law provided for significant fines against journalists, newspapers, and online media that published or broadcast information deemed harmful to national interests or for disseminating information considered to distort history and the revolution's achievements. In some cases, these "violations" could lead to criminal proceedings. No such cases were reported as of September, but editors noted that publications and journalists had to be careful of national security laws, contributing to self-censorship.

Citing laws protecting national security, police arrested and ordered journalists to restrict criticism of government policies or officials.

## **Internet Freedom**

The government restricted and disrupted access to the internet and censored online content. The law imposed criminal sentences for online expression, and authorities routinely monitored online communications. The government limited licensed internet service providers to fully or substantially state-controlled companies. The government monitored Facebook and other social media and punished those who used the internet to organize protests or publish content critical of the government.

The government blocked websites it deemed politically or culturally inappropriate, including sites operated by overseas Vietnamese political groups in addition to the websites of *Radio Free Asia*, *Voice of America*, the

BBC Vietnamese news service, and 88 Project. State-owned internet service providers routinely blocked domestic Vietnamese-language websites that contained content criticizing the CPV or promoting political reform.

According to Nikkei Asia, an organization that tracked online censorship, half of its 1,000 tested sites in 2022 were inaccessible in the country. Websites barred were mostly related to politics (33 percent), news outlets (27 percent), and human rights (15 percent).

A regulation compelled owners of all websites and social networking sites to cooperate with the Ministry of Information and Communications to prevent the spread of “bad, toxic news.”

Another rule required all companies and organizations operating websites providing content on “politics, economics, culture, and society” or operating social networks, including blogging platforms, to register with the government. Such companies and organizations were required to locate at least one server in the country to facilitate government requests for data or other information and to store posted information for 90 days and certain metadata for up to two years.

The government forbade direct access to the internet through foreign internet service providers and required them to provide technical assistance and workspace to public security agents to allow the agents to monitor internet activities. The Ministry of Public Security required “internet agents,” including cybercafes, to register the personal information of their

customers, store records of internet sites visited by customers, and participate in government investigations of online activity. Internet cafes used government-approved software to monitor customers' online activities.

The government requested firms such as Facebook and Google eliminate "fake accounts" and content deemed "toxic," including "antistate" materials. The Ministry of Information and Communications requested social media platforms comply with political-speech takedown requests, especially for posts critical of senior CPV officials.

On September 7, Facebook suspended author Ta Duy Anh's Facebook page was suspended for 180 days. Anh's novel *The Termite Queen* was banned temporarily in 2017. He frequently provided commentaries on current affairs on his Facebook page, which had more than 45,000 followers.

On September 11, environmentalist and Life Foundation's founder Pham Thi Huong Giang reported Facebook suddenly restricted her page, which had 37,000 followers, after she shared articles about forest protection in Binh Thuan Province and Da Lat City. On September 13, she reported altered versions of her comments were being shared on Facebook to hurt her credibility.

Authorities also suppressed online political expression by direct action against bloggers, such as arrests, short-term detentions, surveillance,

intimidation, and the illegal confiscation of computers and cell phones from activists and their family members. The government continued to use national security and other vague provisions of the penal code against activists who peacefully expressed their political views online. Dissidents and bloggers reported the Ministry of Public Security periodically ordered the disconnection of their home internet service.

Users of state-sponsored social networks and blogs were required to provide their full name, national identification number, and address before creating an account. In-country website and social network operators were required to allow authorities to inspect local servers upon request and to have a mechanism to remove prohibited content within three hours of detection or notification by authorities.

## **b. Freedoms of Peaceful Assembly and Association**

The government restricted the freedoms of peaceful assembly and association.

### **Freedom of Peaceful Assembly**

Although the constitution permitted freedom of peaceful assembly, the government restricted this freedom. Laws and regulations required permits for group gatherings, which authorities issued or denied without explanation. Only those arranging publicized gatherings to discuss matters

the government considered “sensitive” appeared to require permits. The government generally did not authorize any demonstrations that could be perceived as political. The law permitted authorities to detain individuals gathering or protesting outside of courthouses during trials. Persons routinely gathered in informal groups without government interference so long as the gathering was not perceived as political or a threat to the state. For example, the government allowed small groups of individuals to protest land rights concerns for short periods in Hanoi and Ho Chi Minh City; however, no major demonstrations against the government were permitted.

### **Freedom of Association**

The constitution provided for the right of association, but the government severely restricted the establishment of associations involved in what it considered “sensitive” fields such as politics, religion, and labor rights. The country’s legal and regulatory framework included mechanisms particularly aimed at restricting the freedom of NGOs, including religious organizations, to organize and act. The government generally prohibited the establishment of private, independent organizations, insisting that persons work within established, party-controlled mass organizations, usually under the aegis of the CPV’s Vietnam Fatherland Front (VFF).

Laws and regulations governing NGOs restricted their ability to engage in policy advocacy or conduct research outside of state-sanctioned topics and prohibited organizations focused on social science and technology from

operating in fields such as economic policy, public policy, political matters, and a range of other areas considered sensitive. Authorities also did not permit NGOs generally to publicly advocate specific policy positions.

According to some recognized groups and others attempting to register, implementation of the law varied from province to province. They reported the process was burdensome, lengthy, and that authorities often did not respond to their applications.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement and the Right to Leave the Country**

The constitution provided for freedom of internal movement, foreign travel, emigration, and repatriation, but the government regularly imposed limits on the movement of individuals, especially those released after serving sentences under national security or related charges or outspoken critics of the government.

**In-country Movement:** Government restrictions required citizens and resident foreigners to obtain a permit to visit border areas, defense facilities, industrial zones involved in national defense, areas of “national

strategic storage,” and “works of extreme importance for political, economic, cultural, and social purposes.”

Citizens (or their hosts) were required to register with local public security authorities when staying overnight in any location outside their own homes. Foreign passport holders also had to register to stay in private homes, although there were no known cases of local authorities refusing to allow foreign visitors to stay with friends or family.

Authorities did not strictly enforce residency laws for the general population, and migration from rural areas to cities continued unabated. Moving without permission, however, hampered persons from accessing public education, health care, and other government services.

Authorities restricted the movements of several political activists on probation or under house arrest, along with others not facing such legal restrictions. Authorities also monitored and selectively restricted the movement of prominent activists and religious leaders. Authorities prevented activists from leaving their houses during events that might draw public attention.

Several NGO leaders and activists, such as Nguyen Tien Trung and Bui Thi Minh Hang, reported security agents prevented them from leaving their houses, especially during holidays or visits by senior foreign officials.

**Foreign Travel:** Prospective emigrants occasionally encountered difficulties

obtaining a passport or exit permission. The law allowed authorities to confiscate passports or postpone the departure of any person on various broad grounds, including for national security and defense. There were multiple reports of individuals crossing the borders with Laos or Cambodia illegally because they were unable to obtain passports or exit permission; in some cases, this included persons wanted for crimes and political or other disapproved activities.

The Ministry of Public Security used foreign travel prohibitions against certain government critics, activists, and religious leaders. Authorities banned and prevented dozens of individuals from traveling overseas, withheld their passports on vague charges (at times indefinitely), or refused to issue passports to certain activists or religious leaders without clear explanation. Activists believed they were not authorized to travel abroad to reduce their opportunities to speak out against the government. Authorities also refused to issue passports to the family members of certain activists. Many ethnic minority Christians in the Central Highlands reported local authorities denied their passport applications.

## **e. Protection of Refugees**

The government sometimes cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other organizations regarding treatment of refugees, returning refugees, or asylum seekers, as well as



other persons of concern.

**Access to Asylum:** The law did not provide for granting asylum or refugee status, and the government had no system for providing protection to refugees.

## **f. Status and Treatment of Internally Displaced Persons (IDPs)**

Not applicable.

## **g. Stateless Persons**

According to the UNHCR, there were approximately 30,000 recognized stateless persons and persons of undetermined nationality in the country. In recent years the government increased efforts to identify stateless persons. The bulk of this population were ethnic H'mong living in border areas and undocumented ethnic Vietnamese from Cambodia migrating to Vietnam, but it also included women who lost their Vietnamese citizenship after marrying a foreign national but then lost their foreign citizenship due to divorce.

## **Section 3. Freedom to Participate in the Political**

## Process

Citizens could not choose their government through free and fair elections based on universal and equal suffrage and conducted by a secret ballot that guaranteed free expression and the will of the people. Although the constitution provided the ability to elect representatives to the National Assembly, people's councils, and other state institutions directly, constitutional and legal provisions established a monopoly on political power for the CPV, which itself oversaw all elections.

## Elections and Political Participation

**Abuses or Irregularities in Recent Elections:** National Assembly elections in 2021 were neither free nor fair, and the government did not allow NGO monitoring. The CPV's VFF chose and vetted all candidates, and CPV candidates won 485 of the 499 seats.

According to the government, 99 percent of eligible voters cast ballots in the 2021 election, a figure activists and international observers considered improbably high. Officials charged local authorities with ensuring that all eligible voters cast ballots by organizing group voting and verifying that all voters within their jurisdiction had voted.

**Political Parties and Political Participation:** Political opposition movements and other political parties were illegal. Although the constitution stated that

“all Party organizations and members of the CPV operate within the framework of the constitution and the laws,” the CPV politburo functioned as the supreme national decision-making body, although technically it reported to the CPV Central Committee.

On July 3, Phan Son Tung, a YouTuber with hundreds of thousands of subscribers, was sentenced to six years’ imprisonment on charges of “spreading information against the state.” In September 2022, Tung posted a call on social media for the establishment of a new political party.

### **Participation of Women and Members of Marginalized or Vulnerable**

**Groups:** No laws limited participation of women or members of marginalized or vulnerable groups in the political process, and they did participate. Expectations that women should be caregivers and manage family affairs, and cultural beliefs that men were better suited for leadership positions, were barriers to women’s participation in politics.

## **Section 4. Corruption in Government**

Although the law provided criminal penalties for corruption by officials and there were multiple arrests and convictions for corruption, the government did not implement the law effectively, and officials frequently engaged in corrupt practices. This included existing and retired officials from the politburo, central party, military, and public security services.

**Corruption:** The lack of public consultation on land-use plans and government land compensation frameworks was a driver of corrupt land transfers. Corruption in financial, banking, natural resource mining, public investment, education, healthcare, and judicial sectors was a significant political and social problem.

On June 7, the Ministry of Public Security arrested Minister of Health Nguyen Thanh Long and Hanoi People's Committee Chairperson Chu Ngoc Anh for involvement in a scheme to sell COVID-19 test kits at inflated prices.

In July Hanoi People's Court convicted 28 state officials from different ministries and local governments for receiving, offering, or being complicit in bribes, fraud, and abusing positions of power over repatriation flights during the COVID-19 pandemic. Among the sentences were 16 years' imprisonment for Deputy Minister of Foreign Affairs To Anh Dung, and life sentences for Director of the Ministry of Foreign Affairs Consular Department Nguyen Thi Huong Lan; Pham Trung Kien, a former secretary to the deputy minister of health; and Ministry of Public Security Immigration Department officer Vu Anh Tuan.

For additional information about corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

## **Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights**

The government did not permit independent, local human rights organizations to form or operate, nor did it tolerate attempts by organizations or individuals to criticize its human rights practices publicly. Authorities often asserted that human rights and democracy advocacy were acts against the Communist Party and state.

**Retribution against Human Rights Defenders:** Authorities intimidated registered NGO leaders who advocated for human rights as well as NGO leaders who worked on other issues, including through frequent questioning and inspections by police. In May authorities arrested environmental NGO leader Hoang Thi Minh Hong for alleged tax evasion, charges many human rights groups believed were unfounded.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The law prohibited acts or threats of gender-based violence, including rape, spousal rape, “other sexual contacts,” and “forced sex crimes.” Conviction for rape was punishable by imprisonment of

up to 15 years, depending on the severity of the case.

The law specified acts constituting domestic violence and stipulated punishments for convicted perpetrators ranging from a fine as a civil violation or discipline to criminal prosecution. In July an expanded law on domestic violence prevention and control came into effect providing for better protection and support for survivors and harsher punishments for perpetrators. The new law gave more additional agencies and organizations the ability to receive reports of domestic violence and provided for a national hotline dedicated to receiving and processing reports relating to domestic violence. It also created new measures to prevent domestic violence and assist survivors, including providing shelter, necessities, legal aid, and psychological counseling.

The government did not enforce laws on rape and domestic violence effectively.

Domestic violence was common. Officials acknowledged domestic violence was a significant social concern, and media discussed it openly. Social stigma and fear of harassment from spouses and family prevented many survivors from coming forward.

While police and the legal system generally remained unequipped to deal with domestic violence, the government, with the help of international and domestic NGOs, continued to train police, lawyers, community advocates,

and judicial officials in the law; supported workshops and seminars that aimed to educate women and men regarding domestic violence and women's rights; and highlighted the problem through public-awareness campaigns.

**Other Forms of Gender-based Violence or Harassment:** The law specifically prohibited sexual harassment only in the workplace; the government did not enforce the law effectively. The law allowed workers to terminate a labor contract immediately without prior notice if the worker was sexually harassed in the workplace; employers were required to include sexual harassment as grounds for dismissal. Perpetrators of sexual harassment outside of the workplace could be fined. A decree provided for administrative penalties for sexual harassment in public.

In serious cases, survivors could sue offenders under a law that dealt with "humiliating other persons" and specified punishments for conviction that included a warning, noncustodial reform for up to two years, or a prison term ranging from three months to two years.

**Discrimination:** The law provided for gender equality, but women continued to face societal discrimination. Despite the large body of law and regulation devoted to protecting women's rights in marriage and the workplace, as well as provisions that called for equitable treatment, women did not always receive equal treatment in employment, education, or housing, particularly in rural areas.

Although the law provided for equal inheritance rights for men and women, a son was more likely to inherit property than a daughter, unless otherwise specified by a legal document such as a will, according to observers.

Discriminatory hiring practices related to gender and marital status existed. The retirement age for most employees was 60 years and three months for men, and 55 years and four months for women. According to a research center, women lost six to eight years in career development due to maternity leave and childrearing.

Women workers earned approximately 8 percent a year less than men. Many women older than 35 found it difficult to find a job, and there were reports of women such as factory workers in the garment and electronics sectors being fired at age 35. Legal restrictions existed against women in certain occupations and tasks considered to be harmful to their reproductive health, including jobs deemed “hazardous” in industries such as mining, construction, and transportation. The lower retirement age, combined with hiring discrimination and the gender pay gap, lowered women’s overall earning potential.

**Reproductive Rights:** Coercive population policies restricted reproductive rights. The constitution stipulated that society, families, and all citizens implement “the population and family planning program.” By law, couples or individuals were limited to giving birth to one or two children, with exceptions based on government decree. Regulatory penalties applied to



CPV members and public-sector officials.

The CPV, certain ministries, and some localities issued their own regulations, applicable only to party members and government officials, regarding family size. A politburo decree subjected party members to reprimand if they had three children, removed them from a ranking position if they had four, and expelled them from the CPV if they had five. Violating the decree also decreased the likelihood of promotion and could lead to job termination. The CPV did not enforce these provisions consistently.

Access to sexual and reproductive health services was provided to all persons, including survivors of sexual violence, and included emergency contraception and postexposure prophylaxis as part of the clinical management of rape.

According to the United Nations Population Fund (UNFPA), although the country made substantial progress in improving the sexual and reproductive health status of the population, disparities existed. UNFPA also reported the maternal mortality rate increased from 46 per 100,000 live births in 2019 to 124 per 100,000 live births in 2020. UNFPA assessed that there was a higher rate of maternal deaths among ethnic minority women due to poor quality health-care access for both family planning and maternal health services, geographic isolation, limited education on reproductive health, and socioeconomic factors that limited the utilization of sexual and reproductive health services in ethnic minority localities.

Young persons were particularly vulnerable, with unmet need for modern contraceptives at 29.6 percent, and the adolescent birth rate at 29 per 1,000 in 2023. According to UNFPA, young persons lacked adequate and comprehensive information and services about contraception.

## **Systemic Racial or Ethnic Violence and Discrimination**

The law prohibited violence and discrimination against ethnic minorities, but societal discrimination was longstanding and persistent. The government did not enforce the law effectively. The law did not prohibit discrimination in hiring based on ethnicity.

Ethnic minority group members constituted a sizable percentage of the population in certain areas, including the northwest, the Central Highlands, and portions of the Mekong Delta. The constitution recognized the rights of members of ethnic minorities to use their languages and protect and nurture their traditions and cultures. There were reports, however, that not all members of ethnic minorities were able to engage in decisions affecting their lands, cultures, and traditions.

International human rights organizations and refugees continued to allege that authorities monitored, harassed, and intimidated members of certain ethnic minority groups, particularly ethnoreligious minorities in the Central and Northwest Highlands, including Christian H'mong.

Authorities used national security laws to impose lengthy prison sentences

on members of ethnic minorities for connections to overseas organizations the government claimed espoused separatist aims.

On April 8, authorities in Dak Lak Province arrested Y Krec Bya for “undermining unity policies.” On May 18, authorities in Phu Yen Province arrested Nay Y Blang for “abusing democratic freedom.” Bya and Blang were ethnic Ede leaders of the independent Evangelical Church of Christ whom security agents frequently questioned and detained due to their religious affiliation and for reporting human rights abuses internationally.

Projects under a 2021-2031 National Assembly plan to promote the social and economic development of ethnic minorities and residents of mountainous areas, focused on improving livelihoods, education, infrastructure, healthcare, on cultural preservation, particularly for women and children.

## Children

**Birth Registration:** The law required a birth certificate to access public services, such as education and health care. Nonetheless, some parents, especially from ethnic minorities, did not register their children. Local authorities prevented some parents from registering children to discourage internal migration, according to observers.

**Education:** By law education was free, compulsory, and universal through age 14, but school fees were common. Under a government subsidy

program, ethnic minority students were exempt from paying school fees. Authorities did not always enforce required attendance laws or enforce them equally for boys and girls, especially in rural areas, where government and family budgets for education were limited and children's labor in agriculture was valuable.

**Child Abuse:** The law prohibited child abuse and provided for fines and imprisonment for perpetrators. The government did not effectively enforce laws on child abuse, and physical and emotional abuse were common.

Observers concurred that violence against children occurred in many settings including schools and homes and was usually inflicted by someone known to the child. The most common types of school violence were bullying and corporal punishment by teachers.

**Child, Early, and Forced Marriage:** The legal minimum age of marriage was 18 for girls and 20 for boys, and the law criminalized organizing or entering an early marriage. Early marriage remained prevalent in many remote areas where there were high concentrations of ethnic minorities. According to the most recent national survey conducted in 2019, early marriage among ethnic minorities was nearly 22 percent. The rate in certain ethnic minority communities was particularly high: H'Mong, 51 percent; Clao, 48 percent; Mang, 47 percent; Xinh Mun, 45 percent; and Ma, 39 percent. Rates were highest in the Northwest highlands, Central Highlands, and central coastal provinces. Authorities conducted communication campaigns against

underage marriage and fined those who organized early marriages.

**Sexual Exploitation of Children:** The law prohibited using, procuring, and offering children between 13 and 18 for commercial sex. No provision of law, however, specifically criminalized the commercial sexual exploitation of children under 13; sexual intercourse with children under 13 was statutory rape, with no additional penalty for having paid for sex.

The law insufficiently criminalized the use, procurement, and offering of children for pornography because the definition of sexual exploitation covered only coercion of others to engage as an object to produce pornographic performances. Moreover, while the Criminal Code prohibited “persuading, enticing, and forcing under 16 to participate in pornographic performance,” it did not cover children ages 16 and 17.

The law also prohibited all acts of cruel treatment, humiliation, abduction, sale, and coercion of children into any activities harmful to their healthy development.

The law specified prison sentences for acts related to the exploitation of children in commercial sex, including harboring commercial sex or commercial sexual exploitation of children, brokering commercial sex, and paying for sex with children. The production, distribution, dissemination, or sale of child pornography was illegal, but the government did not effectively enforce the law. The country was a destination for child sex tourism.

The minimum age for consensual sex was 18. Conviction for statutory rape could result in life imprisonment or capital punishment. The law considered all cases of sexual intercourse with children younger than 13 to be child rape. The government enforced the law and convicted child rapists received harsh sentences. Media reports noted an increase in child sexual exploitation on social media.

## **Antisemitism**

There were small communities of Jewish foreigners in Hanoi and Ho Chi Minh City. There were no known reports of antisemitic incidents.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Acts of Violence, Criminalization, and Other Abuse Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics**

**Criminalization:** No law criminalized consensual same-sex sexual conduct between adults.

**Violence and Harassment:** There were no reports of the government inciting, perpetrating, condoning, or tolerating violence against lesbian, gay,

bisexual, transgender, queer, or intersex (LGBTQI+) persons. Research indicated 79 percent of LGBTQI+ persons questioned in one study reportedly suffered at least one instance of sexual or gender-based violence in their lifetime. LGBTQI+ persons reported suffering mostly psychological violence at schools, such as bullying by peers, teachers, and school staff. Other types of violence reported included physical and sexual violence.

**Discrimination:** The law did not prohibit discrimination against LGBTQI+ persons in housing, employment, nationality laws, or access to most government services. The law did not recognize same-sex marriage or the families of LGBTQI+ couples. According to LGBTQI+ activists and NGOs, inaccurate information regarding sexual orientation and gender identity remained pervasive and there was widespread social stigma and discrimination associated with being LGBTQI+ at schools, home, and in workspaces.

Research released during the year showed discrimination against LGBTQI+ persons, while decreased considerably since a similar study in 2018, remained pervasive. Transgender persons reported experiencing the most discrimination among LGBTQI+ groups. Negative comments against LGBTQI+ persons were common in schools and workplaces. Many LGBTQI+ persons' families coerced them to change their appearances, behaviors and attitudes to align with normative gendered forms of expression or to marry against their will. In the workplace, some transgender women were denied

promotions, paid less than others at the same position, or coerced into wearing uniforms not in alignment with their gender identity. Some transgender men were denied employment-related benefits, such as health insurance for family members.

**Availability of Legal Gender Recognition:** The civil code gave individuals who underwent gender-affirming surgery the right to change their name and gender in their personal papers and have the personal rights in conformity with the transformed gender, but the government had not developed regulations to realize these rights.

**Involuntary or Coercive Medical or Psychological Practices:** The belief that same-sex attraction was a diagnosable and curable mental health condition was common, and some lesbians reported so-called corrective rape and forced marriages. Some families forced LGBTQI+ relatives to undergo medical or psychological examinations and treatment. A 2022 Ministry of Health official dispatch to provincial health departments and medical institutions nationwide instructed that LGBTQI+ identities were not a disease to be cured; the dispatch prohibited involuntary treatments, stating that mental health services could be provided only by experts on sexual orientation and gender identity, and stipulated the ministry's policy opposing "conversion therapy." The ministry dispatch also stated that education should be strengthened so that all medical providers had correct knowledge concerning LGBTQI+ persons, and that they be treated equally in



medical environments. According to LGBTQI+ activists and NGOs, medically unnecessary “gender normalization” surgeries were performed on intersex children.

### **Restrictions on Freedom of Expression, Association, or Peaceful Assembly:**

The country’s restrictions on freedom of expression, association, or peaceful assembly applied to LGBTQI+ groups and topics, although there were no reports of them being targeted like other advocacy groups.

### **Persons with Disabilities**

Although the law protected the rights of persons with disabilities to access education, employment, health services, information, communications, buildings, transport, the judicial system, and other state services, most persons with disabilities were not able to access education, health services, public buildings, and transportation on an equal basis with others. For example, while the law required new construction or major renovations of government and large public buildings to include access for persons with disabilities, enforcement was sporadic, particularly outside major cities.

Persons with disabilities faced widespread social stigmatization.

Social barriers and the limited accessibility of many workplaces remained problems in the employment of persons with disabilities, and although the law banned it, persons with disability faced discrimination in hiring.

Companies with a workforce composed of at least 51 percent employees

with disabilities could qualify for special government-subsidized loans.

Access to education for children with disabilities, particularly deaf children and those with intellectual disabilities, remained limited. More than 90 percent of elementary and secondary schools did not have appropriate infrastructure for persons with disabilities. The education system also lacked sufficient trained teaching professionals for persons with disabilities. According to a 2018 study (latest statistics available), the literacy rate of persons with disabilities 16 years and older was 76 percent, compared to a 95 percent literacy rate for persons without disabilities of the same age group. According to data from UNICEF and Vietnam's *National Survey on People with Disabilities 2016-2017*, the school attendance rate for children with disabilities was 82 percent at the primary level, 68 percent at the lower secondary level, and 34 percent at the upper secondary level.

There was no legal restriction on the right of persons with disabilities to vote, but many polling stations were inaccessible to persons with physical disabilities.

Some NGOs reported they continued to face problems applying for funding and offering training for disability-related programs from certain provincial governments, which hampered access for international experts to conduct training.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provided for the right of workers who were citizens to form and join unions under the Vietnam General Confederation of Labor (VGCL), a CPV-run organization. The VGCL, however, answered directly to the VFF, which did not protect trade unions from government interference in or control over union activity.

The law limited freedom of association by not allowing trade unions full autonomy in administering their affairs. All unions had to follow the organizational and operational guidelines prescribed by the CPV and law. The law conferred on the VGCL ownership of all trade union property and gave it the right to represent lower-level unions. By law trade union leaders and officials were appointed rather than elected by union members. The labor code allowed workers to form or join an independent employee representative organization of their choice that did not have to be affiliated with the VGCL, but the government did not issue the necessary implementing decree.

The law required that if a workplace trade union did not exist, the next level “trade union” organization had to perform the tasks of a grassroots union,

even where workers did not so request or voluntarily elected not to organize. The labor code included provisions for collective bargaining on any matter of concern to both parties to regulate working conditions and relationships between the parties and to develop progressive, harmonious, and stable labor relations. The law required bargaining to commence within seven days of a party's request and provided 90 days to reach an agreement.

Collective bargaining was allowed at the enterprise, multi-enterprise, and sectoral levels but required establishment of a collective bargaining council by the people's committee of the province where the headquarters of the enterprise was located. Under the labor code, parties involved in multi-enterprise collective bargaining could request such a collective bargaining council, which comprised representatives nominated by each party as well as representatives from the provincial people's committee; such councils were to disband after a collective bargaining agreement was signed.

The law prohibited strikes by workers in businesses the government considered essential to the national economy, defense, or public order. "Essential services" included electricity production; post and telecommunications; maritime and air transportation; navigation; public works; and oil and gas production. The law also granted the chairmen of provincial people's committees the right to suspend a strike considered detrimental to the national economy or public safety. Workers also had to

provide five days' prior notification to the employer and the provincial and district level people's committee labor agents before a strike. Strikes that did not adhere to the process outlined by law were illegal.

The law stated the executive committee of a trade union could issue a decision to strike only when at least 50 percent of workers supported it. Workers had to request and exhaust an extensive and cumbersome process of mediation and arbitration before a lawful strike could occur. Unions or workers' representatives could either appeal decisions of provincial arbitration councils to provincial people's courts or strike. The law prohibited retribution against legal strikers. By law individuals participating in strikes declared illegal by a people's court and found to have caused damage to their employer were liable for damages, although this was never enforced. The law limited legal strikes to cases arising from a collective labor dispute, cases in which collective bargaining was not undertaken within the legal timeframes, or when a labor arbitration board had not been established. There were no legal strikes. The government recorded, but did not publish, the number of illegal "wildcat" strikes initiated without union authorization. There were no public reports of government action against strikers.

The law included provisions that prohibited antiunion discrimination and imposed administrative sanctions and fines for violations. The law did not distinguish between workers and managers, however, and failed to prohibit

employers' agents, such as managers, from acting as union leaders or interfering in union activity. The International Labor Organization (ILO)-International Finance Corporation (IFC) Better Work project, which monitors workers' rights and working conditions in some apparel and footwear factories, reported that management participation in trade union activities was a significant concern.

The government did not effectively enforce applicable laws providing for freedom of association and collective bargaining. Penalties were not commensurate with those for similar crimes.

There were no registered domestic NGOs involved in labor organizing. Local, unregistered labor NGOs, however, supported efforts to raise awareness of worker rights under threat of harassment and detention.

## **b. Prohibition of Forced or Compulsory Labor**

See the Department of State's *Trafficking in Persons Report* at:

<https://www.state.gov/trafficking-in-persons-report/>.

## **c. Prohibition of Child Labor and Minimum Age for Employment**

The law did not prohibit all the worst forms of child labor. Deficiencies include the lack of a law proscribing slavery. The labor code stated a worker older than 14 and younger than 18 shall not perform work that might

damage the physical or intellectual development and dignity of the child, such as lifting heavy objects or dealing with alcohol or dangerous chemicals or gases. A worker aged 13 to 14 could perform light jobs included in a list from the Ministry of Labor, War Invalids, and Social Affairs (Ministry of Labor). Children younger than age 13 could work in art and sports in certain circumstances for no more than 20 hours per week. Child workers had to have the permission of their parents.

The Ministry of Labor was responsible for enforcing child labor laws and policies. Government officials could fine and, in cases of criminal violations, prosecute employers who violated child labor laws. The government did not effectively enforce the law, and penalties were not commensurate with those for analogous serious crimes. Penalties were sometimes applied against violators.

Child labor remained prevalent. Authorities estimated over one million children between the ages 15 and 17 worked; approximately 20 percent of them worked over 40 hours per week and nearly 50 percent of them worked in a hazardous environment.

Illegal child labor was reported in labor-intensive industries, such as brickmaking, agriculture, construction, fishing, forestry, and the manufacture of footwear, furniture, garments, textiles, and leather. Local media also reported children working as beggars in gangs whose leaders abused the children and took most of their income. Some children started

work as young as age five, and nearly 49 percent of child workers did not attend school. There were reports during the year of the worst forms of child labor.

#### **d. Discrimination (see section 6)**

#### **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The minimum wage varied by region. In all regions the minimum wage exceeded the World Bank official poverty income level.

The law provided for a 48-hour regular workweek, with overtime pay for additional hours. The labor code limited overtime to 40 hours per month, and 200 hours per year, but provided for an exception in special cases, with a maximum of 300 overtime hours annually, subject to advance approval by the government after consultations with the VGCL and employer representatives.

Credible reports, including the ILO-IFC *Better Work 2020 Annual Report*, indicated many apparel and footwear factories exceeded legal overtime thresholds. The ILO-IFC report stated that, while a majority of factories in the program complied with the daily limit of four hours of overtime, 76 percent still failed to enforce monthly limits (40 hours). Alleged wage and hour and overtime violations were reportedly common in footwear and garment manufacturing.



**Occupational Safety and Health:** The law provided for occupational safety and health (OSH) standards, described procedures for persons who were victims of labor accidents and occupational diseases, and delineated the OSH responsibilities of organizations and individuals. The law provided for the right of workers to remove themselves from situations that endangered health or safety without jeopardy to their employment. Migrant workers, including internal economic migrants, and workers without contracts were among the most vulnerable workers, and employers routinely subjected them to hazardous working conditions. The labor inspectorate conducted inspections for OSH problems.

On-the-job injuries due to poor OSH practices and conditions and inadequate employee training remained a problem. Migrant workers and workers without contracts remained most vulnerable to occupational injuries and fatalities.

**Wage, Hour, and OSH Enforcement:** The Ministry of Labor was the principal labor authority and its Labor Inspections Department was responsible for workplace inspections to confirm compliance with labor laws, including OSH standards.

Inspectors had the authority to make unannounced inspections and initiate sanctions. Inspectors could use sanctions, fines, withdrawal of operating licenses or registrations, closures of enterprises, and mandatory training in response to labor law violations. Inspectors could take immediate measures

when they had reason to believe there was imminent danger to the health or safety of workers, and could temporarily suspend operations, although such measures were rarely used.

The government did not effectively enforce labor laws. The number of inspectors was not sufficient to enforce compliance. Labor inspectors accounted for fewer than one third of the labor inspectorate's staff, and of these, only a small number were OSH specialists. Most worksites went uninspected for years at a time. Penalties for wage, hour, and OSH violations were commensurate with those for similar crimes, such as fraud, but penalties were rarely applied against violators.

The informal sector included small household businesses; individual vendors in traditional markets, street side, or online; and gig workers for transportation and delivery. The General Statistics Office of Vietnam estimated 69 percent of the country's workforce worked in the informal economy.

The government did not effectively enforce labor laws in the informal sector. Informal workers typically had low and irregular incomes, endured long working hours, and lacked protection by labor market institutions. Additionally, workers in the informal sector were only eligible to pay into a voluntary social insurance fund covering only retirement and survivors' allowances. Workers in the formal sector and their employers contributed to a system that covered sickness, maternity, labor accidents, and

occupational disease as well as providing retirement and survivors' allowances.