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Religion

The degree to which Vietnamese people have the ability to practice their faith freely and without fear, harassment, detention or violence widely varies. There are 38 religious organisations recognised in Vietnam, which are affiliated with 15 distinct religious traditions as defined by the government.¹ These are Buddhism, Islam, Baha'i, Catholicism, Protestantism, Mormonism, Hoa Hao Buddhism, Cao Dai, Buu Son Ky Huong, Tinh Do Cu Si Phat Hoi, Tu An Hieu Nghia, Phat Duong Nam Tong Minh Su Dao, Minh Ly Dao Tam Tong Mieu, Khmer Brahmanism and Hieu Nghia Ta Lon Buddhism.²

Treatment of religious groups

The Vietnamese government closely controls and monitors the activities of Catholics. While the Vatican is permitted to select its own bishops and priests, these must be approved by the authorities.³ There are restrictions on the numbers of students permitted to enrol in seminaries, although these continue to be eased.⁴

Reports of repression, violence and harassment of religious activities outside state-approved religious groups are common. The Vietnamese government continues to closely monitor and disrupt the activities of unrecognised branches of various religious groups, sometimes violently.⁵ Congregations in remote areas with majority ethnic minority populations face difficulty registering for government recognition, uneven and inconsistent enforcement of national laws, and a lack of accountability on the part of provincial authorities.⁶ Ethnic minority members of independent Christian religious groups have been compelled to publicly denounce their faith,⁷ while in April 2017 the People's Court of Gia Lai province sentenced at least five ethnic minority people to 8 to 10 years in prison for their participation in independent religious groups.⁸ Catholic leaders state that the most problematic regions are in the Central Highlands (Gia Lai, Dak Lak, Dak Nong, Kon Tum, and Lam Dong provinces), the Northwest Highlands, and Hoa Binh province.⁹ Reports of harassment from authorities include monitoring, acts of intimidation and forcibly dispersing gatherings,¹⁰ although credible sources claim that more serious acts of violence are generally related to activities such as protesting against land confiscation and anti-government activities, rather than due to a person's religion.¹¹

Recognised religious groups in Vietnam who worship quietly and conform to government policies have a low risk of official interference. The situation for Catholics has continued to

¹ International Religious Freedom Report for 2016 – Vietnam, US Department of State, 15 August 2017, OGD95BE927128, p.19

² International Religious Freedom Report for 2016 – Vietnam, US Department of State, 15 August 2017, OGD95BE927128, p.19

³ 'Freedom in the World 2016 – Vietnam', Freedom in the World 2017 - Vietnam Freedom House, 4 September 2017, NG2A465F593

⁴ International Religious Freedom Report for 2016 – Vietnam, US Department of State, 15 August 2017, OGD95BE927128, p.22

⁵ 'Human Rights Watch World Report 2018', Human Rights Watch, 18 January 2018, NGED867A63, pp.628-629

⁶ International Religious Freedom Report for 2016 – Vietnam, US Department of State, 15 August 2017, OGD95BE927128, p.20

⁷ 'Human Rights Watch World Report 2018', Human Rights Watch, 18 January 2018, NGED867A63, p.629

⁸ 'Human Rights Watch World Report 2018', Human Rights Watch, 18 January 2018, NGED867A63, p.629

⁹ International Religious Freedom Report for 2016 – Vietnam, US Department of State, 15 August 2017, OGD95BE927128, p.20

¹⁰ International Religious Freedom Report for 2016 – Vietnam, US Department of State, 15 August 2017, OGD95BE927128, pp. 17, 21

¹¹ DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.13

improve in recent years, especially in Hanoi and Ho Chi Minh City, although there are still constraints relating to the registration of new churches.¹² Government officials have highlighted the expanding opportunities of charitable and social work by the Catholic Church,¹³ and Catholic groups – along with Protestants, Muslims, Baha’i and Buddhist groups – are now allowed to provide religious education to adherents.¹⁴ In September 2016, the Catholic Institute of Vietnam opened in Ho Chi Minh City, becoming the country’s first-ever university-level institute of theology.¹⁵ According to a report from the UN Special Rapporteur on freedom of religion or belief, the relationship between Vietnam and the Vatican has improved markedly in recent years.¹⁶ In May 2016, the Vietnamese government granted recognition to the Church of Jesus Christ of Latter-day Saints, while the Popular Council of the Independent Cao Dai Church has also reported declining government repression.¹⁷

Particular social groups

Women

Domestic violence against women in Vietnam is common. According to a 2015 survey, 59 per cent of married women suffer physical or sexual abuse at least once in their lives.¹⁸ Domestic violence against women is most prevalent in rural areas where a range of circumstances exist, such as economic difficulties, family conflicts, addictive illness and a lack of understanding among women of their rights.¹⁹ Wives rarely denounce their husbands for domestic violence due to a cumbersome legal process, societal traditions and concerns about economic uncertainty, and credible sources say that few reported cases of domestic violence are criminally investigated.²⁰

Domestic violence is criminalised in Vietnam, and there are avenues of redress available to victims. Vietnamese law criminalises rape – including spousal rape – and prohibits violence or threats against women, and authorities prosecute cases fully.²¹ The law also outlines acts that constitute domestic violence, assigns specific portfolio responsibilities to various government agencies and ministries, and stipulates punishments, ranging from warnings and probation to imprisonment.²² However, authorities treat domestic violence cases as civil cases unless the victim suffers injuries to more than 11 per cent of their body.²³ Police generally seek to initiate a process of

¹² DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.12

¹³ ‘USCIRF Annual Report 2016 – Vietnam’, US Commission on International Religious Freedom (USCIRF), April 2016, CIS38A8012888, p. 134

¹⁴ International Religious Freedom Report for 2016 – Vietnam, US Department of State, 15 August 2017, OGD95BE927128, p.22

¹⁵ 2017 Annual Report, US Commission on International Religious Freedom, April 2017, CISED50AD3969, p.116

¹⁶ ‘Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt – Addendum: Mission to Viet Nam (21 to 31 July 2014)’, UN Human Rights Council, 30 January 2015, p.13, CISEC96CF13238

¹⁷ 2017 Annual Report, US Commission on International Religious Freedom, April 2017, CISED50AD3969, p.116

¹⁸ Vietnam 2016 Human Rights Report, US Department of State, 3 March 2017, OGD95BE926901, Section 6

¹⁹ ‘Consideration of reports submitted by States parties under article 18 of the Convention: Seventh and eighth periodic reports of States parties due in 2011: Viet Nam’, UN Committee on the Elimination of Discrimination against Women, 13 December 2014, pp.67-68, CIS2F827D91319, pp.67-68

²⁰ ‘Violations of the Rights of Women in the Socialist Republic of Vietnam: Alternative Report to the Committee on the Elimination of Discrimination against Women (CEDAW) on the combined seventh and eighth periodic reports of Vietnam’, Vietnam Committee on Human Rights (VCHR) & International Federation for Human Rights (FIDH), June 2015, CISEC96CF14832, p.8; ‘Access to Justice in the Plural Legal System in Viet Nam: A Case Study of Women Domestic Violence Survivors’, UN Women, 2015, CISEC96CF15250, para.3, p.64;

²¹ Vietnam 2016 Human Rights Report, US Department of State, 3 March 2017, OGD95BE926901, Section 6

²² Vietnam 2016 Human Rights Report, US Department of State, 3 March 2017, OGD95BE926901, Section 6

²³ Vietnam 2016 Human Rights Report, US Department of State, 3 March 2017, OGD95BE926901, Section 6

reconciliation between the victim and perpetrator for less serious cases of domestic violence,²⁴ but victims and the police can initiate a criminal investigation into more serious incidents.²⁵ Police are trained on how to handle domestic violence cases.²⁶ Victims, or a representative of a victim, are required to lodge a written complaint to the police to initiate proceedings.²⁷

Support services

The Vietnamese government and NGOs provide support services to address domestic violence. These include crisis centres, hotlines, and 300 “reliable residences” which enable women to seek assistance from another family while local authorities and community leaders attempt to confront the perpetrator to resolve the complaint.²⁸ Domestic violence rapid response teams have been established with the support of the United Nations,²⁹ while judicial officers and legal aid centres are available to victims.³⁰ By 2013, Vietnam had developed 10 shelters nationwide that provide women and girls with access to health-care services, counselling, education, vocational and life skills training.³¹ The Center for Women and Development, supported by the Women’s Union, operates a nationwide domestic violence hotline, but this is not widely advertised in rural areas.³²

Forced/early marriage

Forcing or entering into marriage with an underage person is prohibited in Vietnam. The legal minimum age of marriage is 18 for girls and 20 for boys.³³ Punishments for arranging early marriages range from administrative sanctions to prison terms of between three months and two years.³⁴

LGBTI

Discrimination against LGBTI people remains widespread in Vietnamese society, despite increased government tolerance. Although there are no laws to prohibit discrimination on the basis of sexual orientation or gender identity in Vietnam,³⁵ consensual same-sex sexual conduct is not

²⁴ ‘Assessment of the situation of women in the criminal justice system in Viet Nam. In support of the Government’s efforts towards Effective Gender Equality in the Criminal Justice System’, United Nations Office on Drugs and Crime, July 2013, CIS36DE0BB2142, p.19

²⁵ ‘Assessment of the situation of women in the criminal justice system in Viet Nam. In support of the Government’s efforts towards Effective Gender Equality in the Criminal Justice System’, United Nations Office on Drugs and Crime, July 2013, CIS36DE0BB2142, p. 19

²⁶ ‘Assessment of the situation of women in the criminal justice system in Viet Nam. In support of the Government’s efforts towards Effective Gender Equality in the Criminal Justice System’, United Nations Office on Drugs and Crime, July 2013, CIS36DE0BB2142, p. 20

²⁷ ‘Assessment of the situation of women in the criminal justice system in Viet Nam. In support of the Government’s efforts towards Effective Gender Equality in the Criminal Justice System’, United Nations Office on Drugs and Crime, July 2013, CIS36DE0BB2142, pp.18-19

²⁸ Vietnam 2016 Human Rights Report, US Department of State, 3 March 2017, OGD95BE926901, Section 6

²⁹ Viet Nam establishes Rapid Response Forces against domestic violence, United Nations Office on Drugs and Crime, 1 January 2015, CXBD6A0DE19214

³⁰ Access to Justice in the Plural Legal System in Viet Nam: A Case Study of Women Domestic Violence Survivors, UN Women, 2015, CISEC96CF15250, p.57-58

³¹ ‘Consideration of reports submitted by States parties under article 18 of the Convention: Seventh and eighth periodic reports of States parties due in 2011: Viet Nam’, UN Committee on the Elimination of Discrimination against Women, 13 December 2014, pp.67-68, CIS2F827D91319, p.68

³² Vietnam 2016 Human Rights Report, US Department of State, 3 March 2017, OGD95BE926901, Section 6

³³ Vietnam 2016 Human Rights Report, US Department of State, 3 March 2017, OGD95BE926901, Section 6

³⁴ ‘Country Reports on Human Rights Practices 2015 – Vietnam’, US Department of State, 13 April 2016, OGD95BE926333, Section 6

³⁵ ‘Freedom in the World 2017 – Vietnam’, Freedom House, 4 September 2017, NG2A465F593

criminalised.³⁶ An amendment to the Marriage and Family Law removing a ban on same-sex marriage came into effect on 1 January 2015,³⁷ while a revised civil code also contains new provisions legalising transgender rights – including the right to change their sex and gender identity – and access health care.³⁸ Despite this, societal discrimination and stigma against LGBTI people remains widespread and is worst towards transgender people.³⁹ Discrimination is most pervasive in schools, health care and the work place, although it also occurs within some families.⁴⁰ Violence against LGBTI people is much less common than other forms of discrimination, such as verbal insults and online abuse,⁴¹ and a 2016 report said that, unlike other countries, violence is mainly perpetrated by acquaintances rather than strangers.⁴² LGBTI people often choose not to report incidents of discrimination or violence to police because they perceive it as commonplace, do not believe it will be adequately resolved or fear embarrassment.⁴³

Vietnam increasingly accepts the rights of LGBTI people. Numerous civil society organisations advocating for LGBTI rights have emerged in recent years.⁴⁴ While places to meet on a day-to-day basis remain limited it is also known that many Vietnamese LGBTI people remain discreet in expressing their sexuality,⁴⁵ Vietnam's first gay pride rally took place in 2012,⁴⁶ and has become an annual event.⁴⁷ Nearly 2,000 individuals participated in a pride parade in Ho Chi Minh City in September 2017, while other pride celebrations were held in 35 cities and provinces.⁴⁸ Mainstream Vietnamese media – which is controlled by the government – increasingly promotes the view that being gay is normal.⁴⁹

Political Opinion

Membership of the Vietnamese Communist Party (CPV) remains beneficial for career advancement and to maximise other social and economic opportunities, but is no longer essential for success. Vietnam is a single-party, authoritarian regime which controls all levels of society.⁵⁰ Party membership remains a prerequisite to career advancement for nearly all government

³⁶ 'Freedom in the World 2017 – Vietnam', Freedom House, 4 September 2017, NG2A465F593

³⁷ 'BTI 2016 – Vietnam Country Report', Bertelsmann Stiftung, 29 February 2016, CIS38A8012384, p.12

³⁸ 'Vietnam 2016 Human Rights Report', US Department of State, 3 March 2017, OGD95BE926901, Section 6

³⁹ 'Freedom in the World 2016 – Vietnam', Freedom House, 29 June 2016, NGE4387C344, p.5; 'Is it because I am LGBT?' Discrimination based on sexual orientation in Viet Nam, UNDP, 21 June 2016, CIS38A80124354, p.14; Transgender at work. Livelihoods for transgender people in Vietnam, Hoang T-A and Oosterhoff, P, Institute of Development Studies, February 2016, eg. pp. 4, 15, CIS38A80128087

⁴⁰ 'Being LGBT in Asia – Vietnam country report', USAID & UNDP, August 2014, CX324893, pp.27-31; 'Is it because I am LGBT?' Discrimination based on sexual orientation in Viet Nam, UNDP, 21 June 2016, CIS38A80124354, p.14

⁴¹ 'Is it because I am LGBT?' Discrimination based on sexual orientation in Viet Nam, UNDP, 21 June 2016, CIS38A80124354, p.18

⁴² 'Is it because I am LGBT?' Discrimination based on sexual orientation in Viet Nam, UNDP, 21 June 2016, CIS38A80124354, p.18

⁴³ 'Is it because I am LGBT?' Discrimination based on sexual orientation in Viet Nam, UNDP, 21 June 2016, CIS38A80124354, p.97

⁴⁴ 'Being LGBT in Asia – Vietnam country report', USAID & UNDP, August 2014, CX324893, p.21

⁴⁵ 'Gay Vietnam', Travel Gay Asia, n.d., (accessed 3 July 2017), CISED50AD4725; 'Gay Hanoi', Travel Gay Asia, n.d., (accessed 3 July 2017), CISED50AD4726; 'Travel & Resources: HO CHI MINH CITY – SAIGON', Utopia, n.d. (accessed 3 July 2017), CISED50AD4728

⁴⁶ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, pp.17-18

⁴⁷ 'Country Reports on Human Rights Practices 2015 – Vietnam', US Department of State, 13 April 2016, OGD95BE926333, Section 6; 'Love in the air at gay pride parade in Ho Chi Minh City', Tuoi Tre Online, 25 September 2017, CXC90406620464

⁴⁸ 'Love in the air at gay pride parade in Ho Chi Minh City', Tuoi Tre Online, 25 September 2017, CXC90406620464

⁴⁹ 'Gay Vietnam', Travel Gay Asia, n.d., (accessed 3 July 2017), CISED50AD4725

⁵⁰ 'BTI 2016 – Vietnam Country Report', Bertelsmann Stiftung 29 February, 2016 p.2 CIS38A8012384

and government-linked organisations and businesses,⁵¹ and is widely viewed as a means of enhancing personal wealth and connections.⁵² Recent economic reforms have provided greater opportunities for non-CPV members, and increasingly young Vietnamese no longer see membership of the party as key to economic and social success, particularly with the increasing availability and attractiveness of careers in the private sector.⁵³ The CPV continues to deny membership to individuals whose parents – or the parents of their spouse – worked for the former South Vietnamese regime.⁵⁴ However, according to credible sources, Vietnamese with ties to the former South Vietnamese regime can now gain some positions in government and state-owned enterprises, but generally cannot hold top positions.⁵⁵

Re-education camps

While “re-education camps” ceased operation in Vietnam in the 1990s, mechanisms still remain for detaining and silencing political dissidents. These include house arrest, administrative detention or prison sentences, along with the regular movement of dissidents throughout the detention network to isolate them from family and support networks and other detainees.⁵⁶

Freedom of expression

The Vietnamese government suppresses political expression and protest. Article 258 of the Penal Code, which criminalises ‘abusing democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens’, is used to suppress and detain peaceful protesters, bloggers and social media activists, and other forms of peaceful political dissent.⁵⁷ Individuals convicted under Article 258 can receive prison sentences ranging from between two and seven years.⁵⁸ Activists claimed in February 2018 that more than 170 people are currently in prison after having been convicted of offences such as attempting to overthrow the government, conducting anti-state campaigns and ‘abusing democratic freedom to infringe the state’s interests’.⁵⁹

The government prevents the exit and entry of individuals considered to be anti-government. Dozens of individuals considered to be political dissidents or activists have been prevented from leaving or returning to Vietnam, or have had passports confiscated or withheld on often vague or

⁵¹ [Vietnam 2016 Human Rights Report](#), US Department of State, 3 March 2017, OGD95BE926901, Section 1

⁵² [Vietnam 2016 Human Rights Report](#), US Department of State, 3 March 2017, OGD95BE926901, p.20

⁵³ [‘Vietnam’s Divide: Slow Healing, Fewer Prospects for Children of U.S. Allies’](#), Bloomberg, 24 December 2015, CXBD6A0DE19603 and [‘As Vietnam booms, Communist Party struggles to keep up’](#), Reuters, 17 January 2011, CXCB3E63421361

⁵⁴ [‘Vietnam’s Divide: Slow Healing, Fewer Prospects for Children of U.S. Allies’](#), Bloomberg, 24 December 2015, CXBD6A0DE19603

⁵⁵ [Vietnam’s Divide: Slow Healing, Fewer Prospects for Children of U.S. Allies’](#), Bloomberg, 24 December 2015, CXBD6A0DE19603

⁵⁶ [Vietnam: The Silencing of Dissent](#), Vol. 12, No. 1(c), Human Rights Watch May, 2000, p.5 (sourced from UNHCR Refworld) [CIS12687](#); [Country Reports on Human Rights Practices 2015 - Vietnam](#), US Department of State, 13 April 2016, Section 1(e) OGD95BE926333

⁵⁷ [Country Reports on Human Rights Practices 2015 - Vietnam](#), US Department of State, 13 April 2016, Section 1(e) OGD95BE926333

⁵⁸ [Prisons Within Prisons: Torture and ill-treatment of prisoners of conscience in Viet Nam](#), ASA 41/4187/2016, Amnesty International, July, 2016 p.22 CIS38A80121296

⁵⁹ [‘Vietnam: Activists Demand Release of Jailed Dissidents’](#), Eurasia Review, 12 February 2018, CXBB8A1DA22004

unexplained grounds.⁶⁰ In June 2017, Vietnamese authorities stripped former political prisoner Pham Minh Hoang of his citizenship and deported him to France.⁶¹

Protests

Public protests and gatherings are monitored or restricted. Permits are required from local authorities for demonstrations or gatherings, which can be arbitrarily denied without explanation.⁶² Groups requesting permission to discuss non-sensitive issues have usually had such requests approved.⁶³ Worker protests have taken place without repression.⁶⁴

Activist groups seeking to exercise their freedom of expression or association may experience harassment, surveillance, restrictions on their movement, short-term detention and physical attack. A June 2017 report highlighted 36 incidents in which men in civilian clothes attacked activists between January 2015 and April 2017, often resulting in serious injuries.⁶⁵ Attacks on rights campaigners have taken place in many regions of Vietnam, sometimes in the presence of uniformed police.⁶⁶ Three women arrested at a protest in 2014 were sentenced to prison in March 2016 after they were found guilty of waving the flag of the former Republic of South Vietnam and chanting anti-state slogans outside the US Consulate in Ho Chi Minh City during a protest against land confiscation.⁶⁷

Anti-government protests

Anti-government protests are not tolerated by authorities. Individuals and groups who protest against the Government or openly criticise the Communist Party are likely to attract adverse attention from authorities, experience police intimidation or harassment, or see their protests shut down,⁶⁸ sometimes with the use of physical force.⁶⁹ Individual petitioners seeking government action in relation to their land use rights have been attacked or jailed.⁷⁰

⁶⁰ Vietnam 2016 Human Rights Report, US Department of State, 3 March 2017, OGD95BE926901, Section 2; DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.24

⁶¹ 'Human Rights Watch World Report 2018', Human Rights Watch, 18 January 2018, NGED867A63, p.628

⁶² Vietnam 2016 Human Rights Report, US Department of State, 3 March 2017, OGD95BE926901, Section 2

⁶³ Vietnam 2016 Human Rights Report, US Department of State, 3 March 2017, OGD95BE926901, Section 2

⁶⁴ BTI 2016 – Vietnam Country Report, Bertelsmann Stiftung, 29 February 2016, p.8 CIS38A8012384

⁶⁵ 'No Country for Human Rights Activists: Assaults on Bloggers and Democracy Campaigners in Vietnam', Human Rights Watch, 18 June 2017, CISED50AD4751, p.2

⁶⁶ 'No Country for Human Rights Activists: Assaults on Bloggers and Democracy Campaigners in Vietnam', Human Rights Watch, 18 June 2017, CISED50AD4751, p.2

⁶⁷ Imprisonment of bloggers and women activists marks escalation of crackdown, International Federation for Human Rights (FIDH) 2016, 31 March CX6A26A6E2743

⁶⁸ DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.16

⁶⁹ DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.24

⁷⁰ Vietnam jails activist a second time for "public disorder", Reuters, 20 September 2016 CX6A26A6E11373; Vietnam 2016 Human Rights Report, US Department of State, 3 March 2017, section 2b, OGD95BE926901, ;

⁷⁰ Freedom in the World 2017 – Vietnam, Freedom House, 4 September 2017, NG2A465F593; Vietnamese Land-Rights Petitioner Receives 18-Month Prison Term, Radio Free Asia, 29 September 2015, CXBD6A0DE15108

Student protests

Authorities may take action against students involved in peaceful protests. A number of students are known to have been detained on the way to an environmental march in Hanoi in 2015.⁷¹ Others involved were monitored and harassed and the march was dispersed by police.⁷² Some Hanoi universities prohibited students from attending similar events,⁷³ while university authorities have also been told by the Ministry of Public Security to expel activists from their universities.⁷⁴

Online protests

Vietnamese authorities have jailed a number of well-known bloggers in an attempt to curb online criticism of the government. During 2017, authorities arrested at least 21 rights bloggers and activists for exercising their civil and political rights in a way the government perceived threatened national security,⁷⁵ while at least another 10 people were sentenced to between five to 10 years in prison for similar offences.⁷⁶ In June 2017, a court in Khanh Hoa sentenced prominent blogger Nguyen Ngoc Nhu Quynh (also known as Mother Mushroom) to 10 years in prison for the publication of critical online posts and documents,⁷⁷ while in February 2018 another high-profile blogger, Ho Van Hai, received a four year prison sentence for posts highlighting the faults of Vietnam's Communist government.⁷⁸ Vietnamese authorities can be responsive to online opinion; in February 2018 Danang authorities rescinded guidelines requiring the local press to obtain official approval before publishing content following a social media backlash.⁷⁹

Environmental Protests: Formosa Ha Tinh Steel Corp Toxic Spill

Local communities protesting about the Formosa Ha Tinh Steel Corporation chemical spill have been accused of deliberately stirring anti-government sentiment. Formosa Steel, the Taiwanese company responsible for the April 2016 spill, in which chemicals leaked into the South China Sea, decimating fish stocks and devastating fishing communities along Vietnam's central coast, agreed to pay \$500 million in damages.⁸⁰ The disaster has provoked large protests against both the

⁷¹ [Country Reports on Human Rights Practices 2015 - Vietnam](#), US Department of State, 13 April 2016, Section 2b OGD95BE926333

⁷² [Country Reports on Human Rights Practices 2015 - Vietnam](#), US Department of State, 13 April 2016, Section 2b OGD95BE926333

⁷³ [Vietnam -in-year update July 2015](#), UK Foreign and Commonwealth Office, 15 July 2015 CISEC96CF13522

⁷⁴ [Country Reports on Human Rights Practices 2015 - Vietnam](#), US Department of State, 13 April 2016, Section 2a OGD95BE926333

⁷⁵ [Human Rights Watch World Report 2018](#), Human Rights Watch, 18 January 2018, NGED867A63, p.625

⁷⁶ [Human Rights Watch World Report 2018](#), Human Rights Watch, 18 January 2018, NGED867A63, p.625

⁷⁷ [Human Rights Watch World Report 2018](#), Human Rights Watch, 18 January 2018, NGED867A63, p.627

⁷⁸ [Vietnam Hands Blogger Ho Van Hai Four-Year Jail Term For 'Anti-State Propaganda'](#), Radio Free Asia, 1 February 2018, CXBB8A1DA21206

⁷⁹ [Vietnamese City Rescinds Directive Curtailing Press Freedom](#), Voice of America (VOA), 10 February 2018, CXBB8A1DA22006

⁸⁰ [Outrage over fish kill in Vietnam simmers 6 months later](#), The New York Times, 3 October 2016 CX6A26A6E10573

company and the government in part due to the heavy impact on the livelihoods of the affected communities.⁸¹ Attempts by fishermen to sue Formosa in a provincial court were thrown out.⁸²

Authorities have generally not arrested or used unreasonable force against protesters. Large protests demanding the Formosa Ha Tinh Steel Corporation be closed and further compensation provided to assist with the clean-up have generally not resulted in injuries or arrests by state actors.⁸³ However, the government has reportedly cracked down on human rights activists connected to a new civil society organisation, The Alliance of Self-Determined People,⁸⁴ while on 6 February 2018, a Vietnamese court sentenced two other activists to prison terms of 14 years and two years respectively for protesting against Formosa.⁸⁵ Some supporters of the pair who attended the court building were beaten and detained in a police station until the trial ended at midday.⁸⁶ On 6 April 2017, hundreds of Catholic protesters marked the one-year anniversary of the waste spill on the streets and beaches of Vinh diocese, and carried black flags with anti-Formosa slogans on them.⁸⁷

State Protection

Institutions providing state protection are prone to corruption, although the Vietnamese government has introduced some reforms. The Law on Anti-Corruption criminalises corrupt practices by public officials,⁸⁸ and successful prosecutions have occurred.⁸⁹ As there is no separation of powers in Vietnam, the legislature, executive and the judiciary are part of the same party-state system.⁹⁰

Police

Internal security is the responsibility of the Ministry of Public Security. There are police organisations at the provincial, district and commune (local) levels over which people's committees exercise some authority.⁹¹ There are two core forces: the People's Security Force (An ninh Nhan dan), responsible for national security, and the People's Police Force (Canh sat Nhan dan), which is responsible for social order and public safety.⁹² The People's Police force handles traditional police

⁸¹ Vietnam's dead fish may spawn a stronger culture of dissent, Hoang C, cogitASIA, 30 September 2016 CIS38A80122116

⁸² Vietnam court swamped by fishermen seeking to sue Taiwan firm's steel unit, Reuters, 27 September 2016 CX6A26A6E10576

⁸³ 'Vietnamese rally outside Taiwanese steel plant that spread toxic waste', Reuters, 2 October 2016, CX6A26A6E10045;

'Vietnam's Dead Fish May Spawn a Stronger Culture of Dissent', Chau Hoang, Centre for Strategic & International Studies, 30 September 2016, CIS38A80122116, p.2;

'Formosa Spill Still Roils Public Opinion in Vietnam', Radio Free Asia, 7 December 2016, CX6A26AE14775

⁸⁴ 'Vietnam Cracks Down on Dissenters', Radio Free Asia, 10 November 2016,

⁸⁵ 'More activists sentenced in Vietnam', Voice of America (VOA), 11 February 2018, CXBB8A1DA21834;

Catholic activist arrested in Vietnam, police beat up protesters, UCA News (UCAN), 23 May 2017, CXC9040668804

⁸⁶ Vietnamese environmental activists handed prison terms in Nghe An, Radio Free Asia, 6 February 2018, CXBB8A1DA21459

⁸⁷ Vietnamese Catholics Demonstrate to Mark Anniversary of Formosa Chemical Spill, Radio Free Asia (RFA), 6 April 2017, CXC9040666018

⁸⁸ Vietnam Corruption Report, Global Advice Net, September 2017, CISED50AD7684

⁸⁹ BTI 2016 - Vietnam Country Report, Bertelsmann Stiftung, 9 February 2016, p.28 CIS38A8012384

⁹⁰ BTI 2016 - Vietnam Country Report, Bertelsmann Stiftung 29 February 2016 p.10 CIS38A8012384

⁹¹ Public Insecurity: Deaths in Custody and Police Brutality in Vietnam, Human Rights Watch, 16 September 2014, CISA447F082797, p.14

⁹² Public Insecurity: Deaths in Custody and Police Brutality in Vietnam, Human Rights Watch, 16 September 2014, CISA447F082797, p.14

work such as neighbourhood policing, traffic control, household registration, and the issuing of identification cards.⁹³

Police are effective in maintaining public order but have limited capacity in other areas, especially investigations. Law enforcement personnel are present in significant numbers across the country, particularly during politically sensitive gatherings or occasions.⁹⁴ At the commune level, guard forces composed of residents or members of government-affiliated social organisations commonly assist police.⁹⁵ Police resources are inadequate, especially in the case of commune police.⁹⁶

Police officers sometimes act with impunity. Internal police oversight exists but is subject to political influence.⁹⁷ Police frequently ill-treat or torture suspects to elicit confessions, which has resulted in deaths in custody,⁹⁸ while excessive force may also be used in responding to protests over evictions, land confiscation, and other social issues.⁹⁹ For example, in May 2016, police used excessive force to disperse pro-environment marches in Hanoi and Ho Chi Minh City, with many protestors reporting that they were beaten and detained for hours.¹⁰⁰ Police officers rarely face any consequences for even serious transgressions.¹⁰¹ In 2014, then President Truong Tan Sang condemned the practice of torture and forced confessions.¹⁰² Since then, it has become a priority reform.¹⁰³

Judiciary

Vietnamese courts operate under government control. While there are nominal legal provisions which establish the independence of courts and procuracies in legal proceedings including the Penal Code and the Criminal Procedure Code,¹⁰⁴ most judges are members of the Communist Party of Vietnam and are screened by local officials for suitability before appointment.¹⁰⁵ A 2014 law is designed to provide fair trials and prevent interference, as well as ensuring the presumption of innocence.¹⁰⁶ However, political influence, endemic corruption and inefficiency strongly distort the judicial system and trials of human rights activists consistently fail to meet international standards.¹⁰⁷

Access to legal representation is inadequate. There is a shortage of judges and lawyers throughout the country, and as few as 20-30 per cent of defendants can obtain access to legal counsel, including in cases subject to the death penalty.¹⁰⁸ Defence lawyers do not have the right to

⁹³ Public Insecurity: Deaths in Custody and Police Brutality in Vietnam, Human Rights Watch, 16 September 2014, pp. 5-8 CISA447F082797

⁹⁴ 'Country Reports on Human Rights Practices 2015 – Vietnam', US Department of State, 13 April 2016, Section 1(d) OGD95BE926333

⁹⁵ Vietnam 2016 Human Rights Report, US Department of State, 3 March 2017, OGD95BE926901, Section 1

⁹⁶ Vietnam 2016 Human Rights Report, US Department of State, 3 March 2017, OGD95BE926901, Section 1

⁹⁷ Vietnam 2016 Human Rights Report, US Department of State, 3 March 2017, OGD95BE926901, Section 1

⁹⁸ 'Human Rights Watch World Report 2018', Human Rights Watch, NGED867A63, p.629

⁹⁹ Human Rights Watch World Report 2016: Events of 2015 – Vietnam, 27 January 2016, NGE43874C8

¹⁰⁰ Human Rights Watch World Report 2017 – Events of 2016, Human Rights Watch, 13 January 2017, NG2A465F52, p. 670

¹⁰¹ Public Insecurity: Deaths in Custody and Police Brutality in Vietnam, Human Rights Watch, 16 September 2014, p. 5 CISA447F082797

¹⁰² Vietnam's rising repression, New Mandala, 22 September 2015, CXBD6A0DE15741

¹⁰³ Vietnam's rising repression, New Mandala, 22 September 2015, CXBD6A0DE15741

¹⁰⁴ BTI 2016 – Vietnam Country Report, Bertelsmann Stiftung 29 February, 2016 p.11 CIS38A8012384

¹⁰⁵ Vietnam 2016 Human Rights Report, US Department of State, 3 March 2017, OGD95BE926901, Section 1

¹⁰⁶ 'Country Reports on Human Rights Practices 2015 – Vietnam', US Department of State, 13 April 2016, Section 1(e), OGD95BE926333

¹⁰⁷ Vietnam 2016 Human Rights Report, US Department of State, 3 March 2017, OGD95BE926901, Section 1;

'Human Rights Watch World Report 2018', Human Rights Watch, 18 January 2018, NGED867A63, p.629

¹⁰⁸ 'Country Reports on Human Rights Practices 2015 – Vietnam', US Department of State, 13 April 2016, Section 4, OGD95BE926333

call witnesses and may not have enough time to meet with clients,¹⁰⁹ and there are widespread complaints that judges often appear to have made a determination of guilt prior to conducting a trial.¹¹⁰

Harassment of human rights lawyers occurs. Lawyers are pressured to refuse religious and political activists as clients, and in some cases defence lawyers of these clients may themselves be arrested, disbarred or detained.¹¹¹ Police are also known to regularly intimidate family members and friends who attend trials of activists.¹¹²

Corruption

Corruption is widespread throughout the public administration system, despite criminal penalties. Corruption exists in areas such as the allocation of land, bidding for construction and infrastructure projects and in the provision of official development assistance.¹¹³ Transparency International rated the country 113th (up one place) of 168 countries in public sector corruption in 2016.¹¹⁴

Government leaders acknowledge widespread public discontent with the level of corruption and the extent to which it undermines the efficiency of the state and support for the Communist Party. There have been a number of highly publicised prosecutions of senior public officials in recent years – most recently as part of an ongoing anti-corruption drive led by Communist Party chief Nguyen Phu Trong¹¹⁵ However, despite these, anti-corruption campaigns are pursued intermittently with varying degrees of seriousness,¹¹⁶ and credible sources state they can be as much the result of internal Communist Party rivalries or attempts to maintain the party's image as a genuine desire to promote transparency in politics and business.¹¹⁷ In May 2017, former Ho Chi Minh City Communist Party boss Politburo member Dinh La Thang was dismissed over allegations of corruption and for violations while he was chairman of PetroVietnam from 2009-11; this was only the third time in 30 years that a Politburo member had been dismissed.¹¹⁸ In January 2018, Thang and a former subordinate, Trinh Xuan Thanh, were sentenced respectively to 13 years and two life sentences; Trinh Xuan Thanh after allegedly having been kidnapped by Vietnamese agents from a Berlin park.¹¹⁹ In October 2017, a former Vietnamese parliamentarian was sentenced to life in prison for fraudulently receiving millions in down payments for apartments which were never built.¹²⁰

¹⁰⁹ 'Freedom in the World 2016 – Vietnam', Freedom House, 29 June 2016, p. 5 NGE4387C344

¹¹⁰ Vietnam 2016 Human Rights Report, US Department of State, 3 March 2017, OGD95BE926901, Section 1

¹¹¹ Vietnam 2016 Human Rights Report, US Department of State, 3 March 2017, OGD95BE926901, Section 1

¹¹² 'Human Rights Watch World Report 2018', Human Rights Watch, NGE4387C344, p.629

¹¹³ Vietnam 2016 Human Rights Report, US Department of State, 3 March 2017, OGD95BE926901, Section 1

¹¹⁴ Asia's Corruption Detailed in New Index, Radio Free Asia (RFA), 25 January 2017, CXC9040669081

¹¹⁵ Vietnam to move forward with six high-profile graft cases, VietNamNet Bridge, 4 October 2016, CX6A26A6E13892; BTI 2016 – Vietnam Country Report, Bertelsmann Stiftung, 29 February, 2016, CIS38A8012384, p.19; ¹¹⁶ 'Stiff sentences bolster Vietnam's anti-graft drive but questions remains over larger reform', Straits Times, The, 23 January 2018, CXBB8A1DA20684

¹¹⁶ BTI 2016 – Vietnam Country Report, Bertelsmann Stiftung, 29 February, 2016, p.28 CIS38A8012384

¹¹⁷ 'At Vietnam's biggest corruption trial, some skeptical views', Reuters, 10 January 2018, CXBB8A1DA363; 'Berlin 'kidnapping': Nowhere to run from Vietnam's anti-corruption campaign', Deutsche Welle, 8 January 2018, CXBB8A1DA329; 'Explainer: What's behind Vietnam's corruption crackdown', Reuters, 8 January 2018, CXBB8A1DA278

¹¹⁸ Vietnam sacks top official for PetroVietnam 'violation', BBC News, 8 May 2017, CXC9040667473 and Vietnam's Party chief says 'more will come' after high-profile punishment, VNExpress, 13 May 2017, CXC9040667994

¹¹⁹ 'Stiff sentences bolster Vietnam's anti-graft drive but questions remains over larger reform', Straits Times, The, 23 January 2018, CXBB8A1DA20684; 'Vietnamese oil executive kidnapped in Berlin gets second life sentence', Deutsche Welle, 5 February 2018, CXBB8A1DA21363

¹²⁰ 'Ex Vietnam MP jailed for stealing US\$16 million housing deposits', Agence France Presse (AFP), 17 October 2017, CXC90406615807

Gangs and Loan Sharks

Loan sharks charging illegal rates of interest are a widespread problem in Vietnam, but authorities have demonstrated a willingness to tackle their activities. Authorities have had difficulty prosecuting loan sharks for charging illegal rates of interest – above 150% of the base rate set by the State Bank of Vietnam – as these are rarely documented on loan papers.¹²¹ A lack of resources, legal loopholes and inadequate implementation of laws also remain problems in tackling loan sharks;¹²² however, credible sources assess that individuals targeted for unpaid debts are able to obtain protection from the police, who are active at the provincial, district and local levels and are subject to government authority.¹²³ In the recent past authorities in Vietnam, particularly Ho Chi Minh City, have embarked on some high profile crackdowns on gang activity – including gangs involved in loan sharking – that yielded nearly 7,000 arrests in the second half of 2016.¹²⁴ In 2016, Vietnam, along with the rest of the Association of Southeast Asian Nations (ASEAN), made financial inclusion one of their top priorities – including the ability of people to access loans and legitimate forms of credit.¹²⁵ Authorities try to encourage people in need of money to use credible loan sources like the Capital Aid Fund for Employment of the Poor – a non-profit microfinance institution – but the amounts available through these sources can be insufficient.¹²⁶

Organised criminal networks are a continuing problem in Vietnam, but authorities have made increased efforts to tackle them. Credible sources indicate that organised gangs operate a range of illicit operations including loan sharking, illegal gambling, extortion, prostitution and sex-trafficking, people smuggling, the production of counterfeit goods and the production, supply, distribution and import/export of illicit drugs.¹²⁷ These criminal networks are based predominately in the major cities of Ho Chi Minh City and Hanoi as well as in the country's northern provinces.¹²⁸ In addition to controlling local operations, some of these organisations also operate internationally and have networks that reach throughout Southeast Asia and beyond.¹²⁹ Vietnamese authorities have demonstrated increased efforts to eliminate people trafficking, including by identifying more victims, expanding anti-trafficking training and awareness campaigns for officials, vulnerable communities and law enforcement, but efforts have been impeded by a lack of government coordination.¹³⁰

¹²¹ "Black credit" besieges workers, students before Lunar New Year, VietNamNet Bridge, 29 January 2016, CX6A26A6E9780

¹²² NA approves delay to Penal Code 2015, Viet Nam News, 1 July 2016 CX6A26A6E12697; Loan sharks feed off poor, naive workers, Viet Nam News, 11 September 2015 CXBD6A0DE18811; Ives, M & Nguyen, N S, 'Vietnam's gamble: Whether or not to legalise betting', Al Jazeera, 27 January 2016 CX6A26A6E13872

¹²³ Upper Tribunal (Immigration And Asylum Chamber) Appeal Number: AA/08316/2014, Government of the United Kingdom and Northern Ireland, 1 April 2016, CIS38A80124972

¹²⁴ "HCM City cracks down on criminal gangs, thieves", Viet Nam News, 22 October 2016 CX6A26A6E13224; Huy, D, '14 arrested for extorting "protection fee" from sex workers in HCMC', Thanh Nien News, 16 January 2016 CX6A26A6E13879; Cops in Vietnam continue to crack down on gangs of smugglers, robbers, Thanh Nien News, 19 August 2014 CX1B9ECAB12445; 'Vietnamese court sentences six to death for drug trafficking', Voice of Vietnam (VOV News), 7 June 2014 CX322895

¹²⁵ 'How to scale up financial inclusion in ASEAN countries', The World Bank, 2 March 2016, CIS38A80124973

¹²⁶ Loan sharks cleaning up ahead of Tet holiday, VietNamNet Bridge, 16 January 2017, CXC9040669853

¹²⁷ 'Vietnamese court sentences six to death for drug trafficking', Voice of Vietnam (VOV News), 7 June 2014 CX322895; DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.9

¹²⁸ Vietnam 2015 Crime and Safety Report: Hanoi, 18 February, US Department of State, Bureau of Diplomatic Security, Overseas Security Advisory Council (OSAC) 2015, p.5 CISEC96CF13669; Cops in Vietnam continue to crack down on gangs of smugglers, robbers, Thanh Nien News, 19 August 2014 CX1B9ECAB12445

¹²⁹ Loan sharks feed off poor, naive workers, Viet Nam News, 11 September 2015 CXBD6A0DE18811; Southern Vietnamese cut deals with loan sharks at exorbitant rates, Tuoi Tre Online, 23 February 2016 CX6A26A6E9775

¹³⁰ 2017 Trafficking in Persons Report – Vietnam, US Department of State, 27 June 2017, OGD95BE927071

Private Business

The role of the private sector has steadily grown but deterrents to trade and investment still remain. Persistent high levels of corruption along with an opaque legal system, complex foreign investment laws, an underdeveloped financial system and uncertain rights relating to land ownership and usage are the main deterrents.¹³¹

Corruption is a key concern for business and foreign investors, and is seen as a major impediment to further development. Corruption in Vietnam is driven by a low level of transparency, accountability, and media freedom, as well as low pay for government officials and inadequate systems for holding officials accountable for their actions.¹³² Companies are likely to experience bribery, political interference and facilitation payments.¹³³ The practice of giving and receiving bribes is so common that it is understood to be a routine part of doing business.¹³⁴

The banking sector still struggles with non-performing loans and transparency. In recent years, a number of high-profile banking officials have been arrested and convicted of embezzlement, abuse of power, taking bribes and intentionally violating state regulations on economic management.¹³⁵ This has been interpreted by some as a sign of the government's commitment to clean up corruption in the banking sector.¹³⁶ However, others saw the verdicts as evidence of widespread corruption, poor management and oversight in the banking sector'.¹³⁷

Anti-corruption agencies are not completely effective. Efforts are localised and have a limited overall impact on corruption.¹³⁸ Punitive measures range from fines to capital punishment, depending on the severity of the corruption case.¹³⁹ Some prominent party functionaries, government officials, and, more recently, top executives of state conglomerates have been prosecuted.¹⁴⁰ However, this is motivated in large part by the desire for good publicity and patronage continues to be a significant problem.¹⁴¹

Social infrastructure

Vietnam has experienced rapid economic growth over the past 25 years, transforming itself into a lower middle-income country. Vietnam's GDP per capita growth has been among the fastest in the world since 1990, reaching an average 6.4 per cent a year in the 2000s, and resilient domestic demand and the strength of the country's export-oriented manufacturing means that this is expected to continue into the medium term.¹⁴² Economic growth has been equitable, leading to a dramatic reduction in poverty and improved social outcomes.¹⁴³ Vietnam's Ministry of Labour, Invalids and Social Affairs reported in 2014 that the national poverty rate was 7.8 per cent.¹⁴⁴ The unemployment rate has averaged 2.3 per cent from 1998 until 2017, with a record low of 1.63 per cent in the second

¹³¹ [BTI 2016 – Vietnam Country Report](#), Bertelsmann Stiftung, 29 February 2016, CIS38A8012384, pp.28-29

¹³² [Investment Climate Statements – Vietnam](#), US Department of State, 2016, CX6A26A6E9812

¹³³ [Business Corruption in Vietnam](#), GAN [Global Advice Net] Integrity Solutions Business Anti-Corruption Portal, 2015, CISEC96CF14407

¹³⁴ 'Vietnam targets families of public officials in anti-corruption drive', Luong, D, VnExpress, Vietnam, 22 August 2016, CIS38A80122505; [Vietnam Corruption Report](#), Global Advice Net, September 2017, CISED50AD7684

¹³⁵ [BTI 2016 – Vietnam Country Report](#), Bertelsmann Stiftung, 29 February 2016, CIS38A8012384, p.19

¹³⁶ [BTI 2016 – Vietnam Country Report](#), Bertelsmann Stiftung, 29 February 2016, CIS38A8012384, p.19

¹³⁷ [BTI 2016 – Vietnam Country Report](#), Bertelsmann Stiftung, 29 February 2016, CIS38A8012384, p.19

¹³⁸ [Investment Climate Statements – Vietnam](#), US Department of State, 2016, CX6A26A6E9812

¹³⁹ [Vietnam Corruption Report](#), Global Advice Net, September 2017, CISED50AD7684

¹⁴⁰ [BTI 2016 – Vietnam Country Report](#), Bertelsmann Stiftung, 29 February 2016, CIS38A8012384, pp.28-29

¹⁴¹ [BTI 2016 – Vietnam Country Report](#), Bertelsmann Stiftung, 29 February 2016, CIS38A8012384, pp.28-29

¹⁴² [Vietnam Overview](#), The World Bank, 13 April 2017, CISED50AD5283

¹⁴³ [Vietnam Overview](#), The World Bank, 13 April 2017, CISED50AD5283

¹⁴⁴ [BTI 2016 – Vietnam Country Report](#), Bertelsmann Stiftung, 29 February 2016, CIS38A8012384, p.15

quarter of 2014.¹⁴⁵ The UNDP's Human Development Index ranked Vietnam 115 out of 189 countries in 2016, placing it in the 'medium human development' category.¹⁴⁶

Vietnam has an expanding if still limited social welfare system, while traditional social roles mean that families provide support for the elderly and sick. Vietnam's social welfare net has expanded in recent years, well beyond the anti-poverty program started in the 1990s.¹⁴⁷ New programs have included assistance of 2.16 million VND (AUD \$119) a year and a free health insurance card for all elderly people from the age of 80 onwards, the provision of assistance to single elderly people with limited incomes and no children; and assistance to disabled people, including victims of Agent Orange.¹⁴⁸ However, inequalities in the provision of social welfare exist.¹⁴⁹ Vietnam's social insurance has also not achieved universal coverage despite a voluntary social insurance policy having been in force since 2008.¹⁵⁰ Poverty gains are fragile, and a significant proportion of the population – particularly ethnic minorities – remains vulnerable and lives close to the poverty line.¹⁵¹ In Vietnam, grown children typically provide care and support to elderly or sick parents.¹⁵²

Asylum seekers and returnees

Treatment of failed asylum seekers

Most individuals who depart Vietnam illegally, for the purpose of seeking asylum, are likely to be able to return to Vietnam without facing harm. Information suggests that returnees who have applied for asylum are not treated any differently to other returnees.¹⁵³ While Article 91 of the Penal Code 1999 prohibits 'fleeing abroad or defecting to stay overseas with a view to opposing the people's administration', there are no reported cases of this provision being used against asylum seekers.¹⁵⁴ The government of Vietnam distinguishes between victims and perpetrators of people smuggling and as such views individuals who paid money to organisers of people smuggling operations as victims of people smuggling, not criminally liable.¹⁵⁵

Individuals who depart Vietnam illegally may be subject to fines upon return or briefly detained and interviewed. Under Article 21 of the Penal Code 1999 individuals may be fined between VND 2 million and VND 10 million (approximately AUD120-600) for leaving Vietnam without a passport or

¹⁴⁵ 'Vietnam unemployment rate', Trading Economics, 2017, CISED50AD5285

¹⁴⁶ 'Table 1: Human Development Index and its components', UNDP, 21 March 2017, CISED50AD5042

¹⁴⁷ 'Social Relations, Regional Variation, and Economic Inequality in Contemporary Vietnam: A View from Two Vietnamese Rural Communities', Luong, H V in P Taylor (ed), Connected and Disconnected in Viet Nam: Remaking Social Relations in a Post-socialist Nation, Australian National University Press, ACT, Vietnam Series, 2016, CIS38A8012636, p.66

¹⁴⁸ 'Social Relations, Regional Variation, and Economic Inequality in Contemporary Vietnam: A View from Two Vietnamese Rural Communities', Luong, H V in P Taylor (ed), Connected and Disconnected in Viet Nam: Remaking Social Relations in a Post-socialist Nation, Australian National University Press, ACT, Vietnam Series, 2016, CIS38A8012636, p.66

¹⁴⁹ 'BTI 2016 – Vietnam Country Report', Bertelsmann Stiftung, 29 February 2016, CIS38A8012384, p.22

¹⁵⁰ 'Social Welfare in Vietnam: 30 Years in Reform on and Outlook until 2030', Anh, D N, Vietnam Social Sciences Review, 8 July 2016, CIS38A80122817, p.22

¹⁵¹ 'Countries: Vietnam Overview: Context', The World Bank, 26 September 2016, CIS38A80122248

¹⁵² 'Elderly care centres: dutiful to parents or not?', VietNamNet Bridge, 21 October 2016, CX6A26A6E16960 and 'Vietnamese Cultural Profile – older people', Southern Migrant and Refugee Centre, May 2010, CISDCDCAAB2010, p.2

¹⁵³ DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.24

¹⁵⁴ DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.24

¹⁵⁵ DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.24

equivalent, departing without undergoing official exit procedures, or departing using another person's documents.¹⁵⁶ Individuals may be fined between VND 20 million and VND 50 million (approximately AUD 1,200-3,000) for leaving Vietnam using a false passport.¹⁵⁷ There are also cases of individuals being detained for short periods of time and interviewed for the purpose of people smuggling investigations.¹⁵⁸

Montagnard asylum seekers

Montagnard (ethnic minority) asylum seekers who are returned to Vietnam may face detention, beatings and close monitoring by police. Credible sources report that Vietnam has pressured Cambodia and Thailand to forcibly return Montagnard asylum seekers, and that those returned may have been detained and questioned for up to several days and closely monitored by police.¹⁵⁹ A 2015 submission referred to an individual who 'was detained by authorities for 12 days after his return and beaten' and of a group of 36 Montagnards who were held overnight by police and released the next day.¹⁶⁰ A group of Montagnards returned from Cambodia in 2017 claimed that they were subject to ongoing surveillance, as well as restrictions on their ability to move freely; forced confessions admitting their error in fleeing Vietnam and filmed for subsequent broadcast on television were also alleged.¹⁶¹

Suspected people smugglers

Individuals who are suspected of people smuggling activities are likely to be detained and prosecuted on return to Vietnam. Information indicates individuals suspected of people smuggling may be investigated, arrested and held in long-term detention.¹⁶² This is consistent with section 275 of the Penal Code 1999 which seeks to discourage people trafficking.¹⁶³ It is also consistent with a number of reports from 2016 that detail instances of individuals who have been prosecuted and detained for up to 3 years for organising people smuggling ventures in 2015.¹⁶⁴

Relocating or leaving the country

Residence laws are applied inconsistently by local police. This is in spite of the fact that, under the Vietnamese Constitution, all citizens, including migrants, have equal rights, including freedom of

¹⁵⁶ DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.24

¹⁵⁷ DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.24

¹⁵⁸ DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.25

¹⁵⁹ Vietnam 2016 Human Rights Report, US Department of State, 3 March 2017, OGD95BE926901, Section 2

¹⁶⁰ 'Submission to the Department of Foreign Affairs and Trade: Australia - Viet Nam Human Rights Dialogue Civil Society Consultation', Amnesty International, 31 July 2015, CISEC96CF13142, p.7

¹⁶¹ Returned Montagnards facing intimidation, spying in Vietnam, Cambodia Daily, 3 May 2017 CXC9040666726

¹⁶² DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.24

¹⁶³ 'Vietnamese asylum seekers forcibly returned by Australia face jail', The Guardian, 24 May 2016, CX6A26A6E4619; Vietnam: Drop Charges Against Boat Returnees, Human Rights Watch 2016, 24 May 2016, CX6A26A6E12344

¹⁶⁴ 'Vietnamese asylum seekers forcibly returned by Australia face jail', The Guardian, 24 May 2016, CX6A26A6E4619; Vietnam: Drop Charges Against Boat Returnees, Human Rights Watch 2016, 24 May 2016, CX6A26A6E12344; 'Vietnam jails four asylum seekers returned by Australia', Reuters, 27 May 2016, CX6A26A6E4618

movement and residence.¹⁶⁵ Often, this is due to lack of guidance and differing interpretations of the law, which causes confusion.¹⁶⁶ A 2013 law explicitly recognises the right of local authorities to set their own policies regarding registration, and some cities have tightened the requirements for obtaining permanent status.¹⁶⁷

Internal relocation in Vietnam is closely monitored by authorities. While relocation is common in Vietnam, with large scale urbanisation occurring in recent decades, under the Household Registration System local police in Vietnam often require citizens to register when staying in or moving to any location outside of their own homes.¹⁶⁸ Moving without permission can hamper individuals seeking legal residence permits, public education, and health-care benefits.¹⁶⁹ Due to the level of official scrutiny and monitoring in Vietnam, there are few options for people wishing to relocate internally in order to seek protection from state authorities.¹⁷⁰

Movement across Vietnam's borders is closely monitored and broad limitations have been placed upon the right to freedom of movement. The Immigration Department of the Ministry of Public Security (MPS) is responsible for identifying and recording travellers who pass through international airports, including Vietnamese nationals.¹⁷¹ The MPS has total discretion to prohibit Vietnamese citizens from leaving or entering the country on the grounds of "safeguarding national security and social order and safety".¹⁷² The Vietnamese government has also imposed some limitations on the movement of certain individuals, including those convicted under national security or related charges; those outspoken in their criticism of the government; and political dissidents who were amnestied with probation or under house arrest.¹⁷³ Dozens of individuals have been prevented from traveling overseas or entering the country, had their passports withheld on vague charges or have been refused a passport without clear explanation.¹⁷⁴ Vietnamese authorities have also routinely physically prevented political activists and family members of political prisoners from meeting with foreign diplomats or traveling abroad.¹⁷⁵

¹⁶⁵ Vietnam 2016 Human Rights Report, US Department of State, 3 March 2017, OGD95BE926901, Section 2

¹⁶⁶ Migration, Resettlement and Climate Change in Viet Nam, United Nations Viet Nam, March 2014, pp.13-14, CISA447F083168

¹⁶⁷ Vietnam's Household Registration System, World Bank Group & Vietnam Academy of Social Sciences, June 2016, CIS38A80121252

¹⁶⁸ DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.24

¹⁶⁹ Vietnam 2016 Human Rights Report, US Department of State, 3 March 2017, OGD95BE926901, Section 2

¹⁷⁰ DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.24

¹⁷¹ Review of Vietnamese Migration Abroad, Consular Department – Ministry of Foreign Affairs of Vietnam, May 2012, p.11, CIS961F9402609

¹⁷² Q & A on the Right to Freedom of Movement in Vietnam, Civil Rights Defenders, 14 September 2015, pp.2 & 4 CISEC96CF15116

¹⁷³ Vietnam 2016 Human Rights Report, US Department of State, 3 March 2017, OGD95BE926901, Section 2

¹⁷⁴ Vietnam 2016 Human Rights Report, US Department of State, 3 March 2017, OGD95BE926901, Section 2

¹⁷⁵ Vietnam 2016 Human Rights Report, US Department of State, 3 March 2017, OGD95BE926901, Section 1; 'Vietnam blocks Catholic priest, sister of labor activist from leaving abroad', Vietnam Human Rights Defenders, 27 June 2017 CXC9040669873



Australian Government
Department of Home Affairs

Common Claims

Vietnam

Country of Origin Information Services Section (COISS)

Effective from 24 August 2018

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Religion

The degree to which Vietnamese people have the ability to practice their faith freely and without fear, harassment, detention or violence widely varies. Religious freedoms in Vietnam remain restricted and all religious groups and most individual clergy members are required to join a party-controlled supervisory body and obtain permission for most activities.¹ There are 38 religious organisations and one dharma practice recognised in Vietnam, which are affiliated with 15 distinct religious traditions as defined by the government.² These are Buddhism, Islam, Baha'i, Catholicism, Protestantism, Mormonism, Hoa Hao Buddhism, Cao Dai, Buu Son Ky Huong, Tinh Do Cu Si Phat Hoi, Tu An Hieu Nghia, Phat Duong Nam Tong Minh Su Dao, Minh Ly Dao Tam Tong Mieu, Khmer Brahmanism and Hieu Nghia Ta Lon Buddhism.³ On 1 January 2018 a new Law on Belief and Religion came into effect which critics claim allows increased intrusion into freedom of religion or belief.⁴

Treatment of religious groups

Reports of repression, violence and harassment of religious activities outside state-approved religious groups are common. The Vietnamese government continues to closely monitor and disrupt the activities of unrecognised branches of various religious groups, sometimes violently.⁵ According to many Catholic bishops, congregations in remote areas with majority ethnic minority populations face difficulty registering for government recognition, uneven and inconsistent enforcement of national laws, and a lack of accountability on the part of provincial authorities.⁶ Ethnic minority members of independent Christian religious groups have been compelled to publicly denounce their faith,⁷ while in April 2017 the People's Court of Gia Lai province sentenced at least five ethnic minority people to 8 to 10 years in prison for their participation in independent religious groups.⁸ Catholic leaders state that the most problematic regions are in the Central Highlands (Gia Lai, Dak Lak, Dak Nong, Kon Tum, and Lam Dong provinces), the Northwest Highlands, and Hoa Binh province.⁹ Reports of harassment from authorities include physical assault, arrest, prosecution, monitoring, travel restrictions, property seizure, and denial of registration,¹⁰ although credible sources claim that more serious acts of violence are generally related to activities such as protesting against land confiscation and anti-government activities, rather than due to a person's religion.¹¹ Members of unregistered Hoa Hao, Cao Dai and other groups also face regular arrests and harassment from local and provincial authorities.¹²

The Vietnamese government closely controls and monitors the activities of Catholics and other Christians. While the Vatican is permitted to select its own bishops and priests, these must be

¹ 'Freedom in the World 2018 – Vietnam', Freedom House, 5 April 2018, NGED867A684

² 'International Religious Freedom Report for 2017 – Vietnam', 29 May 2018, OGD95BE927542, p.4

³ 'International Religious Freedom Report for 2017 – Vietnam', US Department of State, 29 May 2018, OGD95BE927542, p.4

⁴ 'United States Commission on International Religious Freedom Annual Report 2018', US Commission on International Religious Freedom, 25 April 2018, CIS7B83941863, p.126

⁵ 'Human Rights Watch World Report 2018', Human Rights Watch, 18 January 2018, NGED867A63, pp.628-629

⁶ 'International Religious Freedom Report for 2017 – Vietnam', 29 May 2018, OGD95BE927542, pp.20-21

⁷ 'Human Rights Watch World Report 2018', Human Rights Watch, 18 January 2018, NGED867A63, p.629

⁸ 'Human Rights Watch World Report 2018', Human Rights Watch, 18 January 2018, NGED867A63, p.629

⁹ 'International Religious Freedom Report for 2017 – Vietnam', 29 May 2018, OGD95BE927542, p.21

¹⁰ 'International Religious Freedom Report for 2017 – Vietnam', 29 May 2018, OGD95BE927542, p.1

¹¹ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, CISED850AD4597, p.13

¹² 'Freedom in the World 2018 – Vietnam', Freedom House, 5 April 2018

approved by the authorities.¹³ There are restrictions on the numbers of students permitted to enrol in Catholic and also in Protestant seminaries, which church leaders say are inadequate to meet demand.¹⁴ According to a 2018 report, Christians have, as a rule, always been denied membership in the party, the state bureaucracy and the security forces, and have not been appointed to leadership positions in schools and universities.¹⁵

Recognised religious groups in Vietnam who worship quietly and conform to government policies have a low risk of official interference. The situation for Catholics has continued to improve in recent years, especially in Hanoi and Ho Chi Minh City, although there are still constraints relating to the registration of new churches.¹⁶ Catholic groups – along with Protestants, Muslims, Baha’i and Buddhist groups – are now allowed to provide religious education to adherents.¹⁷ In September 2016, the Catholic Institute of Vietnam opened in Ho Chi Minh City, becoming the country’s first-ever university-level institute of theology.¹⁸ According to a report from the UN Special Rapporteur on freedom of religion or belief, the relationship between Vietnam and the Vatican has improved markedly in recent years.¹⁹ In May 2016, the Vietnamese government granted recognition to the Church of Jesus Christ of Latter-day Saints, while the Popular Council of the Independent Cao Dai Church has also reported declining government repression.²⁰ Jehovah’s Witnesses also report that the Vietnamese government has granted registration and recognition certificates to many of its congregations and local groups, enabling adherents to worship freely.²¹

Particular social groups

Women

Domestic violence against women in Vietnam is common. Exact statistics are difficult to obtain due to victims’ frequent reluctance to approach authorities,²² but according to a 2015 NGO survey, 59 per cent of married women had suffered physical or sexual abuse at least once in their lives, typically from a male partner or member of the family.²³ Domestic violence against women is most prevalent in rural areas where a range of circumstances exist, such as economic difficulties, family conflicts, addictive illness and a lack of understanding among women of their rights.²⁴ Wives rarely denounce their husbands for domestic violence due to a cumbersome legal process, societal traditions and

¹³ ‘Freedom in the World 2016 – Vietnam’, Freedom in the World 2017 - Vietnam Freedom House, 4 September 2017, NG2A465F593

¹⁴ ‘International Religious Freedom Report for 2017 – Vietnam’, 29 May 2018, OGD95BE927542, p.23

¹⁵ ‘BTI 2018 Country Report Vietnam’, Bertelsmann Stiftung, 22 March 2018, CIS7B83941599, pp.8-9

¹⁶ ‘DFAT Country Information Report – Vietnam’, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.12

¹⁷ ‘International Religious Freedom Report for 2017 – Vietnam’, 29 May 2018, OGD95BE927542, p.23

¹⁸ ‘2017 Annual Report’, US Commission on International Religious Freedom, April 2017, CISED50AD3969, p.116

¹⁹ ‘Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt – Addendum: Mission to Viet Nam (21 to 31 July 2014)’, UN Human Rights Council, 30 January 2015, p.13, CISEC96CF13238

²⁰ ‘2017 Annual Report’, US Commission on International Religious Freedom, April 2017, CISED50AD3969, p.116

²¹ ‘United States Commission on International Religious Freedom Annual Report 2018’, US Commission on International Religious Freedom, 25 April 2018, CIS7B83941863, p.124

²² ‘DFAT Country Information Report – Vietnam’, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.17

²³ ‘Country Reports on Human Rights Practices for 2017 – Vietnam’, 20 April 2018, OGD95BE927332, p.30

²⁴ ‘Consideration of reports submitted by States parties under article 18 of the Convention: Seventh and eighth periodic reports of States parties due in 2011: Viet Nam’, UN Committee on the Elimination of Discrimination against Women, 13 December 2014, pp.67-68, CIS2F827D91319, pp.67-68

concerns about economic uncertainty, and credible sources say that few reported cases of domestic violence are criminally investigated.²⁵

Domestic violence is criminalised in Vietnam, and there are avenues of redress available to victims. Vietnamese law criminalises rape – including spousal rape – and prohibits violence or threats against women.²⁶ Rapists are subject to prison terms of up to seven years', or up to 15 years in severe cases, including organised rape, a repeat offence, or where extreme harm is suffered by the victim.²⁷ Authorities prosecute rape cases but do not release arrest, prosecution, conviction, or punishment statistics.²⁸ Vietnamese law also outlines acts that constitute domestic violence and stipulates punishments, ranging from warnings and probation to imprisonment.²⁹ However, authorities treat domestic violence cases as civil cases unless the victim suffers injuries to more than 11 per cent of their body.³⁰ Police generally seek to initiate a process of reconciliation between the victim and perpetrator for less serious cases of domestic violence,³¹ which credible sources indicate favours men over women and can leave a victim without access to effective legal remedy,³² but victims and the police can initiate a criminal investigation into more serious incidents.³³ Authorities, with the help of international and local non-government organisations, train police, lawyers, community advocates and legal system officials in laws related to domestic violence.³⁴ Victims, or a representative of a victim, are required to lodge a written complaint to the police to initiate proceedings.³⁵

Support services

The Vietnamese government and NGOs provide support services to address domestic violence. These include crisis centres, hotlines, and 300 "reliable residences" which enable women to seek assistance from another family while local authorities and community leaders attempt to confront the perpetrator to resolve the complaint.³⁶ Domestic violence rapid response teams have been established with the support of the United Nations,³⁷ while judicial officers and legal aid centres are available to victims.³⁸ By 2013, Vietnam had developed 10 shelters nationwide that provide women and girls with access to health-care services, counselling, education, vocational and life skills

²⁵ 'Violations of the Rights of Women in the Socialist Republic of Vietnam: Alternative Report to the Committee on the Elimination of Discrimination against Women (CEDAW) on the combined seventh and eighth periodic reports of Vietnam', Vietnam Committee on Human Rights (VCHR) & International Federation for Human Rights (FIDH), June 2015, CISEC96CF14832, p.8; 'Access to Justice in the Plural Legal System in Viet Nam: A Case Study of Women Domestic Violence Survivors', UN Women, 2015, CISEC96CF15250, para.3, p.64;

²⁶ 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.30

²⁷ 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.30

²⁸ 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.30

²⁹ 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.30

³⁰ 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.30

³¹ 'Assessment of the situation of women in the criminal justice system in Viet Nam. In support of the Government's efforts towards Effective Gender Equality in the Criminal Justice System', United Nations Office on Drugs and Crime, July 2013, CIS36DE0BB2142, p.19

³² DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.17

³³ 'Assessment of the situation of women in the criminal justice system in Viet Nam. In support of the Government's efforts towards Effective Gender Equality in the Criminal Justice System', United Nations Office on Drugs and Crime, July 2013, CIS36DE0BB2142, p. 19

³⁴ 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.30

³⁵ 'Assessment of the situation of women in the criminal justice system in Viet Nam. In support of the Government's efforts towards Effective Gender Equality in the Criminal Justice System', United Nations Office on Drugs and Crime, July 2013, CIS36DE0BB2142, pp.18-19

³⁶ Vietnam 2016 Human Rights Report, US Department of State, 3 March 2017, OGD95BE926901, Section 6

³⁷ Viet Nam establishes Rapid Response Forces against domestic violence, United Nations Office on Drugs and Crime, 1 January 2015, CXBD6A0DE19214

³⁸ Access to Justice in the Plural Legal System in Viet Nam: A Case Study of Women Domestic Violence Survivors, UN Women, 2015, CISEC96CF15250, p.57-58

training.³⁹ The Center for Women and Development, supported by the Women's Union, operates a nationwide domestic violence hotline, but this is not widely advertised in rural areas.⁴⁰ Authorities, with the help of international and local non-government organisations, continue to support workshops and seminars that aim to educate women and men about domestic violence and women's rights, as well as seeking to highlight the problem through public awareness campaigns.⁴¹

Forced/early marriage

Forcing or entering into marriage with an underage person is prohibited in Vietnam. The legal minimum age of marriage is 18 for girls and 20 for boys.⁴² Punishments for arranging early marriages range from administrative sanctions to prison terms of between three months and two years.⁴³

LGBTI

Discrimination against LGBTI people remains widespread in Vietnamese society, despite increased government tolerance. Although there are no laws to prohibit discrimination on the basis of sexual orientation or gender identity in Vietnam,⁴⁴ consensual same-sex sexual conduct is not criminalised.⁴⁵ Although the government still does not officially recognise same-sex marriage, in 2015 Vietnam repealed a ban on such unions.⁴⁶ A revised civil code also contains new provisions legalising transgender rights – including the right to change their sex, access health care and change their gender identity on official documents if they have undergone sex re-assignment surgery.⁴⁷ Despite this, societal discrimination and stigma against LGBTI people remains widespread and is worst towards transgender people.⁴⁸ Discrimination is most pervasive in schools, health care and the work place, although it also occurs within some families.⁴⁹ Violence against LGBTI people is much less common than other forms of discrimination, such as verbal insults and online abuse,⁵⁰ and a 2016 report said that, unlike other countries, violence is mainly perpetrated by acquaintances rather than strangers.⁵¹ LGBTI people often choose not to report incidents of discrimination or violence to

³⁹ 'Consideration of reports submitted by States parties under article 18 of the Convention: Seventh and eighth periodic reports of States parties due in 2011: Viet Nam', UN Committee on the Elimination of Discrimination against Women, 13 December 2014, pp.67-68, CIS2F827D91319, p.68

⁴⁰ Vietnam 2016 Human Rights Report, US Department of State, 3 March 2017, OGD95BE926901, Section 6

⁴¹ 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.30

⁴² 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.32

⁴³ 'Country Reports on Human Rights Practices 2015 – Vietnam', US Department of State, 13 April 2016, OGD95BE926333, Section 6

⁴⁴ 'Freedom in the World 2018 – Vietnam', Freedom House, 5 April 2018, NGED867A684

⁴⁵ 'Freedom in the World 2017 – Vietnam', Freedom House, 4 September 2017, NG2A465F593

⁴⁶ 'Freedom in the World 2018 – Vietnam', Freedom House, 5 April 2018, NGED867A684 \

⁴⁷ DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED850AD4597, p.17

⁴⁸ 'Freedom in the World 2018 – Vietnam', Freedom House, 5 April 2018, NGED867A684; 'Is it because I am LGBT?' Discrimination based on sexual orientation in Viet Nam, UNDP, 21 June 2016, CIS38A80124354, p.14; Transgender at work. Livelihoods for transgender people in Vietnam, Hoang T-A and Oosterhoff, P, Institute of Development Studies, February 2016, eg. pp. 4, 15, CIS38A80128087

⁴⁹ 'Being LGBT in Asia – Vietnam country report', USAID & UNDP, August 2014, CX324893, pp.27-31; 'Is it because I am LGBT?' Discrimination based on sexual orientation in Viet Nam, UNDP, 21 June 2016, CIS38A80124354, p.14

⁵⁰ 'Is it because I am LGBT?' Discrimination based on sexual orientation in Viet Nam, UNDP, 21 June 2016, CIS38A80124354, p.18

⁵¹ 'Is it because I am LGBT?' Discrimination based on sexual orientation in Viet Nam, UNDP, 21 June 2016, CIS38A80124354, p.18

police because they perceive it as commonplace, do not believe it will be adequately resolved or fear embarrassment.⁵²

Vietnam increasingly accepts the rights of LGBTI people. Numerous civil society organisations advocating for LGBTI rights have emerged in recent years.⁵³ While places to meet on a day-to-day basis remain limited it is also known that many Vietnamese LGBTI people remain discreet in expressing their sexuality.⁵⁴ Vietnam's first gay pride rally took place in 2012,⁵⁵ and has become an annual event each August.⁵⁶ Nearly 2,000 individuals participated in a pride parade in Ho Chi Minh City in September 2017, while other pride celebrations were held in 35 cities and provinces.⁵⁷ Mainstream Vietnamese media – which is controlled by the government – increasingly promotes the view that being gay is normal.⁵⁸ While Vietnam does not have a 'gay scene' in major cities, young LGBTI people frequently connect through social media platforms such as Facebook groups and blogs.⁵⁹

Political Opinion

Membership of the Vietnamese Communist Party (CPV) remains beneficial for career advancement and to maximise other social and economic opportunities, but is no longer essential for success. Vietnam is a single-party, authoritarian regime.⁶⁰ Party membership remains a prerequisite to career advancement for nearly all government and government-linked organisations and businesses.⁶¹ Recent economic reforms have provided greater opportunities for non-CPV members, and increasingly young Vietnamese no longer see membership of the party as key to economic and social success, particularly with the increasing availability and attractiveness of careers in the private sector.⁶² The CPV continues to deny membership to individuals whose parents – or the parents of their spouse – worked for the former South Vietnamese regime.⁶³ However, according to credible sources, Vietnamese with ties to the former South Vietnamese regime can now gain some positions in government and state-owned enterprises, but generally cannot hold top positions.⁶⁴

⁵² 'Is it because I am LGBT?' Discrimination based on sexual orientation in Viet Nam, UNDP, 21 June 2016, CIS38A80124354, p.97

⁵³ 'Being LGBT in Asia – Vietnam country report', USAID & UNDP, August 2014, CX324893, p.21

⁵⁴ Gay Vietnam, Travel Gay Asia, n.d., (accessed 3 July 2017), CISED50AD4725; Gay Hanoi, Travel Gay Asia, n.d., (accessed 3 July 2017), CISED50AD4726; Travel & Resources: HO CHI MINH CITY – SAIGON, Utopia, n.d. (accessed 3 July 2017), CISED50AD4728

⁵⁵ DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, pp.17-18

⁵⁶ DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, pp.17-18; 'Love in the air at gay pride parade in Ho Chi Minh City', Tuoi Tre Online, 25 September 2017, CXC90406620464

⁵⁷ 'Love in the air at gay pride parade in Ho Chi Minh City', Tuoi Tre Online, 25 September 2017, CXC90406620464

⁵⁸ Gay Vietnam, Travel Gay Asia, n.d., (accessed 3 July 2017), CISED50AD4725

⁵⁹ DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.18

⁶⁰ 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.1

⁶¹ 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.15

⁶² 'Vietnam's Divide: Slow Healing, Fewer Prospects for Children of U.S. Allies', Bloomberg, 24 December 2015, CXBD6A0DE19603 and 'As Vietnam booms, Communist Party struggles to keep up', Reuters, 17 January 2011, CXCB3E63421361 and 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.15

⁶³ 'Vietnam's Divide: Slow Healing, Fewer Prospects for Children of U.S. Allies', Bloomberg, 24 December 2015, CXBD6A0DE19603

⁶⁴ 'Vietnam's Divide: Slow Healing, Fewer Prospects for Children of U.S. Allies', Bloomberg, 24 December 2015, CXBD6A0DE19603

Re-education camps

While “re-education camps” ceased operation in Vietnam in the 1990s, mechanisms still remain for detaining and silencing political dissidents. These include house arrest, administrative detention or prison sentences, along with the regular movement of dissidents throughout the detention network to isolate them from family and support networks and other detainees.⁶⁵

Freedom of expression

The Vietnamese government suppresses political expression and protest. Authorities have used a number of laws to curb dissent, such as articles 79, 88 and 258 of the Penal Code – all of which take precedence over constitutionally enshrined rights.⁶⁶ Individuals convicted under these acts can face penalties ranging from prison sentences of between six months and 20 years; to life imprisonment or capital punishment.⁶⁷ Activists claimed in February 2018 that more than 170 people are currently in prison after having been convicted of offences such as attempting to overthrow the government, conducting anti-state campaigns and ‘abusing democratic freedom to infringe the state’s interests’.⁶⁸

The government prevents the exit and entry of individuals who openly express anti-government views. Several individuals considered to be political dissidents or activists, or their family members, have been prevented from leaving or returning to Vietnam, or have had passports confiscated or withheld on often vague or unexplained grounds.⁶⁹ In June 2017, Vietnamese authorities stripped former political prisoner Pham Minh Hoang of his citizenship and deported him to France.⁷⁰

Protests

Public protests and gatherings are monitored or restricted. Permits are required from local authorities for demonstrations or gatherings, which can be arbitrarily denied without explanation.⁷¹ Only those arranging publicised gatherings to discuss sensitive matters appear to require permits.⁷² Despite legal restrictions and threats of crackdown by the police, Vietnamese citizens continue to express their views through numerous protests.⁷³

⁶⁵ Vietnam: The Silencing of Dissent, Vol. 12, No. 1(c), Human Rights Watch May, 2000, p.5 (sourced from UNHCR Refworld) CIS12687; Country Reports on Human Rights Practices 2015 - Vietnam, US Department of State, 13 April 2016, Section 1(e) OGD95BE926333

⁶⁶ Country Reports on Human Rights Practices 2015 - Vietnam, US Department of State, 13 April 2016, Section 1(e) OGD95BE926333; ‘Country Reports on Human Rights Practices for 2017 – Vietnam’, 20 April 2018, OGD95BE927332, p.6; DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.14

⁶⁷ DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.14

⁶⁸ ‘Vietnam: Activists Demand Release of Jailed Dissidents’, Eurasia Review, 12 February 2018, CXBB8A1DA22004

⁶⁹ ‘Country Reports on Human Rights Practices for 2017 – Vietnam’, 20 April 2018, OGD95BE927332, p.25; DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.24

⁷⁰ ‘Human Rights Watch World Report 2018’, Human Rights Watch, 18 January 2018, NGED867A63, p.628

⁷¹ ‘Country Reports on Human Rights Practices for 2017 – Vietnam’, 20 April 2018, OGD95BE927332, p.22

⁷² ‘Country Reports on Human Rights Practices for 2017 – Vietnam’, 20 April 2018, OGD95BE927332, p.22

⁷³ ‘BTI 2018 Country Report Vietnam’, Bertelsmann Stiftung, 22 March 2018, CIS7B83941599, p.12

Activist groups seeking to exercise their freedom of expression or association may experience harassment, surveillance, restrictions on their movement, short-term detention and physical attack. Attacks on rights campaigners have taken place in many regions of Vietnam.⁷⁴ A June 2017 report highlighted 36 incidents in which men in civilian clothes attacked activists between January 2015 and April 2017, often resulting in serious injuries.⁷⁵ Credible sources state that the use of these plain-clothes 'thugs', many of whom likely work for a government security agency, rose in 2017 and has in some instances allowed the government to be seen to be removed from committing acts of violence.⁷⁶

Anti-government protests

Anti-government protests are not tolerated by authorities. Individuals and groups who protest against the Government or openly criticise the Communist Party are likely to attract adverse attention from authorities, experience police intimidation or harassment, or see their protests shut down,⁷⁷ sometimes with the use of physical force.⁷⁸ In June 2018, there was a string of large demonstrations across Vietnam in protest against a new cybersecurity law and a draft law on special economic zones.⁷⁹ Authorities have responded by arresting and imprisoning some of those involved. For example, in July 2018 a court in southern Vietnam jailed 15 individuals for their involvement in protest activity,⁸⁰ while days earlier 10 people received prison terms of up to three-and-a-half years in central Binh Thuan province.⁸¹ Individual petitioners seeking government action in relation to their land use rights have also been attacked or jailed.⁸²

⁷⁴ 'No Country for Human Rights Activists: Assaults on Bloggers and Democracy Campaigners in Vietnam', Human Rights Watch, 18 June 2017, CISED50AD4751, p.2

⁷⁵ 'No Country for Human Rights Activists: Assaults on Bloggers and Democracy Campaigners in Vietnam', Human Rights Watch, 18 June 2017, CISED50AD4751, p.2

⁷⁶ 'United States Commission on International Religious Freedom Annual Report 2018', US Commission on International Religious Freedom, 25 April 2018, CIS7B83941863, p.123

⁷⁷ DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.16

⁷⁸ DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.24

⁷⁹ 'Vietnam: a month of mass protests', Lowy Interpreter (The Interpreter), 27 June 2018, CXBB8A1DA30346

⁸⁰ 'Vietnamese court imprisons peaceful demonstrators', UCA News (UCAN), 1 August 2018, CXBB8A1DA32816

⁸¹ 'Vietnam jails 10 more for protests over economic zones', Reuters, 23 July 2018, CXBB8A1DA32143

⁸² 'Vietnam jails activist a second time for "public disorder"', Reuters, 20 September 2016 CX6A26A6E11373; 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.22; Freedom in the World 2017 – Vietnam, Freedom House, 4 September 2017, NG2A465F593; Vietnamese Land-Rights Petitioner Receives 18-Month Prison Term, Radio Free Asia, 29 September 2015, CXBD6A0DE15108

Student protests

Authorities may take action against students involved in peaceful protests. Several students were among 30 individuals arrested for peacefully expressing political or religious views in 2016.⁸³ In 2017, authorities arrested and convicted Thai Nguyen University student Phan Kim Khanh for 'conducting antistate propaganda' for blog posts deemed critical of the government; he received six years in prison and four years' probation.⁸⁴ University authorities have been told by the Ministry of Public Security to expel activists from their universities,⁸⁵ while there have been reports that university students who participated in human rights advocacy have been prevented from graduating.⁸⁶

Online protests

Vietnamese authorities have jailed a number of well-known bloggers in an attempt to curb online criticism of the government. In 2017, authorities arrested at least 21 rights bloggers and activists for exercising their civil and political rights in a way the government perceived threatened national security,⁸⁷ while at least another 10 people were sentenced to between five to 10 years in prison for similar offences.⁸⁸ In June 2017, a court in Khanh Hoa sentenced prominent blogger Nguyen Ngoc Nhu Quynh (also known as Mother Mushroom) to 10 years in prison for the publication of critical online posts and documents,⁸⁹ while in February 2018 another high-profile blogger, Ho Van Hai, received a four year prison sentence for posts highlighting the faults of Vietnam's Communist government.⁹⁰ In late 2017, Vietnam established a new 10,000 person cyber unit to tackle dissident views online, while the National Assembly passed a new cyber security law in June 2018 which critics claim gives authorities wide discretion to determine when online expression must be censored and therefore could facilitate further suppression of freedom of speech.⁹¹ Under the law, which will take effect in January 2019, service providers will be required to take down offending content within 24 hours, while internet companies will be required to disclose user data to authorities.⁹²

Despite online censorship, Vietnam applies fewer controls on the Internet than neighbouring China. Social media platforms such as Facebook are widely used, with some 52 million accounts out of a population of about 96 million.⁹³ The government has also, for the most part, not shut down other popular forms of online communication such as Twitter and Gmail and does not block the websites of major international media such as *The New York Times*.⁹⁴ Vietnamese authorities can be responsive

⁸³ 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.6

⁸⁴ 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.20

⁸⁵ 'Country Reports on Human Rights Practices 2015 - Vietnam', US Department of State, 13 April 2016, Section 2a OGD95BE926333

⁸⁶ 'Freedom in the World 2018 – Vietnam', Freedom House, 5 April 2018, NGED867A684

⁸⁷ 'Human Rights Watch World Report 2018', Human Rights Watch, 18 January 2018, NGED867A63, p.625

⁸⁸ 'Human Rights Watch World Report 2018', Human Rights Watch, 18 January 2018, NGED867A63, p.625

⁸⁹ 'Human Rights Watch World Report 2018', Human Rights Watch, 18 January 2018, NGED867A63, p.627

⁹⁰ 'Vietnam Hands Blogger Ho Van Hai Four-Year Jail Term For 'Anti-State Propaganda'', Radio Free Asia, 1 February 2018, CXBB8A1DA21206

⁹¹ 'Submission to the Universal Periodic Review of Vietnam', Human Rights Watch, 13 July 2018, CXBB8A1DA31726

⁹² 'Submission to the Universal Periodic Review of Vietnam', Human Rights Watch, 13 July 2018, CXBB8A1DA31726; 'Vietnam's New Cyber Law Could Hobble Foreign Investors and Limit Basic Freedoms', Centre for Strategic and International Studies (CSIS), 2 July 2018, CXBB8A1DA30601

⁹³ 'Vietnam's New Cyber Law Could Hobble Foreign Investors and Limit Basic Freedoms', Centre for Strategic and International Studies (CSIS), 2 July 2018, CXBB8A1DA30601

⁹⁴ 'Vietnam's New Cyber Law Could Hobble Foreign Investors and Limit Basic Freedoms', Centre for Strategic and International Studies (CSIS), 2 July 2018, CXBB8A1DA30601

to online opinion; in February 2018 Danang authorities rescinded guidelines requiring the local press to obtain official approval before publishing content following a social media backlash.⁹⁵

Environmental Protests: Formosa Ha Tinh Steel Corp Toxic Spill

Local communities protesting about the Formosa Ha Tinh Steel Corporation chemical spill have been accused of deliberately stirring anti-government sentiment. Formosa Steel, the Taiwanese company responsible for the April 2016 spill, in which chemicals leaked into the South China Sea, decimating fish stocks and devastating fishing communities along Vietnam's central coast, agreed to pay \$500 million in damages.⁹⁶ The disaster has provoked large protests against both the company and the government in part due to the heavy impact on the livelihoods of the affected communities.⁹⁷ Attempts by fishermen to sue Formosa in a provincial court were thrown out.⁹⁸

Authorities have generally not arrested or used unreasonable force against protesters. Large protests demanding the Formosa Ha Tinh Steel Corporation be closed and further compensation provided to assist with the clean-up have generally not resulted in injuries or arrests by state actors.⁹⁹ However, the government has reportedly cracked down on human rights activists connected to a new civil society organisation, The Alliance of Self-Determined People,¹⁰⁰ while on 6 February 2018, a Vietnamese court sentenced two other activists to prison terms of 14 years and two years respectively for protesting against Formosa.¹⁰¹ Some supporters of the pair who attended the court building were beaten and detained in a police station until the trial ended at midday.¹⁰² On 6 April 2017, hundreds of Catholic protesters marked the one-year anniversary of the waste spill on the streets and beaches of Vinh diocese, and carried black flags with anti-Formosa slogans on them.¹⁰³

State Protection

Institutions providing state protection are prone to corruption, although the Vietnamese government has introduced some reforms. The Law on Anti-Corruption criminalises corrupt practices by public officials,¹⁰⁴ and successful prosecutions of corrupt officials have occurred.¹⁰⁵ As

⁹⁵ 'Vietnamese City Rescinds Directive Curtailing Press Freedom', Voice of America (VOA), 10 February 2018, CXBB8A1DA22006

⁹⁶ Outrage over fish kill in Vietnam simmers 6 months later, The New York Times, 3 October 2016 CX6A26A6E10573

⁹⁷ Vietnam's dead fish may spawn a stronger culture of dissent, Hoang C, cogitASIA, 30 September 2016 CIS38A80122116

⁹⁸ Vietnam court swamped by fishermen seeking to sue Taiwan firm's steel unit, Reuters, 27 September 2016 CX6A26A6E10576

⁹⁹ Vietnamese rally outside Taiwanese steel plant that spread toxic waste, Reuters, 2 October 2016, CX6A26A6E10045;

'Vietnam's Dead Fish May Spawn a Stronger Culture of Dissent', Chau Hoang, Centre for Strategic & International Studies, 30 September 2016, CIS38A80122116, p.2;

'Formosa Spill Still Roils Public Opinion in Vietnam', Radio Free Asia, 7 December 2016, CX6A26AE14775

¹⁰⁰ 'Vietnam Cracks Down on Dissenters', Radio Free Asia, 10 November 2016,

¹⁰¹ 'More activists sentenced in Vietnam', Voice of America (VOA), 11 February 2018, CXBB8A1DA21834; Catholic activist arrested in Vietnam, police beat up protesters, UCA News (UCAN), 23 May 2017, CXC9040668804

¹⁰² Vietnamese environmental activists handed prison terms in Nghe An, Radio Free Asia, 6 February 2018, CXBB8A1DA21459

¹⁰³ Vietnamese Catholics Demonstrate to Mark Anniversary of Formosa Chemical Spill, Radio Free Asia (RFA), 6 April 2017, CXC9040666018

¹⁰⁴ Vietnam Corruption Report, Global Advice Net, September 2017, CISED50AD7684

¹⁰⁵ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, CIS7B83941599, p.14 -

there is no separation of powers in Vietnam, the legislature, executive and the judiciary are part of the same party-state system.¹⁰⁶

Police

Internal security is the responsibility of the Ministry of Public Security. There are police organisations at the provincial, district and commune (local) levels over which people's committees exercise some authority.¹⁰⁷ There are two core forces: the People's Security Force (An ninh Nhan dan), responsible for national security, and the People's Police Force (Canh sat Nhan dan), which is responsible for social order and public safety.¹⁰⁸ The People's Police force handles traditional police work such as neighbourhood policing, traffic control, household registration, and the issuing of identification cards.¹⁰⁹

Police are effective in maintaining public order but have limited capacity in other areas, especially investigations. While the Ministry of Public Security is responsible for internal security and controls the national police; in practice, provincial and local-level police often maintain significant discretion in their activities.¹¹⁰ People's committees have substantial authority over police forces and prosecutors at the provincial, district and local levels.¹¹¹ Although the Supreme People's Procuracy has authority to investigate security force abuse, police organisations operate with little transparency and limited public oversight.¹¹²

Police officers sometimes act with impunity. Internal police oversight exists but is subject to political influence.¹¹³ Police frequently ill-treat or torture suspects to elicit confessions, which has resulted in deaths in custody,¹¹⁴ while excessive force may also be used in responding to protests over evictions, land confiscation, and other social issues.¹¹⁵ For example, in May 2016, police used excessive force to disperse pro-environment marches in Hanoi and Ho Chi Minh City, with many protestors reporting that they were beaten and detained for hours.¹¹⁶ Police officers rarely face any consequences for even serious transgressions.¹¹⁷ In 2014, then President Truong Tan Sang condemned the practice of torture and forced confessions.¹¹⁸ Since then, it has become a priority reform.¹¹⁹

Judiciary

Vietnamese courts operate under government control. Most judges are members of the Communist Party of Vietnam and are screened by local officials for suitability before appointment.¹²⁰

¹⁰⁶ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, CIS7B83941599, p.12

¹⁰⁷ Public Insecurity: Deaths in Custody and Police Brutality in Vietnam, Human Rights Watch, 16 September 2014, CISA447F082797, p.14

¹⁰⁸ Public Insecurity: Deaths in Custody and Police Brutality in Vietnam, Human Rights Watch, 16 September 2014, CISA447F082797, p.14

¹⁰⁹ Public Insecurity: Deaths in Custody and Police Brutality in Vietnam, Human Rights Watch, 16 September 2014, pp. 5-8 CISA447F082797

¹¹⁰ Country Reports on Human Rights Practices for 2017 – Vietnam, 20 April 2018, OGD95BE927332, pp.6-7

¹¹¹ Country Reports on Human Rights Practices for 2017 – Vietnam, 20 April 2018, OGD95BE927332, p.7

¹¹² Country Reports on Human Rights Practices for 2017 – Vietnam, 20 April 2018, OGD95BE927332, p.7

¹¹³ Country Reports on Human Rights Practices for 2017 – Vietnam, 20 April 2018, OGD95BE927332, p.29

¹¹⁴ 'Human Rights Watch World Report 2018', Human Rights Watch, 18 January 2018, NGE43874C8

¹¹⁵ Human Rights Watch World Report 2016: Events of 2015 – Vietnam, 27 January 2016, NGE43874C8

¹¹⁶ Human Rights Watch World Report 2017 – Events of 2016, Human Rights Watch, 13 January 2017, NG2A465F52, p. 670

¹¹⁷ Public Insecurity: Deaths in Custody and Police Brutality in Vietnam, Human Rights Watch, 16 September 2014, p. 5 CISA447F082797

¹¹⁸ Vietnam's rising repression, New Mandala, 22 September 2015, CXBD6A0DE15741

¹¹⁹ Vietnam's rising repression, New Mandala, 22 September 2015, CXBD6A0DE15741

¹²⁰ Country Reports on Human Rights Practices for 2017 – Vietnam, 20 April 2018, OGD95BE927332, p.11

A 2014 law is designed to provide fair trials and prevent interference, as well as ensuring the presumption of innocence.¹²¹ However, political influence, endemic corruption and inefficiency strongly distort the judicial system and trials of human rights activists consistently fail to meet international standards.¹²²

Access to legal representation is inadequate. There is a shortage of judges and lawyers throughout the country, and as few as 20-30 per cent of defendants can obtain access to legal counsel, including in cases subject to the death penalty.¹²³ Vietnamese law does not expressly state that defendants have the right to call witnesses and defence lawyers may not have enough time to meet with clients.¹²⁴ There are widespread complaints that judges often appear to have made a determination of guilt prior to conducting a trial.¹²⁵

Harassment of human rights lawyers occurs. Lawyers are pressured to refuse religious and political activists as clients, and in some cases defence lawyers of these clients may themselves be arrested, disbarred or detained.¹²⁶ Police are also known to regularly intimidate family members and friends who attend trials of activists.¹²⁷

Corruption

Corruption is widespread throughout the public administration system, despite criminal penalties. Corruption exists in areas such as the police and the military, in business and banking, and in the allocation of land.¹²⁸ Transparency International rated the country 107 of 168 countries in public sector corruption in 2017.¹²⁹ Slight improvements to its rating in two consecutive years reflect anti-corruption efforts, improvement in the anti-corruption legal framework and the prosecution of corruption cases associated with senior officials, although public sector corruption is still perceived as highly serious.¹³⁰

Government leaders acknowledge widespread public discontent with the level of corruption and the extent to which it undermines the efficiency of the state and support for the Communist Party. There have been a number of highly publicised prosecutions of senior public officials in recent years – most recently as part of an ongoing anti-corruption drive led by Communist Party chief Nguyen Phu Trong¹³¹ However, despite these, anti-corruption campaigns are pursued intermittently with varying degrees of seriousness,¹³² and credible sources state they can be as much the result of internal Communist Party rivalries or attempts to maintain the party's image as a genuine

¹²¹ 'Country Reports on Human Rights Practices 2015 – Vietnam', US Department of State, 13 April 2016, Section 1(e), OGD95BE926333

¹²² 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.11; 'Human Rights Watch World Report 2018', Human Rights Watch, 18 January 2018, NGED867A63, p.629

¹²³ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.23

¹²⁴ 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.12

¹²⁵ 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.11

¹²⁶ 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.11

¹²⁷ 'Human Rights Watch World Report 2018', Human Rights Watch, NGED867A63, p.629

¹²⁸ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, CIS7B83941599, pp.7, 20; 'Freedom in the World 2018 – Vietnam', Freedom House, 5 April 2018, NGED867A684

¹²⁹ 'Vietnam's result in the 2017 Corruption Perceptions Index, Towards Transparency, 22 February 2018, CXBB8A1DA34184

¹³⁰ 'Vietnam's result in the 2017 Corruption Perceptions Index, Towards Transparency, 22 February 2018, CXBB8A1DA34184

¹³¹ 'Vietnam to move forward with six high-profile graft cases', VietNamNet Bridge, 4 October 2016, CX6A26A6E13892; 'BTI 2016 – Vietnam Country Report', Bertelsmann Stiftung, 29 February, 2016, CIS38A8012384, p.19; 'Stiff sentences bolster Vietnam's anti-graft drive but questions remains over larger reform', Straits Times, The, 23 January 2018, CXBB8A1DA20684

¹³² 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, CIS7B83941599, p.33

desire to promote transparency in politics and business.¹³³ In May 2017, former Ho Chi Minh City Communist Party boss Politburo member Dinh La Thang was dismissed over allegations of corruption and for violations while he was chairman of PetroVietnam from 2009-11; this was only the third time in 30 years that a Politburo member had been dismissed.¹³⁴ In January 2018, Thang and a former subordinate, Trinh Xuan Thanh, were sentenced respectively to 13 years and two life sentences; Trinh Xuan Thanh after allegedly having been kidnapped by Vietnamese agents from a Berlin park.¹³⁵ In July 2018, a former deputy governor of Vietnam's central bank was jailed for three years for overseeing a dodgy restructuring scheme which lost the state \$600 million.¹³⁶

Gangs and Loan Sharks

Loan sharks charging illegal rates of interest are a widespread problem in Vietnam, but authorities have demonstrated a willingness to tackle their activities. Authorities have had difficulty prosecuting loan sharks for charging illegal rates of interest – above 150% of the base rate set by the State Bank of Vietnam – as these are rarely documented on loan papers.¹³⁷ A lack of resources, legal loopholes and inadequate implementation of laws also remain problems in tackling loan sharks;¹³⁸ however, credible sources assess that individuals targeted for unpaid debts are able to obtain protection from the police, who are active at the provincial, district and local levels and are subject to government authority.¹³⁹ In the recent past authorities in Vietnam, particularly Ho Chi Minh City, have embarked on some high profile crackdowns on gang activity – including gangs involved in loan sharking – that yielded nearly 7,000 arrests in the second half of 2016.¹⁴⁰ In 2016, Vietnam, along with the rest of the Association of Southeast Asian Nations (ASEAN), made financial inclusion one of their top priorities – including the ability of people to access loans and legitimate forms of credit.¹⁴¹ Authorities try to encourage people in need of money to use credible loan sources like the Capital Aid Fund for Employment of the Poor – a non-profit microfinance institution – but the amounts available through these sources can be insufficient.¹⁴²

Organised criminal networks are a continuing problem in Vietnam, but authorities have made increased efforts to tackle them. Credible sources indicate that organised gangs operate a range of illicit operations including loan sharking, illegal gambling, extortion, prostitution and sex-trafficking, people smuggling, the production of counterfeit goods and the production, supply, distribution and

¹³³ 'At Vietnam's biggest corruption trial, some skeptical views', Reuters, 10 January 2018, CXBB8A1DA363; 'Berlin 'kidnapping': Nowhere to run from Vietnam's anti-corruption campaign', Deutsche Welle, 8 January 2018, CXBB8A1DA329; 'Explainer: What's behind Vietnam's corruption crackdown', Reuters, 8 January 2018, CXBB8A1DA278

¹³⁴ Vietnam sacks top official for PetroVietnam 'violation', BBC News, 8 May 2017, CXC9040667473 and Vietnam's Party chief says 'more will come' after high-profile punishment, VNExpress, 13 May 2017, CXC9040667994

¹³⁵ 'Stiff sentences bolster Vietnam's anti-graft drive but questions remains over larger reform', Straits Times, The, 23 January 2018, CXBB8A1DA20684; 'Vietnamese oil executive kidnapped in Berlin gets second life sentence', Deutsche Welle, 5 February 2018, CXBB8A1DA21363

¹³⁶ 'Vietnam jails former central bank governor for three years', Agence France Presse, 2 July 2018, CXBB8A1DA30603

¹³⁷ 'Black credit' besieges workers, students before Lunar New Year, VietNamNet Bridge, 29 January 2016, CX6A26A6E9780

¹³⁸ NA approves delay to Penal Code 2015', Viet Nam News, 1 July 2016 CX6A26A6E12697; Loan sharks feed off poor, naive workers', Viet Nam News, 11 September 2015 CXBD6A0DE18811; Ives, M & Nguyen, N S, 'Vietnam's gamble: Whether or not to legalise betting', Al Jazeera, 27 January 2016 CX6A26A6E13872

¹³⁹ 'Upper Tribunal (Immigration And Asylum Chamber) Appeal Number: AA/08316/2014', Government of the United Kingdom and Northern Ireland, 1 April 2016, CIS38A80124972

¹⁴⁰ 'HCM City cracks down on criminal gangs, thieves', Viet Nam News, 22 October 2016 CX6A26A6E13224; Huy, D, '14 arrested for extorting "protection fee" from sex workers in HCMC', Thanh Nien News, 16 January 2016 CX6A26A6E13879; Cops in Vietnam continue to crack down on gangs of smugglers, robbers', Thanh Nien News, 19 August 2014 CX1B9ECAB12445; 'Vietnamese court sentences six to death for drug trafficking', Voice of Vietnam (VOV News), 7 June 2014 CX322895

¹⁴¹ 'How to scale up financial inclusion in ASEAN countries', The World Bank, 2 March 2016, CIS38A80124973

¹⁴² Loan sharks cleaning up ahead of Tet holiday, VietNamNet Bridge, 16 January 2017, CXC9040669853

import/export of illicit drugs.¹⁴³ These criminal networks are based predominately in the major cities of Ho Chi Minh City and Hanoi as well as in the country's northern provinces.¹⁴⁴ In addition to controlling local operations, some of these organisations also operate internationally and have networks that reach throughout Southeast Asia and beyond.¹⁴⁵ Vietnamese authorities have demonstrated increased efforts to eliminate people trafficking, including enacting penal code amendments, establishing a new task force to increase law enforcement efforts in vulnerable border areas, and initiating an assessment of the implementation of its national action plan by identifying more victims, expanding anti-trafficking training and awareness campaigns for officials, vulnerable communities and law enforcement, but efforts have been impeded by a lack of government coordination.¹⁴⁶ In an attempt to tackle illegal gambling, in 2017 Vietnamese authorities announced plans for a pilot program that would allow citizens over the age of 21 with a monthly income of at least USD\$430 to gamble in casinos.¹⁴⁷

Private Business

The role of the private sector has steadily grown but deterrents to trade and investment still remain. Persistent high levels of corruption along with an opaque legal system, complex foreign investment laws, an underdeveloped financial system and uncertain rights relating to land ownership and usage are the main deterrents.¹⁴⁸

Corruption is a key concern for business and foreign investors, and is seen as a major impediment to further development. Corruption in Vietnam is driven by a low level of transparency, accountability, and media freedom, as well as low pay for government officials and inadequate systems for holding officials accountable for their actions.¹⁴⁹ Companies are likely to experience bribery, political interference and facilitation payments.¹⁵⁰ The practice of giving and receiving bribes is so common that it is understood to be a routine part of doing business.¹⁵¹

The banking sector still struggles with non-performing loans and transparency. In recent years, a number of high-profile banking officials have been arrested and convicted of embezzlement, abuse of power, taking bribes and intentionally violating state regulations on economic management.¹⁵² This has been interpreted by some as a sign of the government's commitment to clean up corruption in the banking sector.¹⁵³ However, others saw the verdicts as evidence of widespread corruption, poor management and oversight in the banking sector'.¹⁵⁴

¹⁴³ 'Vietnamese court sentences six to death for drug trafficking', Voice of Vietnam (VOV News), 7 June 2014 CX322895; DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.9

¹⁴⁴ Vietnam 2015 Crime and Safety Report: Hanoi, 18 February, US Department of State, Bureau of Diplomatic Security, Overseas Security Advisory Council (OSAC) 2015, p.5 CISEC96CF13669; 'Cops in Vietnam continue to crack down on gangs of smugglers, robbers', Thanh Nien News, 19 August 2014 CX1B9ECAB12445

¹⁴⁵ 'Loan sharks feed off poor, naive workers', Viet Nam News, 11 September 2015 CXBD6A0DE18811; 'Southern Vietnamese cut deals with loan sharks at exorbitant rates', Tuoi Tre Online, 23 February 2016 CX6A26A6E9775

¹⁴⁶ 2017 Trafficking in Persons Report – Vietnam, US Department of State, 28 June 2018, p. 454, OGD95BE927701

¹⁴⁷ 'Six arrested in Vietnam over online betting ring', Agence France Presse, 10 July 2018, CXBB8A1DA31217

¹⁴⁸ BTI 2016 – Vietnam Country Report, Bertelsmann Stiftung, 29 February 2016, CIS38A8012384, pp.28-29

¹⁴⁹ Investment Climate Statements – Vietnam, US Department of State, 2016, CX6A26A6E9812

¹⁵⁰ Business Corruption in Vietnam, GAN [Global Advice Net] Integrity Solutions Business Anti-Corruption Portal, 2015, CISEC96CF14407

¹⁵¹ 'Vietnam targets families of public officials in anti-corruption drive', Luong, D, VnExpress, Vietnam, 22 August 2016, CIS38A80122505; Vietnam Corruption Report, Global Advice Net, September 2017, CISED50AD7684

¹⁵² BTI 2016 – Vietnam Country Report', Bertelsmann Stiftung, 29 February 2016, CIS38A8012384, p.19

¹⁵³ BTI 2016 – Vietnam Country Report', Bertelsmann Stiftung, 29 February 2016, CIS38A8012384, p.19

¹⁵⁴ 'BTI 2016 – Vietnam Country Report', Bertelsmann Stiftung, 29 February 2016, CIS38A8012384, p.19

Anti-corruption agencies are often ineffective. A number of anti-corruption offices have been established over the last decade.¹⁵⁵ Anti-corruption efforts are, however, generally localised and have a limited overall impact on corruption.¹⁵⁶ Punitive measures range from fines to capital punishment, depending on the severity of the corruption case.¹⁵⁷ Some prominent party functionaries, government officials, and, more recently, top executives of state conglomerates have been prosecuted.¹⁵⁸ However, this is motivated in large part by the desire for good publicity and patronage continues to be a significant problem.¹⁵⁹

Social infrastructure

Vietnam has experienced rapid economic growth over the past 25 years, transforming itself into a lower middle-income country. Vietnam's GDP per capita growth has been among the fastest in the world since 1990, reaching an average 6.4 per cent a year in the 2000s, and resilient domestic demand and the strength of the country's export-oriented manufacturing means that this is expected to continue into the medium term.¹⁶⁰ Economic growth has been equitable, leading to a dramatic reduction in poverty and improved social outcomes.¹⁶¹ The World Bank reported that in 2016 the national poverty rate was 9.8 per cent.¹⁶² The unemployment rate has averaged 2.3 per cent from 1998 until 2017, with a record low of 1.63 per cent in the second quarter of 2014.¹⁶³ The UNDP's Human Development Index ranked Vietnam 115 out of 189 countries in 2016, placing it in the 'medium human development' category.¹⁶⁴

Vietnam has an expanding if still limited social welfare system, while traditional social roles mean that families provide support for the elderly and sick. Vietnam's social welfare net has expanded in recent years, well beyond the anti-poverty program started in the 1990s.¹⁶⁵ New programs have included assistance of 2.16 million VND (AUD \$119) a year and a free health insurance card for all elderly people from the age of 80 onwards, the provision of assistance to single elderly people with limited incomes and no children; and assistance to disabled people, including victims of Agent Orange.¹⁶⁶ However, inequalities in the provision of social welfare exist.¹⁶⁷ Vietnam's social insurance has also not achieved universal coverage despite a voluntary social insurance policy having been in force since 2008.¹⁶⁸ Poverty gains are fragile, and a significant proportion of the

¹⁵⁵ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, CIS7B83941599, p.33

¹⁵⁶ Investment Climate Statements – Vietnam, US Department of State, 2016, CX6A26A6E9812

¹⁵⁷ Vietnam Corruption Report, Global Advice Net, September 2017, CISED50AD7684

¹⁵⁸ 'Freedom in the World 2018 – Vietnam', Freedom House, 5 April 2018, NGED867A684; 'Stiff sentences bolster Vietnam's anti-graft drive but questions remains over larger reform', Straits Times, The, 23 January 2018, CXBB8A1DA20684; 'Vietnamese oil executive kidnapped in Berlin gets second life sentence', Deutsche Welle, 5 February 2018, CXBB8A1DA21363

¹⁵⁹ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, CIS7B83941599, p.14; 'BTI 2016 – Vietnam Country Report', Bertelsmann Stiftung, 29 February 2016, CIS38A8012384, pp.28-29

¹⁶⁰ 'Vietnam Overview', The World Bank, 13 April 2017, CISED50AD5283

¹⁶¹ 'Vietnam Overview', The World Bank, 13 April 2017, CISED50AD5283

¹⁶² 'Vietnam continues to reduce poverty, according to WB report', The World Bank, 5 April 2018, CXBB8A1DA33743

¹⁶³ 'Vietnam unemployment rate', Trading Economics, 2017, CISED50AD5285

¹⁶⁴ 'Table 1: Human Development Index and its components', UNDP, 21 March 2017, CISED50AD5042

¹⁶⁵ 'Social Relations, Regional Variation, and Economic Inequality in Contemporary Vietnam: A View from Two Vietnamese Rural Communities', Luong, H V in P Taylor (ed), Connected and Disconnected in Viet Nam: Remaking Social Relations in a Post-socialist Nation, Australian National University Press, ACT, Vietnam Series, 2016, CIS38A8012636, p.66

¹⁶⁶ 'Social Relations, Regional Variation, and Economic Inequality in Contemporary Vietnam: A View from Two Vietnamese Rural Communities', Luong, H V in P Taylor (ed), Connected and Disconnected in Viet Nam: Remaking Social Relations in a Post-socialist Nation, Australian National University Press, ACT, Vietnam Series, 2016, CIS38A8012636, p.66

¹⁶⁷ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, CIS7B83941599, p.25

¹⁶⁸ 'Social Welfare in Vietnam: 30 Years in Reform on and Outlook until 2030', Anh, D N, Vietnam Social Sciences Review, 8 July 2016, CIS38A80122817, p.22

population – particularly ethnic minorities – remains vulnerable and lives close to the poverty line.¹⁶⁹ In Vietnam, grown children typically provide care and support to elderly or sick parents.¹⁷⁰

Asylum seekers and returnees

Treatment of failed asylum seekers

Most individuals who depart Vietnam illegally, for the purpose of seeking asylum, are likely to be able to return to Vietnam without facing harm. Information suggests that returnees who have applied for asylum are not treated any differently to other returnees.¹⁷¹ While Article 91 of the Penal Code 1999 prohibits ‘fleeing abroad or defecting to stay overseas with a view to opposing the people’s administration’, there are no reported cases of this provision being used against asylum seekers.¹⁷² The government of Vietnam distinguishes between victims and perpetrators of people smuggling and as such views individuals who paid money to organisers of people smuggling operations as victims of people smuggling, not criminally liable.¹⁷³

Individuals who depart Vietnam illegally may be subject to fines upon return or briefly detained and interviewed. Under Article 21 of the Penal Code 1999 individuals may be fined between VND 2 million and VND 10 million (approximately AUD120-600) for leaving Vietnam without a passport or equivalent, departing without undergoing official exit procedures, or departing using another person’s documents.¹⁷⁴ Individuals may be fined between VND 20 million and VND 50 million (approximately AUD 1,200-3,000) for leaving Vietnam using a false passport.¹⁷⁵ There are also cases of individuals being detained for short periods of time and interviewed for the purpose of people smuggling investigations.¹⁷⁶

Montagnard asylum seekers

Montagnard (ethnic minority) asylum seekers who are returned to Vietnam may face detention, beatings and close monitoring by police. Credible sources report that Vietnam has pressured Cambodia and Thailand to forcibly return Montagnard asylum seekers, and that those returned may have been detained and questioned for up to several days and closely monitored by police.¹⁷⁷ A 2015 submission referred to an individual who ‘was detained by authorities for 12 days after his return and beaten’ and of a group of 36 Montagnards who were held overnight by police and released the next

¹⁶⁹ ‘Countries: Vietnam Overview: Context’, The World Bank, 26 September 2016, CIS38A80122248

¹⁷⁰ ‘Elderly care centres: dutiful to parents or not?’, VietNamNet Bridge, 21 October 2016, CX6A26A6E16960 and ‘Vietnamese Cultural Profile – older people’, Southern Migrant and Refugee Centre, May 2010, CISDCDCAAB2010, p.2

¹⁷¹ DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.24

¹⁷² DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.24

¹⁷³ DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.24

¹⁷⁴ DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.24

¹⁷⁵ DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.24

¹⁷⁶ DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.25

¹⁷⁷ Vietnam 2016 Human Rights Report, US Department of State, 20 April 2018, OGD95BE926901, Section 6, p. 35 OGD95BE927332

day.¹⁷⁸ A group of Montagnards returned from Cambodia in 2017 claimed that they were subject to ongoing surveillance, as well as restrictions on their ability to move freely; forced confessions admitting their error in fleeing Vietnam and filmed for subsequent broadcast on television were also alleged.¹⁷⁹

Suspected people smugglers

Individuals who are suspected of people smuggling activities are likely to be detained and prosecuted on return to Vietnam. Information indicates individuals suspected of people smuggling may be investigated, arrested and held in long-term detention.¹⁸⁰ This is consistent with section 275 of the Penal Code 1999 which seeks to discourage people trafficking.¹⁸¹ It is also consistent with a number of reports from 2016 that detail instances of individuals who have been prosecuted and detained for up to 3 years for organising people smuggling ventures in 2015.¹⁸²

Relocating or leaving the country

Residence laws are applied inconsistently by local police. Under the Vietnamese Constitution, all citizens, including migrants, have equal rights, including freedom of movement and residence.¹⁸³ However residency laws are not applied consistently, due to lack of guidance and differing interpretations of the law, which causes confusion.¹⁸⁴ A 2013 law explicitly recognises the right of local authorities to set their own policies regarding registration, and some cities have tightened the requirements for obtaining permanent status.¹⁸⁵

Internal relocation in Vietnam is closely monitored by authorities. While relocation is common in Vietnam, with large scale urbanisation occurring in recent decades, under the Household Registration System local police in Vietnam often require citizens to register when staying in or moving to any location outside of their own homes.¹⁸⁶ Moving without permission can hamper individuals seeking legal residence permits, public education, and health-care benefits.¹⁸⁷ Due to the level of official scrutiny and monitoring in Vietnam, there are few options for people wishing to relocate internally in order to seek protection from state authorities.¹⁸⁸

¹⁷⁸ 'Submission to the Department of Foreign Affairs and Trade: Australia - Viet Nam Human Rights Dialogue Civil Society Consultation', Amnesty International, 31 July 2015, CISEC96CF13142, p.7

¹⁷⁹ Returned Montagnards facing intimidation, spying in Vietnam, Cambodia Daily, 3 May 2017 CXC9040666726; Cambodia. Protect Montagnards refugees, Human Rights Watch, 12 September 2017, CXC904066621215

¹⁸⁰ DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.24

¹⁸¹ 'Vietnamese asylum seekers forcibly returned by Australia face jail', The Guardian, 24 May 2016, CX6A26A6E4619; Vietnam: Drop Charges Against Boat Returnees, Human Rights Watch 2016, 24 May 2016, CX6A26A6E12344

¹⁸² 'Vietnamese asylum seekers forcibly returned by Australia face jail', The Guardian, 24 May 2016, CX6A26A6E4619; Vietnam: Drop Charges Against Boat Returnees, Human Rights Watch 2016, 24 May 2016, CX6A26A6E12344; 'Vietnam jails four asylum seekers returned by Australia', *Reuters*, 27 May 2016, CX6A26A6E4618

¹⁸³ Vietnam 2016 Human Rights Report, US Department of State, 3 March 2017, OGD95BE926901, Section 2

¹⁸⁴ Migration, Resettlement and Climate Change in Viet Nam, United Nations Viet Nam, March 2014, pp.13-14, CISA447F083168

¹⁸⁵ Vietnam's Household Registration System, World Bank Group & Vietnam Academy of Social Sciences, June 2016, CIS38A80121252

¹⁸⁶ DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.24

¹⁸⁷ Vietnam 2016 Human Rights Report, US Department of State, 3 March 2017, OGD95BE926901, Section 2

¹⁸⁸ DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.24

Movement across Vietnam's borders is closely monitored and broad limitations have been placed upon the right to freedom of movement. The Immigration Department of the Ministry of Public Security (MPS) is responsible for identifying and recording travellers who pass through international airports, including Vietnamese nationals.¹⁸⁹ The MPS has total discretion to prohibit Vietnamese citizens from leaving or entering the country on the grounds of "safeguarding national security and social order and safety".¹⁹⁰ The Vietnamese government has also imposed limitations on the movement of some activists and religious leaders, including those outspoken in their criticism of the government and political dissidents amnestied with probation or under house arrest.¹⁹¹ Dozens of individuals have been prevented from traveling overseas or entering the country, had their passports withheld on vague charges or have been refused a passport without clear explanation.¹⁹² Vietnamese authorities have also routinely physically prevented political activists and family members of political prisoners from meeting with foreign diplomats or from traveling abroad.¹⁹³

¹⁸⁹ Review of Vietnamese Migration Abroad, Consular Department – Ministry of Foreign Affairs of Vietnam, May 2012, p.11, CIS961F9402609

¹⁹⁰ Q & A on the Right to Freedom of Movement in Vietnam, Civil Rights Defenders, 14 September 2015, pp.2 & 4 CISEC96CF15116

¹⁹¹ Country Reports on Human Rights Practices for 2017 – Vietnam, 20 April 2018, OGD95BE927332, pp.24-25

¹⁹² Country Reports on Human Rights Practices for 2017 – Vietnam, 20 April 2018, OGD95BE927332, p.25

¹⁹³ Vietnam 2016 Human Rights Report, US Department of State, 3 March 2017, OGD95BE926901, Section 1; 'Vietnam blocks Catholic priest, sister of labor activist from leaving abroad', Vietnam Human Rights Defenders, 27 June 2017 CXC9040669873; Country Reports on Human Rights Practices for 2017 – Vietnam, 20 April 2018, OGD95BE927332, p.25, 9



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Religion

The degree to which Vietnamese people have the ability to practice their faith freely and without fear, harassment, detention or violence widely varies. Religious freedoms in Vietnam remain restricted and all religious groups and most individual clergy members are required to join a party-controlled supervisory body and obtain permission for most activities.¹ There are 38 religious organisations and one dharma practice recognised in Vietnam, which are affiliated with 15 distinct religious traditions as defined by the government.² These are Buddhism, Islam, Baha'i, Catholicism, Protestantism, Mormonism, Hoa Hao Buddhism, Cao Dai, Buu Son Ky Huong, Tinh Do Cu Si Phat Hoi, Tu An Hieu Nghia, Phat Duong Nam Tong Minh Su Dao, Minh Ly Dao Tam Tong Mieu, Khmer Brahmanism and Hieu Nghia Ta Lon Buddhism.³ On 1 January 2018, a new Law on Belief and Religion came into effect which critics claim allows increased intrusion into freedom of religion or belief.⁴

Treatment of religious groups

Reports of repression, violence and harassment of religious activities outside state-approved religious groups are common. The Vietnamese government continues to closely monitor and disrupt the activities of unrecognised branches of various religious groups, sometimes violently.⁵ According to many Catholic bishops, congregations in remote areas with majority ethnic minority populations face difficulty registering for government recognition, uneven and inconsistent enforcement of national laws, and a lack of accountability on the part of provincial authorities.⁶ Ethnic minority members of independent Christian religious groups have been compelled to publicly denounce their faith,⁷ while in April 2017 the People's Court of Gia Lai province sentenced at least five ethnic minority people to 8 to 10 years in prison for their participation in independent religious groups.⁸ Catholic leaders state that the most problematic regions are in the Central Highlands (Gia Lai, Dak Lak, Dak Nong, Kon Tum, and Lam Dong provinces), the Northwest Highlands, and Hoa Binh province.⁹ Reports of harassment from authorities include physical assault, arrest, prosecution, monitoring, travel restrictions, property seizure, and denial of registration,¹⁰ although credible sources claim that more serious acts of violence are generally related to activities such as protesting against land confiscation and anti-government activities, rather than due to a person's religion.¹¹ Members of unregistered Hoa Hao, Cao Dai and other groups also face regular arrests and harassment from local and provincial authorities.¹²

¹ 'Freedom in the World 2018 – Vietnam', Freedom House, 5 April 2018, NGED867A684

² 'International Religious Freedom Report for 2017 – Vietnam', US Department of State, 29 May 2018, OGD95BE927542, p.4

³ 'International Religious Freedom Report for 2017 – Vietnam', US Department of State, 29 May 2018, OGD95BE927542, p.4

⁴ 'United States Commission on International Religious Freedom Annual Report 2018', US Commission on International Religious Freedom, 25 April 2018, CIS7B83941863, p.126

⁵ 'Human Rights Watch World Report 2018', Human Rights Watch, 18 January 2018, NGED867A63, pp.628-629

⁶ 'International Religious Freedom Report for 2017 – Vietnam', US Department of State, 29 May 2018, OGD95BE927542, pp.20-21

⁷ 'Human Rights Watch World Report 2018', Human Rights Watch, 18 January 2018, NGED867A63, p.629

⁸ 'Human Rights Watch World Report 2018', Human Rights Watch, 18 January 2018, NGED867A63, p.629

⁹ 'International Religious Freedom Report for 2017 – Vietnam', US Department of State, 29 May 2018, OGD95BE927542, p.21

¹⁰ 'International Religious Freedom Report for 2017 – Vietnam', US Department of State, 29 May 2018, OGD95BE927542, p.1

¹¹ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.13

¹² 'Freedom in the World 2018 – Vietnam', Freedom House, 5 April 2018, NGED867A684

The Vietnamese government closely controls and monitors the activities of Catholics and other Christians. While the Vatican is permitted to select its own bishops and priests, these must be approved by the authorities.¹³ There are restrictions on the numbers of students permitted to enrol in Catholic and also in Protestant seminaries, which church leaders say are inadequate to meet demand.¹⁴ According to a 2018 report, Christians have, as a rule, always been denied membership in the party, the state bureaucracy and the security forces, and have not been appointed to leadership positions in schools and universities.¹⁵

Recognised religious groups in Vietnam who worship quietly and conform to government policies have a low risk of official interference. The situation for Catholics has continued to improve in recent years, especially in Hanoi and Ho Chi Minh City, although there are still constraints relating to the registration of new churches.¹⁶ Catholic groups – along with Protestants, Muslims, Baha'i and Buddhist groups – are now allowed to provide religious education to adherents.¹⁷ In September 2016, the Catholic Institute of Vietnam opened in Ho Chi Minh City, becoming the country's first-ever university-level institute of theology.¹⁸ According to a report from the UN Special Rapporteur on freedom of religion or belief, the relationship between Vietnam and the Vatican has improved markedly in recent years.¹⁹ In May 2016, the Vietnamese government granted recognition to the Church of Jesus Christ of Latter-day Saints, while the Popular Council of the Independent Cao Dai Church has also reported declining government repression.²⁰ Jehovah's Witnesses also report that the Vietnamese government has granted registration and recognition certificates to many of its congregations and local groups, enabling adherents to worship freely.²¹

Particular social groups

Women

Domestic violence against women in Vietnam is common. Exact statistics are difficult to obtain due to victims' frequent reluctance to approach authorities,²² but according to a 2015 NGO survey, 59 per cent of married women had suffered physical or sexual abuse at least once in their lives, typically from a male partner or member of the family.²³ Domestic violence against women is most prevalent in rural areas where a range of circumstances exist, such as economic difficulties, family conflicts,

¹³ 'Freedom in the World 2016 – Vietnam', Freedom in the World 2017 - Vietnam Freedom House, 4 September 2017, NG2A465F593

¹⁴ 'International Religious Freedom Report for 2017 – Vietnam', US Department of State, 29 May 2018, OGD95BE927542, p.23

¹⁵ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, CIS7B83941599, pp.8-9

¹⁶ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.12

¹⁷ 'International Religious Freedom Report for 2017 – Vietnam', US Department of State, 29 May 2018, OGD95BE927542, p.23

¹⁸ '2017 Annual Report', US Commission on International Religious Freedom, April 2017, CISED50AD3969, p.116

¹⁹ 'Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt – Addendum: Mission to Viet Nam (21 to 31 July 2014)', UN Human Rights Council, 30 January 2015, p.13, CISEC96CF13238

²⁰ '2017 Annual Report', US Commission on International Religious Freedom, April 2017, CISED50AD3969, p.116

²¹ 'United States Commission on International Religious Freedom Annual Report 2018', US Commission on International Religious Freedom, 25 April 2018, CIS7B83941863, p.124

²² 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.17

²³ 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.30

addictive illness and a lack of understanding among women of their rights.²⁴ Wives rarely denounce their husbands for domestic violence due to a cumbersome legal process, societal traditions and concerns about economic uncertainty, and credible sources say that few reported cases of domestic violence are criminally investigated.²⁵

Domestic violence is criminalised in Vietnam, and there are avenues of redress available to victims. Vietnamese law criminalises rape – including spousal rape – and prohibits violence or threats against women.²⁶ Rapists are subject to prison terms of up to seven years', or up to 15 years in severe cases, including organised rape, a repeat offence, or where extreme harm is suffered by the victim.²⁷ Authorities prosecute rape cases but do not release arrest, prosecution, conviction, or punishment statistics.²⁸ Vietnamese law also outlines acts that constitute domestic violence and stipulates punishments, ranging from warnings and probation to imprisonment.²⁹ However, authorities treat domestic violence cases as civil cases unless the victim suffers injuries to more than 11 per cent of their body.³⁰ Police generally seek to initiate a process of reconciliation between the victim and perpetrator for less serious cases of domestic violence,³¹ which credible sources indicate favours men over women and can leave a victim without access to effective legal remedy,³² but victims and the police can initiate a criminal investigation into more serious incidents.³³ Authorities, with the help of international and local non-government organisations, train police, lawyers, community advocates and legal system officials in laws related to domestic violence.³⁴ Victims, or a representative of a victim, are required to lodge a written complaint to the police to initiate proceedings.³⁵

Support services

The Vietnamese government and NGOs provide support services to address domestic violence. These include crisis centres, hotlines, and 300 "reliable residences" which enable women to seek assistance from another family while local authorities and community leaders attempt to confront the perpetrator to resolve the complaint.³⁶ Domestic violence rapid response teams have been established with the support of the United Nations,³⁷ while judicial officers and legal aid centres are

²⁴ 'Consideration of reports submitted by States parties under article 18 of the Convention: Seventh and eighth periodic reports of States parties due in 2011: Viet Nam', UN Committee on the Elimination of Discrimination against Women, 13 December 2014, pp.67-68, CIS2F827D91319

²⁵ 'Violations of the Rights of Women in the Socialist Republic of Vietnam: Alternative Report to the Committee on the Elimination of Discrimination against Women (CEDAW) on the combined seventh and eighth periodic reports of Vietnam', Vietnam Committee on Human Rights (VCHR) & International Federation for Human Rights (FIDH), June 2015, CISEC96CF14832, p.8; 'Access to Justice in the Plural Legal System in Viet Nam: A Case Study of Women Domestic Violence Survivors', UN Women, 2015, CISEC96CF15250, para.3, p.64;

²⁶ 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.30

²⁷ 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.30

²⁸ 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.30

²⁹ 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.30

³⁰ 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.30

³¹ 'Assessment of the situation of women in the criminal justice system in Viet Nam. In support of the Government's efforts towards Effective Gender Equality in the Criminal Justice System', United Nations Office on Drugs and Crime, July 2013, CIS36DE0BB2142, p.19

³² 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.17

³³ 'Assessment of the situation of women in the criminal justice system in Viet Nam. In support of the Government's efforts towards Effective Gender Equality in the Criminal Justice System', United Nations Office on Drugs and Crime, July 2013, CIS36DE0BB2142, p. 19

³⁴ 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.30

³⁵ 'Assessment of the situation of women in the criminal justice system in Viet Nam. In support of the Government's efforts towards Effective Gender Equality in the Criminal Justice System', United Nations Office on Drugs and Crime, July 2013, CIS36DE0BB2142, pp.18-19

³⁶ 'Vietnam 2016 Human Rights Report', US Department of State, 3 March 2017, OGD95BE926901, Section 6

³⁷ 'Viet Nam establishes Rapid Response Forces against domestic violence', United Nations Office on Drugs and Crime, 1 January 2015, CXBD6A0DE19214

available to victims.³⁸ By 2013, Vietnam had developed 10 shelters nationwide that provide women and girls with access to health-care services, counselling, education, vocational and life skills training.³⁹ The Center for Women and Development, supported by the Women's Union, operates a nationwide domestic violence hotline, but this is not widely advertised in rural areas.⁴⁰ The Center also runs a shelter in Hanoi, 'Peace House'; the shelter provides children and women who are affected by domestic violence with counselling services, vocational training, and social programs.⁴¹ Authorities, with the help of international and local non-government organisations, continue to support workshops and seminars that aim to educate women and men about domestic violence and women's rights, as well as seeking to highlight the problem through public awareness campaigns.⁴²

Forced/early marriage

Forcing or entering into marriage with an underage person is prohibited in Vietnam. The legal minimum age of marriage is 18 for girls and 20 for boys.⁴³ Punishments for arranging early marriages range from administrative sanctions to prison terms of between three months and two years.⁴⁴

LGBTI

Discrimination against LGBTI people remains widespread in Vietnamese society, despite increased government tolerance. Although there are no laws to prohibit discrimination on the basis of sexual orientation or gender identity in Vietnam,⁴⁵ consensual same-sex sexual conduct is not criminalised.⁴⁶ Although the government still does not officially recognise same-sex marriage, in 2015 Vietnam repealed a ban on such unions.⁴⁷ A revised civil code also contains new provisions legalising transgender rights – including the right to change their sex, access health care and change their gender identity on official documents if they have undergone sex re-assignment surgery.⁴⁸ Despite this, societal discrimination and stigma against LGBTI people remains widespread and is worst towards transgender people.⁴⁹ Discrimination is most pervasive in schools, health care and the work place, although it also occurs within some families.⁵⁰ Violence against LGBTI people is much less

³⁸ 'Access to Justice in the Plural Legal System in Viet Nam: A Case Study of Women Domestic Violence Survivors', UN Women, 2015, CISEC96CF15250, p.57-58

³⁹ 'Consideration of reports submitted by States parties under article 18 of the Convention: Seventh and eighth periodic reports of States parties due in 2011: Viet Nam', UN Committee on the Elimination of Discrimination against Women, 13 December 2014, pp.67-68, CIS2F827D91319

⁴⁰ 'Vietnam 2016 Human Rights Report', US Department of State, 3 March 2017, OGD95BE926901, Section 6

⁴¹ 'Third periodic report submitted by Vietnam under article 40 of the Covenant', United Nations Human Rights Office of the High Commissioner, 9 January 2018, CIS7B839419944; 'Social activities of the Center for Women and Development', Center for Women and Development, n.d, [Accessed 16 October 2018], CIS7B839419862

⁴² 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.30

⁴³ 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.32

⁴⁴ 'Country Reports on Human Rights Practices 2015 – Vietnam', US Department of State, 13 April 2016, OGD95BE926333, Section 6

⁴⁵ 'Freedom in the World 2018 – Vietnam', Freedom House, 5 April 2018, NGED867A684

⁴⁶ 'Freedom in the World 2017 – Vietnam', Freedom House, 4 September 2017, NG2A465F593

⁴⁷ 'Freedom in the World 2018 – Vietnam', Freedom House, 5 April 2018, NGED867A684

⁴⁸ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.17

⁴⁹ 'Freedom in the World 2018 – Vietnam', Freedom House, 5 April 2018, NGED867A684; 'Is it because I am LGBT?' Discrimination based on sexual orientation in Viet Nam', UNDP, 21 June 2016, CIS38A80124354, p.14; Transgender at work. Livelihoods for transgender people in Vietnam, Hoang T-A and Oosterhoff, P, Institute of Development Studies, February 2016, eg. pp. 4, 15, CIS38A80128087

⁵⁰ 'Being LGBT in Asia – Vietnam country report', USAID & UNDP, August 2014, CX324893, pp.27-31; 'Is it because I am LGBT?' Discrimination based on sexual orientation in Viet Nam', UNDP, 21 June 2016, CIS38A80124354, p.14

common than other forms of discrimination, such as verbal insults and online abuse,⁵¹ and a 2016 report said that, unlike other countries, violence is mainly perpetrated by acquaintances rather than strangers.⁵² LGBTI people often choose not to report incidents of discrimination or violence to police because they perceive it as commonplace, do not believe it will be adequately resolved or fear embarrassment.⁵³

Vietnam increasingly accepts the rights of LGBTI people. Numerous civil society organisations advocating for LGBTI rights have emerged in recent years.⁵⁴ While places to meet on a day-to-day basis remain limited it is also known that many Vietnamese LGBTI people remain discreet in expressing their sexuality,⁵⁵ Vietnam's first gay pride rally took place in 2012,⁵⁶ and has become an annual event each August.⁵⁷ Nearly 2,000 individuals participated in a pride parade in Ho Chi Minh City in September 2017, while other pride celebrations were held in 35 cities and provinces.⁵⁸ Mainstream Vietnamese media – which is controlled by the government – increasingly promotes the view that being gay is normal.⁵⁹ While Vietnam does not have a 'gay scene' in major cities, young LGBTI people frequently connect through social media platforms such as Facebook groups and blogs.⁶⁰

Political Opinion

Membership of the Vietnamese Communist Party (CPV) remains beneficial for career advancement and to maximise other social and economic opportunities, but is no longer essential for success. Vietnam is a single-party, authoritarian regime.⁶¹ Party membership remains a prerequisite to career advancement for nearly all government and government-linked organisations and businesses.⁶² Recent economic reforms have provided greater opportunities for non-CPV members, and increasingly young Vietnamese no longer see membership of the party as key to economic and social success, particularly with the increasing availability and attractiveness of careers in the private sector.⁶³ The CPV continues to deny membership to individuals whose parents – or the parents of their spouse – worked for the former South Vietnamese regime.⁶⁴ However, according to

⁵¹ "Is it because I am LGBT?" Discrimination based on sexual orientation in Viet Nam, UNDP, 21 June 2016, CIS38A80124354, p.18

⁵² "Is it because I am LGBT?" Discrimination based on sexual orientation in Viet Nam, UNDP, 21 June 2016, CIS38A80124354, p.18

⁵³ "Is it because I am LGBT?" Discrimination based on sexual orientation in Viet Nam, UNDP, 21 June 2016, CIS38A80124354, p.97

⁵⁴ Being LGBT in Asia – Vietnam country report, USAID & UNDP, August 2014, CX324893, p.21

⁵⁵ Gay Vietnam, Travel Gay Asia, n.d., (accessed 3 July 2017), CISED50AD4725; Gay Hanoi, Travel Gay Asia, n.d., (accessed 3 July 2017), CISED50AD4726; Travel & Resources: HO CHI MINH CITY – SAIGON, Utopia, n.d. (accessed 3 July 2017), CISED50AD4728

⁵⁶ DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, pp.17-18

⁵⁷ DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, pp.17-18; Love in the air at gay pride parade in Ho Chi Minh City, Tuoi Tre Online, 25 September 2017, CXC90406620464

⁵⁸ Love in the air at gay pride parade in Ho Chi Minh City, Tuoi Tre Online, 25 September 2017, CXC90406620464

⁵⁹ Gay Vietnam, Travel Gay Asia, n.d., (accessed 3 July 2017), CISED50AD4725

⁶⁰ DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.18

⁶¹ Country Reports on Human Rights Practices for 2017 – Vietnam, 20 April 2018, OGD95BE927332, p.1

⁶² Country Reports on Human Rights Practices for 2017 – Vietnam, 20 April 2018, OGD95BE927332, p.15

⁶³ Vietnam's Divide: Slow Healing, Fewer Prospects for Children of U.S. Allies, Bloomberg, 24 December 2015, CXBD6A0DE19603; As Vietnam booms, Communist Party struggles to keep up, Reuters, 17 January 2011, CXCB3E63421361 and Country Reports on Human Rights Practices for 2017 – Vietnam, 20 April 2018, OGD95BE927332, p.15

⁶⁴ Vietnam's Divide: Slow Healing, Fewer Prospects for Children of U.S. Allies, Bloomberg, 24 December 2015, CXBD6A0DE19603

credible sources, Vietnamese with ties to the former South Vietnamese regime can now gain some positions in government and state-owned enterprises, but generally cannot hold top positions.⁶⁵

Re-education camps

While “re-education camps” ceased operation in Vietnam in the 1990s, mechanisms still remain for detaining and silencing political dissidents. These include house arrest, administrative detention or prison sentences, along with the regular movement of dissidents throughout the detention network to isolate them from family and support networks and other detainees.⁶⁶

Freedom of expression

The Vietnamese government suppresses political expression and protest. Authorities have used a number of laws to curb dissent, such as articles 79, 88 and 258 of the Penal Code – all of which take precedence over constitutionally enshrined rights.⁶⁷ Individuals convicted under these acts can face penalties ranging from prison sentences of between six months and 20 years; to life imprisonment or capital punishment.⁶⁸ Activists claimed in February 2018 that more than 170 people are currently in prison after having been convicted of offences such as attempting to overthrow the government, conducting anti-state campaigns and ‘abusing democratic freedom to infringe the state’s interests’.⁶⁹ University authorities have been told by the Ministry of Public Security to expel activists from their universities;⁷⁰ while there have been reports that university students who participated in human rights advocacy have been prevented from graduating.⁷¹

The government prevents the exit and entry of individuals who openly express anti-government views. Several individuals considered to be political dissidents or activists, or their family members, have been prevented from leaving or returning to Vietnam, or have had passports confiscated or withheld on often vague or unexplained grounds.⁷² In May 2017, police stopped Polish-Vietnamese activist Phan Chau Thanh from entering Vietnam, while in June 2017, stopped former political prisoner Do Thi Minh Hanh from leaving for Austria to visit her ill mother.⁷³ The same month, Vietnamese authorities stripped former political prisoner Pham Minh Hoang of his citizenship and deported him to France.⁷⁴

⁶⁵ ‘Vietnam’s Divide: Slow Healing, Fewer Prospects for Children of U.S. Allies’, Bloomberg, 24 December 2015, CXBD6A0DE19603

⁶⁶ ‘Vietnam: The Silencing of Dissent’, Vol. 12, No. 1(c), Human Rights Watch May, 2000, p.5 (sourced from UNHCR Refworld) CIS12687; Country Reports on Human Rights Practices 2015 - Vietnam, US Department of State, 13 April 2016, Section 1(e) OGD95BE926333

⁶⁷ Country Reports on Human Rights Practices 2015 - Vietnam, US Department of State, 13 April 2016, Section 1(e) OGD95BE926333; Country Reports on Human Rights Practices for 2017 – Vietnam, 20 April 2018, OGD95BE927332, p.6; DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.14

⁶⁸ DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.14

⁶⁹ Vietnam: Activists Demand Release of Jailed Dissidents, Eurasia Review, 12 February 2018, CXBB8A1DA22004

⁷⁰ Country Reports on Human Rights Practices 2015 - Vietnam, US Department of State, 13 April 2016, Section 2a OGD95BE926333

⁷¹ Freedom in the World 2018 – Vietnam, Freedom House, 5 April 2018, NGED867A684

⁷² Country Reports on Human Rights Practices for 2017 – Vietnam, 20 April 2018, OGD95BE927332, p.25; DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.24

⁷³ Country Policy and Information Note – Vietnam: Opposition to the State, UK Home Office, September 2018, CIS7B839419727, p.17

⁷⁴ Human Rights Watch World Report 2018, Human Rights Watch, 18 January 2018, NGED867A63, p.628

Protests

Public protests and gatherings are monitored or restricted. Permits are required from local authorities for demonstrations or gatherings, which can be arbitrarily denied without explanation.⁷⁵ Only those arranging publicised gatherings to discuss sensitive matters appear to require permits.⁷⁶ Despite legal restrictions and threats of crackdown by the police, Vietnamese citizens continue to express their views through numerous protests.⁷⁷

Activist groups seeking to exercise their freedom of expression or association may experience harassment, surveillance, restrictions on their movement, short-term detention and physical attack. Attacks on rights campaigners have taken place in many regions of Vietnam.⁷⁸ A June 2017 report highlighted 36 incidents in which men in civilian clothes attacked activists between January 2015 and April 2017, often resulting in serious injuries.⁷⁹ Credible sources state that the use of these plain-clothes 'thugs', many of whom likely work for a government security agency, rose in 2017 and has in some instances allowed the government to be seen to be removed from committing acts of violence.⁸⁰

Anti-government protests

Anti-government protests are not tolerated by authorities. Individuals and groups who protest against the Government or openly criticise the Communist Party are likely to attract adverse attention from authorities, experience police intimidation or harassment, or see their protests shut down,⁸¹ sometimes with the use of physical force.⁸² In June 2018, there was a string of large demonstrations across Vietnam in protest against a new cybersecurity law and a draft law on special economic zones.⁸³ Authorities have responded by arresting and imprisoning some of those involved. For example, in July 2018 a court in southern Vietnam jailed 15 individuals for their involvement in protest activity,⁸⁴ while days earlier 10 people received prison terms of up to three-and-a-half years in central Binh Thuan province.⁸⁵ Individual petitioners seeking government action in relation to their land use rights have also been attacked or jailed.⁸⁶

⁷⁵ 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.22

⁷⁶ 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.22

⁷⁷ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, CIS7B83941599, p.12

⁷⁸ 'No Country for Human Rights Activists: Assaults on Bloggers and Democracy Campaigners in Vietnam', Human Rights Watch, 18 June 2017, CISED50AD4751, p.2

⁷⁹ 'No Country for Human Rights Activists: Assaults on Bloggers and Democracy Campaigners in Vietnam', Human Rights Watch, 18 June 2017, CISED50AD4751, p.2

⁸⁰ 'United States Commission on International Religious Freedom Annual Report 2018', US Commission on International Religious Freedom, 25 April 2018, CIS7B83941863, p.123

⁸¹ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.16

⁸² 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.24

⁸³ 'Vietnam: a month of mass protests', Lowy Interpreter (The Interpreter), 27 June 2018, CXBB8A1DA30346

⁸⁴ 'Vietnamese court imprisons peaceful demonstrators', UCA News (UCAN), 1 August 2018, CXBB8A1DA32816

⁸⁵ 'Vietnam jails 10 more for protests over economic zones', Reuters, 23 July 2018, CXBB8A1DA32143

⁸⁶ 'Vietnam jails activist a second time for "public disorder"', Reuters, 20 September 2016 CX6A26A6E11373; 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.22; Freedom in the World 2017 – Vietnam, Freedom House, 4 September 2017, NG2A465F593; 'Vietnamese Land-Rights Petitioner Receives 18-Month Prison Term', Radio Free Asia, 29 September 2015, CXBD6A0DE15108

Online protests

Vietnamese authorities have jailed a number of well-known bloggers in an attempt to curb online criticism of the government. In 2017, authorities arrested at least 21 rights bloggers and activists for exercising their civil and political rights in a way the government perceived threatened national security,⁸⁷ while at least another 10 people were sentenced to between five to 10 years in prison for similar offences.⁸⁸ In June 2017, a court in Khanh Hoa sentenced prominent blogger Nguyen Ngoc Nhu Quynh (also known as Mother Mushroom) to 10 years in prison for the publication of critical online posts and documents.⁸⁹ She was released on 17 October 2018 with the remainder of her 10 year prison sentence as reportedly suspended. Following her release Nguyen Ngoc Nhu Quynh went into exile to the United States with her family.⁹⁰ In February 2018 another high-profile blogger, Ho Van Hai, received a four year prison sentence for posts highlighting the faults of Vietnam's Communist government.⁹¹ In 2017, authorities arrested and convicted Thai Nguyen University student Phan Kim Khanh for 'conducting antistate propaganda' for blog posts deemed critical of the government; he received six years in prison and four years' probation.⁹²

Vietnam has established a new 10,000 person cyber unit to tackle dissident views online, while the National Assembly passed a new cyber security law in June 2018. Critics claim the new law gives authorities wide discretion to determine when online expression must be censored and therefore could facilitate further suppression of freedom of speech.⁹³ Under the law, which will take effect in January 2019, service providers will be required to take down offending content within 24 hours, while internet companies will be required to disclose user data to authorities.⁹⁴ In July 2018, nearly two dozen members of the U.S. Congress reportedly wrote to the heads of Facebook and Google urging them not to comply with the law which they said is in violation of international human rights standards.⁹⁵

Despite online censorship, Vietnam applies fewer controls on the Internet than neighbouring China. Social media platforms such as Facebook are widely used, with some 52 million accounts out of a population of about 96 million.⁹⁶ The government has also, for the most part, not shut down other popular forms of online communication such as Twitter and Gmail and does not block the websites of major international media such as *The New York Times*.⁹⁷ Vietnamese authorities can be responsive to online opinion; in February 2018 Danang authorities rescinded guidelines requiring the local press to obtain official approval before publishing content following a social media backlash.⁹⁸

⁸⁷ 'Human Rights Watch World Report 2018', Human Rights Watch, 18 January 2018, NGED867A63, p.625

⁸⁸ 'Human Rights Watch World Report 2018', Human Rights Watch, 18 January 2018, NGED867A63, p.625

⁸⁹ 'Human Rights Watch World Report 2018', Human Rights Watch, 18 January 2018, NGED867A63, p.627

⁹⁰ 'Vietnamese Blogger Mother Mushroom Released, Exiled to US', 17 October 2018, CXBB8A1DA36966

⁹¹ 'Vietnam hands blogger Ho Van Hai four-year Jail term for anti-state propaganda', Radio Free Asia, 1 February 2018, CXBB8A1DA21206

⁹² 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.20

⁹³ 'Submission to the Universal Periodic Review of Vietnam', Human Rights Watch, 13 July 2018, CXBB8A1DA31726

⁹⁴ 'Submission to the Universal Periodic Review of Vietnam', Human Rights Watch, 13 July 2018, CXBB8A1DA31726; 'Vietnam's New Cyber Law Could Hobble Foreign Investors and Limit Basic Freedoms', Centre for Strategic and International Studies (CSIS), 2 July 2018, CXBB8A1DA30601

⁹⁵ 'US Lawmakers urge non-compliance with Cybersecurity Law article', Radio Free Asia, 17 July 2018, CXBB8A1DA37007

⁹⁶ 'Vietnam's New Cyber Law Could Hobble Foreign Investors and Limit Basic Freedoms', Centre for Strategic and International Studies (CSIS), 2 July 2018, CXBB8A1DA30601

⁹⁷ 'Vietnam's New Cyber Law Could Hobble Foreign Investors and Limit Basic Freedoms', Centre for Strategic and International Studies (CSIS), 2 July 2018, CXBB8A1DA30601

⁹⁸ 'Vietnamese City Rescinds Directive Curtailing Press Freedom', Voice of America (VOA), 10 February 2018, CXBB8A1DA22006

Environmental Protests: Formosa Ha Tinh Steel Corp Toxic Spill

Local communities protesting about the Formosa Ha Tinh Steel Corporation chemical spill have been accused of deliberately stirring anti-government sentiment. Formosa Steel, the Taiwanese company responsible for the April 2016 spill, in which chemicals leaked into the South China Sea, decimating fish stocks and devastating fishing communities along Vietnam's central coast, agreed to pay \$500 million in damages.⁹⁹ The disaster has provoked large protests against both the company and the government in part due to the heavy impact on the livelihoods of the affected communities.¹⁰⁰ Attempts by fishermen to sue Formosa in a provincial court were thrown out.¹⁰¹

Authorities have generally not arrested or used unreasonable force against protesters. Large protests demanding the Formosa Ha Tinh Steel Corporation be closed and further compensation provided to assist with the clean-up have generally not resulted in injuries or arrests by state actors.¹⁰² However, the government has reportedly cracked down on human rights activists connected to a new civil society organisation, The Alliance of Self-Determined People,¹⁰³ while on 6 February 2018, a Vietnamese court sentenced two other activists to prison terms of 14 years and two years respectively for protesting against Formosa.¹⁰⁴ Some supporters of the pair who attended the court building were beaten and detained in a police station until the trial ended at midday.¹⁰⁵ On 6 April 2017, hundreds of Catholic protesters marked the one-year anniversary of the waste spill on the streets and beaches of Vinh diocese, and carried black flags with anti-Formosa slogans on them.¹⁰⁶

State Protection

Institutions providing state protection are prone to corruption, although the Vietnamese government has introduced some reforms. The Law on Anti-Corruption criminalises corrupt practices by public officials,¹⁰⁷ and successful prosecutions of corrupt officials have occurred.¹⁰⁸ As there is no separation of powers in Vietnam, the legislature, executive and the judiciary are part of the same party-state system.¹⁰⁹

⁹⁹ 'Outrage over fish kill in Vietnam simmers 6 months later', The New York Times, 3 October 2016
CX6A26A6E10573

¹⁰⁰ 'Vietnam's dead fish may spawn a stronger culture of dissent', Hoang C, cogitASIA, 30 September 2016
CIS38A80122116

¹⁰¹ 'Vietnam court swamped by fishermen seeking to sue Taiwan firm's steel unit', Reuters, 27 September 2016
CX6A26A6E10576

¹⁰² 'Vietnamese rally outside Taiwanese steel plant that spread toxic waste', Reuters, 2 October 2016,
CX6A26A6E10045;

'Vietnam's Dead Fish May Spawn a Stronger Culture of Dissent', Chau Hoang, Centre for Strategic & International Studies, 30 September 2016, CIS38A80122116, p.2;

'Formosa Spill Still Roils Public Opinion in Vietnam', Radio Free Asia, 7 December 2016, CX6A26AE14775

¹⁰³ 'Vietnam Cracks Down on Dissenters', Radio Free Asia, 10 November 2016,

¹⁰⁴ 'More activists sentenced in Vietnam', Voice of America (VOA), 11 February 2018, CXBB8A1DA21834;

'Catholic activist arrested in Vietnam, police beat up protesters', UCA News (UCAN), 23 May 2017,
CXC9040668804

¹⁰⁵ 'Vietnamese environmental activists handed prison terms in Nghe An', Radio Free Asia, 6 February 2018,
CXBB8A1DA21459

¹⁰⁶ 'Vietnamese Catholics Demonstrate to Mark Anniversary of Formosa Chemical Spill', Radio Free Asia (RFA),
6 April 2017, CXC9040666018

¹⁰⁷ 'Vietnam Corruption Report', Global Advice Net, September 2017, CISED50AD7684

¹⁰⁸ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, CIS7B83941599, p.14

¹⁰⁹ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, CIS7B83941599, p.12

Police

Internal security is the responsibility of the Ministry of Public Security. There are police organisations at the provincial, district and commune (local) levels over which people's committees exercise some authority.¹¹⁰ There are two core forces: the People's Security Force (An ninh Nhan dan), responsible for national security, and the People's Police Force (Canh sat Nhan dan), which is responsible for social order and public safety.¹¹¹ The People's Police force handles traditional police work such as neighbourhood policing, traffic control, household registration, and the issuing of identification cards.¹¹²

Police are effective in maintaining public order but have limited capacity in other areas, especially investigations. While the Ministry of Public Security is responsible for internal security and controls the national police; in practice, provincial and local-level police often maintain significant discretion in their activities.¹¹³ People's committees have substantial authority over police forces and prosecutors at the provincial, district and local levels.¹¹⁴ Although the Supreme People's Procuracy has authority to investigate security force abuse, police organisations operate with little transparency and limited public oversight.¹¹⁵

Police officers sometimes act with impunity. Internal police oversight exists but is subject to political influence.¹¹⁶ Police frequently ill-treat or torture suspects to elicit confessions, which has resulted in deaths in custody,¹¹⁷ while excessive force may also be used in responding to protests over evictions, land confiscation, and other social issues.¹¹⁸ For example, in September 2017, many people were injured when police dispersed protesters in front of the entrance of a Hong Kong-owned textile factory in Hai Duong province.¹¹⁹ In May 2016, protesters reported that they were beaten and detained for hours when police broke up pro-environment marches in Hanoi and Ho Chi Minh City.¹²⁰ In February 2017, police stopped hundreds of protesters who were marching to present compensation claims for the Formosa Environmental Disaster - witnesses reported seeing police beat and arrest some of the protesters.¹²¹ Police officers rarely face any consequences for even serious transgressions.¹²² In 2014, then President Truong Tan Sang condemned the practice of torture and forced confessions.¹²³ Since then, it has become a priority reform.¹²⁴

¹¹⁰ 'Public Insecurity: Deaths in Custody and Police Brutality in Vietnam', Human Rights Watch, 16 September 2014, CISA447F082797, p.14

¹¹¹ 'Public Insecurity: Deaths in Custody and Police Brutality in Vietnam', Human Rights Watch, 16 September 2014, CISA447F082797, p.14

¹¹² 'Public Insecurity: Deaths in Custody and Police Brutality in Vietnam', Human Rights Watch, 16 September 2014, CISA447F082797, pp. 5-8

¹¹³ 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, pp.6-7

¹¹⁴ 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.7

¹¹⁵ 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.7

¹¹⁶ 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.29

¹¹⁷ 'Human Rights Watch World Report 2018', Human Rights Watch, 18 January 2018, NGE43874C8

¹¹⁸ 'Human Rights Watch World Report 2016: Events of 2015 – Vietnam', 27 January 2016, NGE43874C8

¹¹⁹ 'Country Policy and Information Note – Vietnam: Opposition to the State', UK Home Office, September 2018, CIS7B839419727, p.18

¹²⁰ 'Human Rights Watch World Report 2017 – Events of 2016', Human Rights Watch, 13 January 2017, NG2A465F52, p. 670

¹²¹ 'Vietnam police stop fishermen marching', Reuters, 14 February 2017, CXC9040661919

¹²² 'Public Insecurity: Deaths in Custody and Police Brutality in Vietnam', Human Rights Watch, 16 September 2014, CISA447F082797, p.5

¹²³ 'Vietnam's rising repression', New Mandala, 22 September 2015, CXBD6A0DE15741

¹²⁴ 'Vietnam's rising repression', New Mandala, 22 September 2015, CXBD6A0DE15741

Judiciary

Vietnamese courts operate under government control. Most judges are members of the Communist Party of Vietnam and are screened by local officials for suitability before appointment.¹²⁵ A 2014 law is designed to provide fair trials and prevent interference, as well as ensuring the presumption of innocence.¹²⁶ However, political influence, endemic corruption and inefficiency strongly distort the judicial system and trials of human rights activists consistently fail to meet international standards.¹²⁷

Access to legal representation is inadequate. There is a shortage of judges and lawyers throughout the country, and as few as 20-30 per cent of defendants can obtain access to legal counsel, including in cases subject to the death penalty.¹²⁸ Vietnamese law does not expressly state that defendants have the right to call witnesses and defence lawyers may not have enough time to meet with clients.¹²⁹ There are widespread complaints that judges often appear to have made a determination of guilt prior to conducting a trial.¹³⁰

Harassment of human rights lawyers occurs. Lawyers are pressured to refuse religious and political activists as clients, and in some cases defence lawyers of these clients may themselves be arrested, disbarred or detained.¹³¹ Police are also known to regularly intimidate family members and friends who attend trials of activists.¹³²

Corruption

Corruption is widespread throughout the public administration system, despite criminal penalties. Corruption exists in areas such as the police and the military, in business and banking, and in the allocation of land.¹³³ Transparency International rated the country 107 of 168 countries in public sector corruption in 2017.¹³⁴ Slight improvements to its rating in two consecutive years reflect anti-corruption efforts, improvement in the anti-corruption legal framework and the prosecution of corruption cases associated with senior officials, although public sector corruption is still perceived as highly serious.¹³⁵

Government leaders acknowledge widespread public discontent with the level of corruption and the extent to which it undermines the efficiency of the state and support for the Communist Party. There have been a number of highly publicised prosecutions of senior public officials in recent years – most recently as part of an ongoing anti-corruption drive led by Communist Party chief Nguyen Phu Trong.¹³⁶ However, despite these, anti-corruption campaigns are pursued

¹²⁵ 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.11

¹²⁶ 'Country Reports on Human Rights Practices 2015 – Vietnam', US Department of State, 13 April 2016, OGD95BE926333, Section 1(e)

¹²⁷ 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.11; 'Human Rights Watch World Report 2018', Human Rights Watch, 18 January 2018, NGED867A63, p.629

¹²⁸ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.23

¹²⁹ 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.12

¹³⁰ 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.11

¹³¹ 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.11

¹³² 'Human Rights Watch World Report 2018', Human Rights Watch, NGED867A63, p.629

¹³³ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, CIS7B83941599, pp.7, 20; 'Freedom in the World 2018 – Vietnam', Freedom House, 5 April 2018, NGED867A684

¹³⁴ 'Vietnam's result in the 2017 Corruption Perceptions Index, Towards Transparency', 22 February 2018, CXBB8A1DA34184

¹³⁵ 'Vietnam's result in the 2017 Corruption Perceptions Index, Towards Transparency', 22 February 2018, CXBB8A1DA34184

¹³⁶ 'Vietnam to move forward with six high-profile graft cases', VietNamNet Bridge, 4 October 2016, CX6A26A6E13892; 'BTI 2016 – Vietnam Country Report', Bertelsmann Stiftung, 29 February 2016,

intermittently with varying degrees of seriousness,¹³⁷ and credible sources state they can be as much the result of internal Communist Party rivalries or attempts to maintain the party's image as a genuine desire to promote transparency in politics and business.¹³⁸ In May 2017, former Ho Chi Minh City Communist Party boss Politburo member Dinh La Thang was dismissed over allegations of corruption and for violations while he was chairman of PetroVietnam from 2009-11; this was only the third time in 30 years that a Politburo member had been dismissed.¹³⁹ In January 2018, Thang and a former subordinate, Trinh Xuan Thanh, were sentenced respectively to 13 years and two life sentences; Trinh Xuan Thanh after allegedly having been kidnapped by Vietnamese agents from a Berlin park.¹⁴⁰ In July 2018, a former deputy governor of Vietnam's central bank was jailed for three years for overseeing a dodgy restructuring scheme which lost the state \$600 million.¹⁴¹

The role of the private sector has steadily grown but deterrents to trade and investment still remain. Persistent high levels of corruption along with an opaque legal system, complex foreign investment laws, an underdeveloped financial system and uncertain rights relating to land ownership and usage are the main deterrents.¹⁴² Corruption is a key concern for business and foreign investors, and is seen as a major impediment to further development. Corruption in Vietnam is driven by a low level of transparency, accountability, and media freedom, as well as low pay for government officials and inadequate systems for holding officials accountable for their actions.¹⁴³ Companies are likely to experience bribery, political interference and facilitation payments.¹⁴⁴ The practice of giving and receiving bribes is so common that it is understood to be a routine part of doing business.¹⁴⁵

The banking sector still struggles with non-performing loans and transparency. In recent years, a number of high-profile banking officials have been arrested and convicted of embezzlement, abuse of power, taking bribes and intentionally violating state regulations on economic management.¹⁴⁶ This has been interpreted by some as a sign of the government's commitment to clean up corruption in the banking sector.¹⁴⁷ However, others saw the verdicts as evidence of widespread corruption, poor management and oversight in the banking sector'.¹⁴⁸

Anti-corruption agencies are often ineffective. A number of anti-corruption offices have been established over the last decade.¹⁴⁹ Anti-corruption efforts are, however, generally localised and have a limited overall impact on corruption.¹⁵⁰ Punitive measures range from fines to capital punishment, depending on the severity of the corruption case.¹⁵¹ Some prominent party functionaries, government

CIS38A8012384, p.19; 'Stiff sentences bolster Vietnam's anti-graft drive but questions remains over larger reform', Straits Times, The, 23 January 2018, CXBB8A1DA20684

¹³⁷ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, CIS7B83941599, p.33

¹³⁸ 'At Vietnam's biggest corruption trial, some skeptical views', Reuters, 10 January 2018, CXBB8A1DA363; 'Berlin 'kidnapping': Nowhere to run from Vietnam's anti-corruption campaign', Deutsche Welle, 8 January 2018, CXBB8A1DA329; 'Explainer: What's behind Vietnam's corruption crackdown', Reuters, 8 January 2018, CXBB8A1DA278

¹³⁹ 'Vietnam sacks top official for PetroVietnam 'violation'', BBC News, 8 May 2017, CXC9040667473 and 'Vietnam's Party chief says 'more will come' after high-profile punishment', VNExpress, 13 May 2017, CXC9040667994

¹⁴⁰ 'Stiff sentences bolster Vietnam's anti-graft drive but questions remains over larger reform', Straits Times, The, 23 January 2018, CXBB8A1DA20684; 'Vietnamese oil executive kidnapped in Berlin gets second life sentence', Deutsche Welle, 5 February 2018, CXBB8A1DA21363

¹⁴¹ 'Vietnam jails former central bank governor for three years', Agence France Presse, 2 July 2018, CXBB8A1DA30603

¹⁴² 'BTI 2016 – Vietnam Country Report', Bertelsmann Stiftung, 29 February 2016, CIS38A8012384, pp.28-29

¹⁴³ 'Investment Climate Statements – Vietnam', US Department of State, 2016, CX6A26A6E9812

¹⁴⁴ 'Business Corruption in Vietnam', GAN [Global Advice Net] Integrity Solutions Business Anti-Corruption Portal, 2015, CISEC96CF14407

¹⁴⁵ 'Vietnam targets families of public officials in anti-corruption drive', Luong, D, VnExpress, Vietnam, 22 August 2016, CIS38A80122505; 'Vietnam Corruption Report', Global Advice Net, September 2017, CISED50AD7684

¹⁴⁶ 'BTI 2016 – Vietnam Country Report', Bertelsmann Stiftung, 29 February 2016, CIS38A8012384, p.19

¹⁴⁷ 'BTI 2016 – Vietnam Country Report', Bertelsmann Stiftung, 29 February 2016, CIS38A8012384, p.19

¹⁴⁸ 'BTI 2016 – Vietnam Country Report', Bertelsmann Stiftung, 29 February 2016, CIS38A8012384, p.19

¹⁴⁹ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, CIS7B83941599, p.33

¹⁵⁰ 'Investment Climate Statements – Vietnam', US Department of State, 2016, CX6A26A6E9812

¹⁵¹ 'Vietnam Corruption Report', Global Advice Net, September 2017, CISED50AD7684

officials, and, more recently, top executives of state conglomerates have been prosecuted.¹⁵² However, this is motivated in large part by the desire for good publicity and patronage continues to be a significant problem.¹⁵³

Gangs and Loan Sharks

Loan sharks charging illegal rates of interest are a widespread problem in Vietnam, but authorities have demonstrated a willingness to tackle their activities. Authorities have had difficulty prosecuting loan sharks for charging illegal rates of interest – above 150% of the base rate set by the State Bank of Vietnam – as these are rarely documented on loan papers.¹⁵⁴ A lack of resources, legal loopholes and inadequate implementation of laws also remain problems in tackling loan sharks;¹⁵⁵ however, credible sources assess that individuals targeted for unpaid debts are able to obtain protection from the police, who are active at the provincial, district and local levels and are subject to government authority.¹⁵⁶ In 2018, Police from southern Binh Thuan Province set up special police units to crack down on and increase awareness of illegal loan sharks.¹⁵⁷ In other parts of Vietnam, particularly Ho Chi Minh City, authorities have embarked on some high profile crackdowns on gang activity – including gangs involved in loan sharking – that yielded nearly 7,000 arrests in the second half of 2016.¹⁵⁸ For example, in May 2018, police in Sa Dec City accosted a suspected loan shark, Nguyen Van Thu at a car wash and seized notebooks with records of his loans - more than 400 deposit contracts and identity documents and 3,000 flyers and 700 leaflets for loans.¹⁵⁹ Six people linked with Thu were also arrested - all have admitted to lending money to students and small traders at interest rates of up to 20 per cent a month.¹⁶⁰ In 2016, Vietnam, along with the rest of the Association of Southeast Asian Nations (ASEAN), made financial inclusion one of their top priorities – including the ability of people to access loans and legitimate forms of credit.¹⁶¹ Authorities try to encourage people in need of money to use credible loan sources like the Capital Aid Fund for Employment of the Poor – a non-profit microfinance institution – but the amounts available through these sources can be insufficient.¹⁶²

Organised criminal networks are a continuing problem in Vietnam, but authorities have made increased efforts to tackle them. Credible sources indicate that organised gangs operate a range of illicit operations including loan sharking, illegal gambling, extortion, prostitution and sex-trafficking,

¹⁵² 'Freedom in the World 2018 – Vietnam', Freedom House, 5 April 2018, NGED867A684; 'Stiff sentences bolster Vietnam's anti-graft drive but questions remains over larger reform', Straits Times, The, 23 January 2018, CXBB8A1DA20684; 'Vietnamese oil executive kidnapped in Berlin gets second life sentence', Deutsche Welle, 5 February 2018, CXBB8A1DA21363

¹⁵³ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, CIS7B83941599, p.14

¹⁵⁴ 'Black credit' besieges workers, students before Lunar New Year', VietNamNet Bridge, 29 January 2016, CX6A26A6E9780

¹⁵⁵ 'NA approves delay to Penal Code 2015', Viet Nam News, 1 July 2016 CX6A26A6E12697; 'Loan sharks feed off poor, naive workers', Viet Nam News, 11 September 2015 CXBD6A0DE18811; Ives, M & Nguyen, N S, 'Vietnam's gamble: Whether or not to legalise betting', Al Jazeera, 27 January 2016 CX6A26A6E13872

¹⁵⁶ 'Upper Tribunal (Immigration And Asylum Chamber) Appeal Number: AA/08316/2014', Government of the United Kingdom and Northern Ireland, 1 April 2016, CIS38A80124972

¹⁵⁷ 'Specialist police unit set up to target loan sharks in Binh Thuan', VietNamNet Bridge, 8 August 2018, CIS7B839419866

¹⁵⁸ 'HCM City cracks down on criminal gangs, thieves', Viet Nam News, 22 October 2016 CX6A26A6E13224; Huy, D, '14 arrested for extorting "protection fee" from sex workers in HCMC', Thanh Nien News, 16 January 2016 CX6A26A6E13879; 'Cops in Vietnam continue to crack down on gangs of smugglers, robbers', Thanh Nien News, 19 August 2014 CX1B9ECAB12445; 'Vietnamese court sentences six to death for drug trafficking', Voice of Vietnam (VOV News), 7 June 2014 CX322895

¹⁵⁹ 'Loan sharks cause suffering in Mekong Delta, central provinces', VietNamNet Bridge, 15 May 2018, CIS7B839419864

¹⁶⁰ 'Loan sharks cause suffering in Mekong Delta, central provinces', VietNamNet Bridge, 15 May 2018, CIS7B839419864

¹⁶¹ 'How to scale up financial inclusion in ASEAN countries', The World Bank, 2 March 2016, CIS38A80124973

¹⁶² 'Loan sharks cleaning up ahead of Tet holiday', VietNamNet Bridge, 16 January 2017, CXC9040669853

people smuggling, the production of counterfeit goods and the production, supply, distribution and import/export of illicit drugs.¹⁶³ These criminal networks are based predominately in the major cities of Ho Chi Minh City and Hanoi as well as in the country's northern provinces.¹⁶⁴ In addition to controlling local operations, some of these organisations also operate internationally and have networks that reach throughout Southeast Asia and beyond.¹⁶⁵ Vietnamese authorities have demonstrated increased efforts to eliminate people trafficking, including enacting penal code amendments, establishing a new task force to increase law enforcement efforts in vulnerable border areas, and initiating an assessment of the implementation of its national action plan by identifying more victims, expanding anti-trafficking training and awareness campaigns for officials, vulnerable communities and law enforcement, but efforts have been impeded by a lack of government coordination.¹⁶⁶ The Ministry of Labour, Invalids and Social Affairs also provides protection and reintegration support; operating 400 social protection centres through local authorities for trafficking victims.¹⁶⁷

Social infrastructure

Vietnam has experienced rapid economic growth over the past 25 years, transforming itself into a lower middle-income country. Vietnam's GDP per capita growth has been among the fastest in the world since 1990, reaching an average 6.4 per cent a year in the 2000s, and resilient domestic demand and the strength of the country's export-oriented manufacturing means that this is expected to continue into the medium term.¹⁶⁸ Economic growth has been equitable, leading to a dramatic reduction in poverty and improved social outcomes.¹⁶⁹ The World Bank reported that in 2016 the national poverty rate was 9.8 per cent.¹⁷⁰ The unemployment rate has averaged 2.3 per cent from 1998 until 2017, with a record low of 1.63 per cent in the second quarter of 2014.¹⁷¹ The UNDP's Human Development Index ranked Vietnam 116 out of 189 countries in 2017, placing it in the 'medium human development' category.¹⁷²

Vietnam has an expanding if still limited social welfare system, while traditional social roles mean that families provide support for the elderly and sick. Vietnam's social welfare net has expanded in recent years, well beyond the anti-poverty program started in the 1990s.¹⁷³ New programs have included assistance of 2.16 million VND (AUD \$119) a year and a free health insurance card for all elderly people from the age of 80 onwards, the provision of assistance to single elderly people with limited incomes and no children; and assistance to disabled people, including

¹⁶³ 'Vietnamese court sentences six to death for drug trafficking', Voice of Vietnam (VOV News), 7 June 2014 CX322895; 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.9

¹⁶⁴ 'Vietnam 2015 Crime and Safety Report: Hanoi', 18 February, US Department of State, Bureau of Diplomatic Security, Overseas Security Advisory Council (OSAC) 2015, p.5 CISEC96CF13669; 'Cops in Vietnam continue to crack down on gangs of smugglers, robbers', Thanh Nien News, 19 August 2014 CX1B9ECAB12445

¹⁶⁵ 'Loan sharks feed off poor, naive workers', Viet Nam News, 11 September 2015 CXBD6A0DE18811; 'Southern Vietnamese cut deals with loan sharks at exorbitant rates', Tuoi Tre Online, 23 February 2016 CX6A26A6E9775

¹⁶⁶ '2017 Trafficking in Persons Report – Vietnam', US Department of State, 28 June 2018, p. 454, OGD95BE927701

¹⁶⁷ 'Country Policy and Information Note – Vietnam: Opposition to the State', UK Home Office, September 2018, CIS7B839419727, p.18

¹⁶⁸ 'Vietnam Overview', The World Bank, 13 April 2017, CISED50AD5283

¹⁶⁹ 'Vietnam Overview', The World Bank, 13 April 2017, CISED50AD5283

¹⁷⁰ 'Vietnam continues to reduce poverty, according to WB report', The World Bank, 5 April 2018, CXBB8A1DA33743

¹⁷¹ 'Vietnam unemployment rate', Trading Economics, 2017, CISED50AD5285

¹⁷² 'Human Development Indices and Indicators – 2018 Statistical Update', UNDP, 2018, CIS7B839419962, p.27

¹⁷³ 'Social Relations, Regional Variation, and Economic Inequality in Contemporary Vietnam: A View from Two Vietnamese Rural Communities', Luong, H V in P Taylor (ed), Connected and Disconnected in Viet Nam: Remaking Social Relations in a Post-socialist Nation, Australian National University Press, ACT, Vietnam Series, 2016, CIS38A8012636, p.66

victims of Agent Orange.¹⁷⁴ However, inequalities in the provision of social welfare exist.¹⁷⁵ Vietnam's social insurance has also not achieved universal coverage despite a voluntary social insurance policy having been in force since 2008.¹⁷⁶ Poverty gains are fragile, and a significant proportion of the population – particularly ethnic minorities – remains vulnerable and lives close to the poverty line.¹⁷⁷ In Vietnam, grown children typically provide care and support to elderly or sick parents.¹⁷⁸

Asylum seekers and returnees

Treatment of failed asylum seekers

Most individuals who depart Vietnam illegally, for the purpose of seeking asylum, are likely to be able to return to Vietnam without facing harm. Information suggests that returnees who have applied for asylum are not treated any differently to other returnees.¹⁷⁹ While Article 120 of the Criminal Code 2015 prohibits 'organising, coercing, instigating illegal emigration for the purpose of opposing the people's government'¹⁸⁰, there are no reported cases of this provision being used against asylum seekers.¹⁸¹ The government of Vietnam distinguishes between victims and perpetrators of people smuggling and as such views individuals who paid money to organisers of people smuggling operations as victims of people smuggling, not criminally liable.¹⁸²

Individuals who depart Vietnam illegally may be subject to fines upon return or briefly detained and interviewed. Under Article 347 of the Criminal Code 2015 individuals may be fined between VND 5 million and VND 50 million (approximately AUD302-3028) or face a penalty of 6 to 36 months' imprisonment for leaving Vietnam illegally.¹⁸³ Individuals may be fined between VND 10 million and VND 50 million for leaving Vietnam using a false passport.¹⁸⁴ There are also cases of individuals being detained for short periods of time and interviewed for the purpose of people smuggling investigations.¹⁸⁵

¹⁷⁴ 'Social Relations, Regional Variation, and Economic Inequality in Contemporary Vietnam: A View from Two Vietnamese Rural Communities', Luong, H V in P Taylor (ed), *Connected and Disconnected in Viet Nam: Remaking Social Relations in a Post-socialist Nation*, Australian National University Press, ACT, Vietnam Series, 2016, CIS38A8012636, p.66

¹⁷⁵ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, CIS7B83941599, p.25

¹⁷⁶ 'Social Welfare in Vietnam: 30 Years in Reform on and Outlook until 2030', Anh, D N, *Vietnam Social Sciences Review*, 8 July 2016, CIS38A80122817, p.22

¹⁷⁷ 'Countries: Vietnam Overview: Context', The World Bank, 26 September 2016, CIS38A80122248

¹⁷⁸ 'Elderly care centres: dutiful to parents or not?', VietNamNet Bridge, 21 October 2016, CX6A26A6E16960 and 'Vietnamese Cultural Profile – older people', Southern Migrant and Refugee Centre, May 2010, CISDCDCAAB2010, p.2

¹⁷⁹ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.24

¹⁸⁰ 'Criminal Code, No.100/2015/QH13', The National Assembly. Socialist Republic of Viet Nam, 27 November 2015, CISEC96CF110167

¹⁸¹ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.24

¹⁸² 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.24

¹⁸³ 'Criminal Code, No.100/2015/QH13', The National Assembly. Socialist Republic of Viet Nam, 27 November 2015, CISEC96CF110167

¹⁸⁴ 'Criminal Code, No.100/2015/QH13', The National Assembly. Socialist Republic of Viet Nam, 27 November 2015, CISEC96CF110167

¹⁸⁵ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.25

Montagnard asylum seekers

Montagnard (ethnic minority) asylum seekers who are returned to Vietnam may face detention, beatings and close monitoring by police. Credible sources report that Vietnam has pressured Cambodia and Thailand to forcibly return Montagnard asylum seekers, and that those returned may have been detained and questioned for up to several days and closely monitored by police.¹⁸⁶ A 2015 submission referred to an individual who 'was detained by authorities for 12 days after his return and beaten' and of a group of 36 Montagnards who were held overnight by police and released the next day.¹⁸⁷ A group of Montagnards returned from Cambodia in 2017 claimed that they were subject to ongoing surveillance, as well as restrictions on their ability to move freely; forced confessions admitting their error in fleeing Vietnam and filmed for subsequent broadcast on television were also alleged.¹⁸⁸

Suspected people smugglers

Individuals who are suspected of people smuggling activities are likely to be detained and prosecuted on return to Vietnam. Information indicates individuals suspected of people smuggling may be investigated, arrested and held in long-term detention.¹⁸⁹ This is consistent with Article 348 of the Criminal Code 2015 which seeks to discourage people trafficking.¹⁹⁰ It is also consistent with a number of reports from 2016 that detail instances of individuals who have been prosecuted and detained for up to 3 years for organising people smuggling ventures in 2015.¹⁹¹

Relocating or leaving the country

Residence laws are applied inconsistently by local police. Under the Vietnamese Constitution, all citizens, including migrants, have equal rights, including freedom of movement and residence.¹⁹² However residency laws are not applied consistently, due to lack of guidance and differing interpretations of the law, which causes confusion.¹⁹³ A 2013 law explicitly recognises the right of local authorities to set their own policies regarding registration, and some cities have tightened the requirements for obtaining permanent status.¹⁹⁴

¹⁸⁶ 'Vietnam 2016 Human Rights Report', US Department of State, 20 April 2018, OGD95BE926901, Section 6, p. 35

¹⁸⁷ 'Submission to the Department of Foreign Affairs and Trade: Australia - Viet Nam Human Rights Dialogue Civil Society Consultation', Amnesty International, 31 July 2015, CISEC96CF13142, p.7

¹⁸⁸ 'Returned Montagnards facing intimidation, spying in Vietnam', Cambodia Daily, 3 May 2017 CXC9040666726; Cambodia. Protect Montagnards refugees, Human Rights Watch, 12 September 2017, CXC90406621215

¹⁸⁹ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.24

¹⁹⁰ 'Vietnamese asylum seekers forcibly returned by Australia face jail', The Guardian, 24 May 2016, CX6A26A6E4619; 'Vietnam: Drop Charges Against Boat Returnees', Human Rights Watch 2016, 24 May 2016, CX6A26A6E12344; 'Criminal Code, No.100/2015/QH13', The National Assembly. Socialist Republic of Viet Nam, 27 November 2015, CISEC96CF110167

¹⁹¹ 'Vietnamese asylum seekers forcibly returned by Australia face jail', The Guardian, 24 May 2016, CX6A26A6E4619; 'Vietnam: Drop Charges Against Boat Returnees', Human Rights Watch 2016, 24 May 2016, CX6A26A6E12344; 'Vietnam jails four asylum seekers returned by Australia', Reuters, 27 May 2016, CX6A26A6E4618

¹⁹² 'Vietnam 2016 Human Rights Report', US Department of State, 3 March 2017, OGD95BE926901, Section 2

¹⁹³ 'Migration, Resettlement and Climate Change in Viet Nam', United Nations Viet Nam, March 2014, pp.13-14, CISA447F083168

¹⁹⁴ 'Vietnam's Household Registration System', World Bank Group & Vietnam Academy of Social Sciences, June 2016, CIS38A80121252

Internal relocation in Vietnam is closely monitored by authorities. While relocation is common in Vietnam, with large scale urbanisation occurring in recent decades, under the Household Registration System local police in Vietnam often require citizens to register when staying in or moving to any location outside of their own homes.¹⁹⁵ Moving without permission can hamper individuals seeking legal residence permits, public education, and health-care benefits.¹⁹⁶ Due to the level of official scrutiny and monitoring in Vietnam, there are few options for people wishing to relocate internally in order to seek protection from state authorities.¹⁹⁷

Movement across Vietnam's borders is closely monitored and broad limitations have been placed upon the right to freedom of movement. The Immigration Department of the Ministry of Public Security (MPS) is responsible for identifying and recording travellers who pass through international airports, including Vietnamese nationals.¹⁹⁸ The MPS has total discretion to prohibit Vietnamese citizens from leaving or entering the country on the grounds of "safeguarding national security and social order and safety".¹⁹⁹ The Vietnamese government has also imposed limitations on the movement of some activists and religious leaders, including those outspoken in their criticism of the government and political dissidents amnestied with probation or under house arrest.²⁰⁰ Dozens of individuals have been prevented from traveling overseas or entering the country, had their passports withheld on vague charges or have been refused a passport without clear explanation.²⁰¹ Vietnamese authorities have also routinely physically prevented political activists and family members of political prisoners from meeting with foreign diplomats or from traveling abroad.²⁰²

¹⁹⁵ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.24

¹⁹⁶ 'Vietnam 2016 Human Rights Report', US Department of State, 3 March 2017, OGD95BE926901, Section 2

¹⁹⁷ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, CISED50AD4597, p.24

¹⁹⁸ 'Review of Vietnamese Migration Abroad, Consular Department – Ministry of Foreign Affairs of Vietnam', May 2012, p.11, CIS961F9402609

¹⁹⁹ 'Q & A on the Right to Freedom of Movement in Vietnam', Civil Rights Defenders, 14 September 2015, pp.2 & 4 CISEC96CF15116

²⁰⁰ 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, pp.24-25

²⁰¹ 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.25

²⁰² 'Vietnam 2016 Human Rights Report', US Department of State, 3 March 2017, OGD95BE926901, Section 1; 'Vietnam blocks Catholic priest, sister of labor activist from leaving abroad', Vietnam Human Rights Defenders, 27 June 2017 CXC9040669873; 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, OGD95BE927332, p.25, 9



Australian Government
Department of Home Affairs

Common Claims

Vietnam

Country of Origin Information Services Section (COISS)

Effective from 29 March 2019

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Religion

The degree to which Vietnamese people have the ability to practice their faith freely and without fear, harassment, detention or violence widely varies. Religious freedoms in Vietnam remain restricted and all religious groups and most individual clergy members are required to join a party-controlled supervisory body and obtain permission for most activities.¹ There are 38 religious organisations and one dharma practice recognised in Vietnam, which are affiliated with 15 distinct religious traditions as defined by the government.² These are Buddhism, Islam, Baha'i, Catholicism, Protestantism, Mormonism, Hoa Hao Buddhism, Cao Dai, Buu Son Ky Huong, Tinh Do Cu Si Phat Hoi, Tu An Hieu Nghia, Phat Duong Nam Tong Minh Su Dao, Minh Ly Dao Tam Tong Mieu, Khmer Brahmanism and Hieu Nghia Ta Lon Buddhism.³ On 1 January 2018, a new Law on Belief and Religion came into effect which critics claim allows increased intrusion into freedom of religion or belief.⁴

Treatment of religious groups

Reports of repression, violence and harassment of religious activities outside state-approved religious groups are common. The Vietnamese government continues to closely monitor and disrupt the activities of unrecognised branches of various religious groups, sometimes violently.⁵ In February 2018, authorities tried and convicted five independent Hoa Hao Buddhist practitioners including Bui van Trung and his son Bui Van Tham, and sentenced them to three and six years in prison for staging a public protest against religious repression.⁶ In June, men in civilian clothes broke into the house of Cao Dai religious activist Hua Phi in Lam Dong province, where they beat him and cut off his beard. In September, under police pressure, 91-year-old prominent religious leader Venerable Thich Quang Do was forced to leave Thanh Minh Zen Monastery in Ho Chi Minh City to return to his hometown in Thai Binh province.⁷ According to many Catholic bishops, congregations in remote areas with majority ethnic minority populations face difficulty registering for government recognition, uneven and inconsistent enforcement of national laws, and a lack of accountability on the part of provincial authorities.⁸ Catholic leaders state that the most problematic regions are in the Central Highlands (Gia Lai, Dak Lak, Dak Nong, Kon Tum, and Lam Dong provinces), the Northwest Highlands, and Hoa Binh province.⁹ Reports of harassment from authorities include physical assault, arrest, prosecution, monitoring, travel restrictions, property seizure, and denial of registration,¹⁰ although credible sources claim that more serious acts of violence are generally related to activities such as protesting against land confiscation and anti-government activities, rather than due to a person's religion.¹¹

¹ 'Freedom in the World 2018 – Vietnam', Freedom House, 5 April 2018, NGED867A684

² 'International Religious Freedom Report for 2017 – Vietnam', US Department of State, 29 May 2018, p.4, OGD95BE927542

³ 'International Religious Freedom Report for 2017 – Vietnam', US Department of State, 29 May 2018, p.4, OGD95BE927542

⁴ 'United States Commission on International Religious Freedom Annual Report 2018', US Commission on International Religious Freedom, 25 April 2018, p.126, CIS7B83941863

⁵ 'Human Rights Watch World Report 2019', Human Rights Watch, 17 January 2019, pp.658-659, 20190118091502

⁶ 'Human Rights Watch World Report 2019', Human Rights Watch, 17 January 2019, pp.658-659, 20190118091502

⁷ 'Human Rights Watch World Report 2019', Human Rights Watch, 17 January 2019, p.629, 20190118091502

⁸ 'International Religious Freedom Report for 2017 – Vietnam', US Department of State, 29 May 2018, pp.20-21, OGD95BE927542

⁹ 'International Religious Freedom Report for 2017 – Vietnam', US Department of State, 29 May 2018, p.21, OGD95BE927542

¹⁰ 'International Religious Freedom Report for 2017 – Vietnam', US Department of State, 29 May 2018, p.1, OGD95BE927542

¹¹ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, p.13, CISED50AD4597

The Vietnamese government closely controls and monitors the activities of Catholics and other Christians. While the Vatican is permitted to select its own bishops and priests, these must be approved by the authorities.¹² There are restrictions on the numbers of students permitted to enrol in Catholic and also in Protestant seminaries, which church leaders say are inadequate to meet demand.¹³ According to a 2018 report, Christians have, as a rule, always been denied membership in the party, the state bureaucracy and the security forces, and have not been appointed to leadership positions in schools and universities.¹⁴

Recognised religious groups in Vietnam who worship quietly and conform to government policies have a low risk of official interference. The situation for Catholics has continued to improve in recent years, especially in Hanoi and Ho Chi Minh City, although there are still constraints relating to the registration of new churches.¹⁵ Catholic groups – along with Protestants, Muslims, Baha'i and Buddhist groups – are now allowed to provide religious education to adherents.¹⁶ In September 2016, the Catholic Institute of Vietnam opened in Ho Chi Minh City, becoming the country's first-ever university-level institute of theology.¹⁷ According to a report from the UN Special Rapporteur on freedom of religion or belief, the relationship between Vietnam and the Vatican has improved markedly in recent years.¹⁸ In May 2016, the Vietnamese government granted recognition to the Church of Jesus Christ of Latter-day Saints, while the Popular Council of the Independent Cao Dai Church has also reported declining government repression.¹⁹ Jehovah's Witnesses also report that the Vietnamese government has granted registration and recognition certificates to many of its congregations and local groups, enabling adherents to worship freely.²⁰

Particular social groups

Women

Domestic violence against women in Vietnam is common. Exact statistics are difficult to obtain due to victims' frequent reluctance to approach authorities,²¹ but according to a 2015 NGO survey, 59 per cent of married women had suffered physical or sexual abuse at least once in their lives, typically from a male partner or member of the family.²² Domestic violence against women is most prevalent in rural areas where a range of circumstances exist, such as economic difficulties, family conflicts,

¹² 'Freedom in the World 2016 – Vietnam', Freedom in the World 2017 - Vietnam Freedom House, 4 September 2017, NG2A465F593

¹³ 'International Religious Freedom Report for 2017 – Vietnam', US Department of State, 29 May 2018, p.23, OGD95BE927542

¹⁴ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, pp.8-9, CIS7B83941599

¹⁵ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, p.12, CISED50AD4597

¹⁶ 'International Religious Freedom Report for 2017 – Vietnam', US Department of State, 29 May 2018, p.23, OGD95BE927542

¹⁷ '2017 Annual Report', US Commission on International Religious Freedom, April 2017, p.116, CISED50AD3969

¹⁸ 'Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt – Addendum: Mission to Viet Nam (21 to 31 July 2014)', UN Human Rights Council, 30 January 2015, p.13, CISEC96CF13238

¹⁹ '2017 Annual Report', US Commission on International Religious Freedom, April 2017, p.116, CISED50AD3969

²⁰ 'United States Commission on International Religious Freedom Annual Report 2018', US Commission on International Religious Freedom, 25 April 2018, p.124, CIS7B83941863

²¹ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, p.17, CISED50AD4597

²² 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, p.30, OGD95BE927332

addictive illness and a lack of understanding among women of their rights.²³ Social stigma prevented many survivors from coming forward due to fear of harassment from their spouses or family.²⁴

Domestic violence is criminalised in Vietnam, and there are avenues of redress available to victims. Vietnamese law criminalises rape – including spousal rape – and prohibits violence or threats against women.²⁵ Rapists are subject to prison terms of up to 15 years in severe cases.²⁶ Authorities prosecute rape cases but do not release arrest, prosecution, conviction, or punishment statistics.²⁷ Vietnamese law also outlines acts that constitute domestic violence and stipulates punishments, ranging from warnings and probation to imprisonment.²⁸ However, authorities treat domestic violence cases as civil cases unless the victim suffers injuries to more than 11 per cent of their body.²⁹ Police generally seek to initiate a process of reconciliation between the victim and perpetrator for less serious cases of domestic violence,³⁰ which credible sources indicate favours men over women and can leave a victim without access to effective legal remedy,³¹ but victims and the police can initiate a criminal investigation into more serious incidents.³² Authorities, with the help of international and local non-government organisations, train police, lawyers, community advocates and legal system officials in laws related to domestic violence.³³ Victims, or a representative of a victim, are required to lodge a written complaint to the police to initiate proceedings.³⁴

Support services

The Vietnamese government and NGOs provide support services to address domestic violence. These include crisis centres, hotlines, and 300 “reliable residences” which enable women to seek assistance from another family while local authorities and community leaders attempt to confront the perpetrator to resolve the complaint.³⁵ Domestic violence rapid response teams have been established with the support of the United Nations,³⁶ while judicial officers and legal aid centres are available to victims.³⁷ By 2013, Vietnam had developed 10 shelters nationwide that provide women

²³ ‘Consideration of reports submitted by States parties under article 18 of the Convention: Seventh and eighth periodic reports of States parties due in 2011: Viet Nam’, UN Committee on the Elimination of Discrimination against Women, 13 December 2014, pp.67-68, CIS2F827D91319

²⁴ ‘Country Report on Human Rights Practices 2018 – Vietnam’, US Department of State, 13 March 2019, p. 30, 20190314094839

²⁵ ‘Country Report on Human Rights Practices 2018 – Vietnam’, US Department of State, 13 March 2019, p. 30, 20190314094839

²⁶ ‘Country Report on Human Rights Practices 2018 – Vietnam’, US Department of State, 13 March 2019, p. 30, 20190314094839

²⁷ ‘Country Report on Human Rights Practices 2018 – Vietnam’, US Department of State, 13 March 2019, p. 30, 20190314094839

²⁸ ‘Country Report on Human Rights Practices 2018 – Vietnam’, US Department of State, 13 March 2019, p. 30, 20190314094839

²⁹ ‘Country Report on Human Rights Practices 2018 – Vietnam’, US Department of State, 13 March 2019, p. 30, 20190314094839

³⁰ ‘Assessment of the situation of women in the criminal justice system in Viet Nam. In support of the Government’s efforts towards Effective Gender Equality in the Criminal Justice System’, United Nations Office on Drugs and Crime, July 2013, p.19, CIS36DE0BB2142

³¹ DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, p.17, CISED50AD4597

³² ‘Assessment of the situation of women in the criminal justice system in Viet Nam. In support of the Government’s efforts towards Effective Gender Equality in the Criminal Justice System’, United Nations Office on Drugs and Crime, July 2013, p. 19, CIS36DE0BB2142

³³ ‘Country Reports on Human Rights Practices for 2017 – Vietnam’, 20 April 2018, p.30, OGD95BE927332

³⁴ ‘Assessment of the situation of women in the criminal justice system in Viet Nam. In support of the Government’s efforts towards Effective Gender Equality in the Criminal Justice System’, United Nations Office on Drugs and Crime, July 2013, pp.18-19, CIS36DE0BB2142

³⁵ ‘Vietnam 2016 Human Rights Report’, US Department of State, 3 March 2017, Section 6, OGD95BE926901

³⁶ ‘Viet Nam establishes Rapid Response Forces against domestic violence’, United Nations Office on Drugs and Crime, 1 January 2015, CXBD6A0DE19214

³⁷ ‘Access to Justice in the Plural Legal System in Viet Nam: A Case Study of Women Domestic Violence Survivors’, UN Women, 2015, p.57-58, CISEC96CF15250

and girls with access to health-care services, counselling, education, vocational and life skills training.³⁸ The Center for Women and Development, supported by the Women's Union, operates a nationwide domestic violence hotline, but this is not widely advertised in rural areas.³⁹ The Center also runs a shelter in Hanoi, 'Peace House'; the shelter provides children and women who are affected by domestic violence with counselling services, vocational training, and social programs.⁴⁰ Authorities, with the help of international and local non-government organisations, continue to support workshops and seminars that aim to educate women and men about domestic violence and women's rights, as well as seeking to highlight the problem through public awareness campaigns.⁴¹

Forced/early marriage

Forcing or entering into marriage with an underage person is prohibited in Vietnam. The legal minimum age of marriage is 18 for girls and 20 for boys.⁴²

LGBTI

Discrimination against LGBTI people remains widespread in Vietnamese society, despite increased government tolerance. Although there are no laws to prohibit discrimination on the basis of sexual orientation or gender identity in Vietnam,⁴³ consensual same-sex sexual conduct is not criminalised.⁴⁴ Although the government still does not officially recognise same-sex marriage, in 2015 Vietnam repealed a ban on such unions.⁴⁵ A revised civil code also contains new provisions legalising transgender rights – including the right to change their sex, access health care and change their gender identity on official documents if they have undergone sex re-assignment surgery.⁴⁶ Recently, the Binh Dan Hospital in Saigon, opened a new clinic catering to members of the LGBTI community, making it Vietnam's first medical facility to do so.⁴⁷ Despite this, societal discrimination and stigma against LGBTI people remains widespread and is worst towards transgender people.⁴⁸ Discrimination is most pervasive in schools, health care and the work place, although it also occurs within some families.⁴⁹ Violence against LGBTI people is much less common than other forms of discrimination,

³⁸ 'Consideration of reports submitted by States parties under article 18 of the Convention: Seventh and eighth periodic reports of States parties due in 2011: Viet Nam', UN Committee on the Elimination of Discrimination against Women, 13 December 2014, pp.67-68, CIS2F827D91319

³⁹ 'Vietnam 2016 Human Rights Report', US Department of State, 3 March 2017, Section 6, OGD95BE926901

⁴⁰ 'Third periodic report submitted by Vietnam under article 40 of the Covenant', United Nations Human Rights Office of the High Commissioner, 9 January 2018, CIS7B839419944; 'Social activities of the Center for Women and Development', Center for Women and Development, n.d, [Accessed 16 October 2018], CIS7B839419862

⁴¹ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 31, 20190314094839

⁴² 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 33, 20190314094839

⁴³ 'Freedom in the World 2018 – Vietnam', Freedom House, 5 April 2018, NGED867A684

⁴⁴ 'Freedom in the World 2017 – Vietnam', Freedom House, 4 September 2017, NG2A465F593

⁴⁵ 'Freedom in the World 2018 – Vietnam', Freedom House, 5 April 2018, NGED867A684

⁴⁶ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, p.17, CISED50AD4597

⁴⁷ 'Vietnam's first LGBT-friendly clinic provides relief from illness and prejudice', VNExpress, 29 January 2019, 20190130103506

⁴⁸ 'Freedom in the World 2018 – Vietnam', Freedom House, 5 April 2018, NGED867A684; 'Is it because I am LGBT?' Discrimination based on sexual orientation in Viet Nam', UNDP, 21 June 2016, p.14CIS38A80124354; 'Transgender at work. Livelihoods for transgender people in Vietnam', Hoang T-A and Oosterhoff, P, Institute of Development Studies, February 2016, pp. 4, 15, CIS38A80128087

⁴⁹ 'Being LGBT in Asia – Vietnam country report', USAID & UNDP, August 2014, pp.27-31, CX324893; 'Is it because I am LGBT?' Discrimination based on sexual orientation in Viet Nam', UNDP, 21 June 2016, p.14CIS38A80124354

such as verbal insults and online abuse,⁵⁰ and a 2016 report said that, unlike other countries, violence is mainly perpetrated by acquaintances rather than strangers.⁵¹ LGBTI people often choose not to report incidents of discrimination or violence to police because they perceive it as commonplace, do not believe it will be adequately resolved or fear embarrassment.⁵²

Vietnam increasingly accepts the rights of LGBTI people. Numerous civil society organisations advocating for LGBTI rights have emerged in recent years.⁵³ While places to meet on a day-to-day basis remain limited it is also known that many Vietnamese LGBTI people remain discreet in expressing their sexuality,⁵⁴ Vietnam's first gay pride rally took place in 2012,⁵⁵ and has become an annual event each August.⁵⁶ Nearly 2,000 individuals participated in a pride parade in Ho Chi Minh City in September 2017, while other pride celebrations were held in 35 cities and provinces.⁵⁷ Mainstream Vietnamese media – which is controlled by the government – increasingly promotes the view that being gay is normal.⁵⁸ While Vietnam does not have a 'gay scene' in major cities, young LGBTI people frequently connect through social media platforms such as Facebook groups and blogs.⁵⁹

Political Opinion

Membership of the Vietnamese Communist Party (CPV) remains beneficial for career advancement and to maximise other social and economic opportunities, but is no longer essential for success. Vietnam is a single-party, authoritarian regime.⁶⁰ Party membership remains a prerequisite to career advancement for nearly all government and government-linked organisations and businesses.⁶¹ Recent economic reforms have provided greater opportunities for non-CPV members, and increasingly young Vietnamese no longer see membership of the party as key to economic and social success, particularly with the increasing availability and attractiveness of careers in the private sector.⁶² The CPV continues to deny membership to individuals whose parents – or the

⁵⁰ "Is it because I am LGBT?" Discrimination based on sexual orientation in Viet Nam, UNDP, 21 June 2016, p.18, CIS38A80124354

⁵¹ "Is it because I am LGBT?" Discrimination based on sexual orientation in Viet Nam, UNDP, 21 June 2016, p.18, CIS38A80124354

⁵² "Is it because I am LGBT?" Discrimination based on sexual orientation in Viet Nam, UNDP, 21 June 2016, p.97, CIS38A80124354

⁵³ Being LGBT in Asia – Vietnam country report, USAID & UNDP, August 2014, p.21, CX324893

⁵⁴ Gay Vietnam, Travel Gay Asia, n.d., (accessed 3 July 2017), CISED50AD4725; Gay Hanoi, Travel Gay Asia, n.d., (accessed 3 July 2017), CISED50AD4726; Travel & Resources: HO CHI MINH CITY – SAIGON, Utopia, n.d. (accessed 3 July 2017), CISED50AD4728

⁵⁵ DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, pp.17-18, CISED50AD4597

⁵⁶ DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, pp.17-18, CISED50AD4597; 'Love in the air at gay pride parade in Ho Chi Minh City', Tuoi Tre Online, 25 September 2017, CXC90406620464

⁵⁷ 'Love in the air at gay pride parade in Ho Chi Minh City', Tuoi Tre Online, 25 September 2017, CXC90406620464

⁵⁸ 'Gay Vietnam', Travel Gay Asia, n.d., (accessed 3 July 2017), CISED50AD4725

⁵⁹ DFAT Country Information Report – Vietnam, Department of Foreign Affairs and Trade, 21 June 2017, p.18, CISED50AD4597

⁶⁰ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 1, 20190314094839

⁶¹ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 16, 20190314094839

⁶² 'Vietnam's Divide: Slow Healing, Fewer Prospects for Children of U.S. Allies', Bloomberg, 24 December 2015, CXBD6A0DE19603; 'As Vietnam booms, Communist Party struggles to keep up', Reuters, 17 January 2011, CXCB3E63421361 and 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, p.15, OGD95BE927332

parents of their spouse – worked for the former South Vietnamese regime.⁶³ However, according to credible sources, Vietnamese with ties to the former South Vietnamese regime can now gain some positions in government and state-owned enterprises, but generally cannot hold top positions.⁶⁴

Freedom of expression

While “re-education camps” ceased operation in Vietnam in the 1990s, mechanisms still remain for detaining and silencing political dissidents. These include house arrest, administrative detention or prison sentences, along with the regular movement of dissidents throughout the detention network to isolate them from family and support networks and other detainees.⁶⁵

The Vietnamese government suppresses political expression and protest. Authorities have used a number of laws to curb dissent, such as articles 79, 88 and 258 of the Penal Code – all of which take precedence over constitutionally enshrined rights.⁶⁶ Individuals convicted under these acts can face penalties ranging from prison sentences of between six months and 20 years; to life imprisonment or capital punishment.⁶⁷ Activists claimed in February 2018 that more than 170 people are currently in prison after having been convicted of offences such as attempting to overthrow the government, conducting anti-state campaigns and ‘abusing democratic freedom to infringe the state’s interests’.⁶⁸ University authorities have been told by the Ministry of Public Security to expel activists from their universities;⁶⁹ while there have been reports that university students who participated in human rights advocacy have been prevented from graduating.⁷⁰

The government prevents the exit and entry of individuals who openly express anti-government views. Several individuals considered to be political dissidents or activists, or their family members, have been prevented from leaving or returning to Vietnam, or have had passports confiscated or withheld on often vague or unexplained grounds.⁷¹ In March 2018, at Hanoi Noi Bai airport authorities denied exit permission to a student who was traveling to study overseas due to his involvement in Formosa-related protests.⁷² In May 2017, police stopped Polish-Vietnamese activist Phan Chau Thanh from entering Vietnam, while in June 2017, stopped former political prisoner Do Thi Minh Hanh from leaving for Austria to visit her ill mother.⁷³ The same month, Vietnamese authorities stripped former political prisoner Pham Minh Hoang of his citizenship and deported him to France.⁷⁴

⁶³ ‘Vietnam’s Divide: Slow Healing, Fewer Prospects for Children of U.S. Allies’, Bloomberg, 24 December 2015, CXBD6A0DE19603

⁶⁴ ‘Vietnam’s Divide: Slow Healing, Fewer Prospects for Children of U.S. Allies’, Bloomberg, 24 December 2015, CXBD6A0DE19603

⁶⁵ Country Reports on Human Rights Practices 2017 - Vietnam, US Department of State, 20 April 2018, Section 1(d), OGD95BE927332

⁶⁶ Country Reports on Human Rights Practices 2015 - Vietnam, US Department of State, 13 April 2016, Section 1(e) OGD95BE926333; ‘Country Reports on Human Rights Practices for 2017 – Vietnam’, 20 April 2018, p.6, OGD95BE927332; ‘DFAT Country Information Report – Vietnam’, Department of Foreign Affairs and Trade, 21 June 2017, p.14, CISED50AD4597

⁶⁷ ‘DFAT Country Information Report – Vietnam’, Department of Foreign Affairs and Trade, 21 June 2017, p.14 CISED50AD4597

⁶⁸ ‘Vietnam: Activists Demand Release of Jailed Dissidents’, Eurasia Review, 12 February 2018, CXBB8A1DA22004

⁶⁹ Country Report on Human Rights Practices 2018 – Vietnam, US Department of State, 13 March 2019, p. 23, 20190314094839

⁷⁰ Freedom in the World 2018 – Vietnam, Freedom House, 5 April 2018, NGED867A684; ‘Country Report on Human Rights Practices 2018 – Vietnam’, US Department of State, 13 March 2019, p. 23, 20190314094839

⁷¹ Country Report on Human Rights Practices 2018 – Vietnam, US Department of State, 13 March 2019, p. 26, 20190314094839

; ‘DFAT Country Information Report – Vietnam’, Department of Foreign Affairs and Trade, 21 June 2017, p.24 CISED50AD4597

⁷² Country Report on Human Rights Practices 2018 – Vietnam, US Department of State, 13 March 2019, p. 23, 20190314094839

⁷³ Country Policy and Information Note – Vietnam: Opposition to the State, UK Home Office, September 2018, p.17 CISED50AD4597

⁷⁴ Human Rights Watch World Report 2018, Human Rights Watch, 18 January 2018, p.628 NGED867A63

Protests

Public protests and gatherings are monitored or restricted. Permits are required from local authorities for demonstrations or gatherings, which can be arbitrarily denied without explanation.⁷⁵ Only those arranging publicised gatherings to discuss sensitive matters appear to require permits.⁷⁶ Despite legal restrictions and threats of crackdown by the police, Vietnamese citizens continue to express their views through numerous protests.⁷⁷

Activist groups seeking to exercise their freedom of expression or association may experience harassment, surveillance, restrictions on their movement, short-term detention and physical attack. Attacks on rights campaigners have taken place in many regions of Vietnam.⁷⁸ In August 2018, security agents brutally beat rights activists Pham Doan Trang, Nguyen Tin, and Nguyen Dang Cao Dai after a raid on a concert in Ho Chi Minh City.⁷⁹ In June and July 2018 in Lam Dong province, unidentified men threw rocks and a handmade incendiary device into the house of a labor activist and former political prisoner, Do Thi Minh Hanh.⁸⁰ A June 2017 report highlighted 36 incidents in which men in civilian clothes attacked activists between January 2015 and April 2017, often resulting in serious injuries.⁸¹ Credible sources state that the use of these plain-clothes 'thugs', many of whom likely work for a government security agency, rose in 2017 and has in some instances allowed the government to be seen to be removed from committing acts of violence.⁸²

Anti-government protests

Anti-government protests are not tolerated by authorities. Individuals and groups who protest against the Government or openly criticise the Communist Party are likely to attract adverse attention from authorities, experience police intimidation or harassment, or see their protests shut down,⁸³ sometimes with the use of physical force.⁸⁴ In June 2018, there was a string of large demonstrations across Vietnam in protest against a new cybersecurity law and a draft law on special economic zones.⁸⁵ Authorities have responded by arresting and imprisoning some of those involved. For example, in July 2018 a court in southern Vietnam jailed 15 individuals for their involvement in protest activity,⁸⁶ while days earlier 10 people received prison terms of up to three-and-a-half years in central

⁷⁵ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 23, 20190314094839

⁷⁶ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 23, 20190314094839

⁷⁷ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, p.12, CIS7B83941599

⁷⁸ 'No Country for Human Rights Activists: Assaults on Bloggers and Democracy Campaigners in Vietnam', Human Rights Watch, 18 June 2017, p.2, CISED50AD4751

⁷⁹ 'Human Rights Watch World Report 2019', Human Rights Watch (HRW), 17 January 2019, p. 656, 20190118091502

⁸⁰ 'Human Rights Watch World Report 2019', Human Rights Watch (HRW), 17 January 2019, p. 656, 20190118091502

⁸¹ 'No Country for Human Rights Activists: Assaults on Bloggers and Democracy Campaigners in Vietnam', Human Rights Watch, 18 June 2017, p.2, CISED50AD4751

⁸² 'United States Commission on International Religious Freedom Annual Report 2018', US Commission on International Religious Freedom, 25 April 2018, p.123, CIS7B83941863

⁸³ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, p.16, CISED50AD4597

⁸⁴ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, p.24, CISED50AD4597

⁸⁵ 'Vietnam: a month of mass protests', Lowy Interpreter (The Interpreter), 27 June 2018, CXBB8A1DA30346

⁸⁶ 'Vietnamese court imprisons peaceful demonstrators', UCA News (UCAN), 1 August 2018, CXBB8A1DA32816

Binh Thuan province.⁸⁷ Individual petitioners seeking government action in relation to their land use rights have also been attacked or jailed.⁸⁸

Online protests

Vietnamese authorities have jailed a number of well-known bloggers in an attempt to curb online criticism of the government. In 2018, Vietnam put on trial at least 12 people for conducting propaganda against the state.⁸⁹ Sentences ranged from 4 to 12 years in prison, including for blogger Ho Van Hai (also known as Dr. Ho Hai), and activists Nguyen Dinh Thanh, Bui Hieu Vo, Tran Hoang Phuc, Vu Quang Thuan, Nguyen Van Dien, Nguyen Viet Dung, and Vuong Van Tha.⁹⁰ In February 2018 another high-profile blogger, Ho Van Hai, received a four year prison sentence for posts highlighting the faults of Vietnam's Communist government.⁹¹ In June 2017, a court in Khanh Hoa sentenced prominent blogger Nguyen Ngoc Nhu Quynh (also known as Mother Mushroom) to 10 years in prison for the publication of critical online posts and documents.⁹² She was released on 17 October 2018 with the remainder of her 10 year prison sentence as reportedly suspended. Following her release Nguyen Ngoc Nhu Quynh went into exile to the United States with her family.⁹³

Vietnam has established a new 10,000 person cyber unit to tackle dissident views online, while the National Assembly passed a new cyber security law in June 2018. Critics claim the new law gives authorities wide discretion to determine when online expression must be censored and therefore could facilitate further suppression of freedom of speech.⁹⁴ Under the law, introduced on 1 January 2019, service providers are required to take down offending content within 24 hours, while internet companies are required to disclose user data to authorities.⁹⁵ In July 2018, nearly two dozen members of the U.S. Congress reportedly wrote to the heads of Facebook and Google urging them not to comply with the law which they said is in violation of international human rights standards.⁹⁶

Despite online censorship, Vietnam applies fewer controls on the Internet than neighbouring China. Social media platforms such as Facebook are widely used, with some 52 million accounts out of a population of about 96 million.⁹⁷ The government has also, for the most part, not shut down other popular forms of online communication such as Twitter and Gmail and does not block the websites of major international media such as *The New York Times*.⁹⁸ Vietnamese authorities can be responsive

⁸⁷ ['Vietnam jails 10 more for protests over economic zones'](#), Reuters, 23 July 2018, CXBB8A1DA32143

⁸⁸ ['Vietnam jails activist a second time for "public disorder"'](#), Reuters, 20 September 2016 CX6A26A6E11373; ['Country Reports on Human Rights Practices for 2017 – Vietnam'](#), 20 April 2018, p.22, OGD95BE927332; ['Freedom in the World 2017 – Vietnam'](#), Freedom House, 4 September 2017, NG2A465F593; ['Vietnamese Land-Rights Petitioner Receives 18-Month Prison Term'](#), Radio Free Asia, 29 September 2015, CXBD6A0DE15108

⁸⁹ ['Human Rights Watch World Report 2019'](#), Human Rights Watch (HRW), 17 January 2019, pp. 655-656, 20190118091502

⁹⁰ ['Human Rights Watch World Report 2019'](#), Human Rights Watch (HRW), 17 January 2019, p. 656, 20190118091502

⁹¹ ['Vietnam hands blogger Ho Van Hai four-year Jail term for anti-state propaganda'](#), Radio Free Asia, 1 February 2018, CXBB8A1DA21206

⁹² ['Human Rights Watch World Report 2018'](#), Human Rights Watch, 18 January 2018, p.627NGED867A63

⁹³ ['Vietnamese Blogger Mother Mushroom Released, Exiled to US'](#), 17 October 2018, CXBB8A1DA36966

⁹⁴ ['Submission to the Universal Periodic Review of Vietnam'](#), Human Rights Watch, 13 July 2018, CXBB8A1DA31726

⁹⁵ ['Submission to the Universal Periodic Review of Vietnam'](#), Human Rights Watch, 13 July 2018, CXBB8A1DA31726; ['Vietnam's New Cyber Law Could Hobble Foreign Investors and Limit Basic Freedoms'](#), Centre for Strategic and International Studies (CSIS), 2 July 2018, CXBB8A1DA30601; ['Vietnam's new cyber law curbs dissents and business'](#), Radio France Internationale (RFI), 01 January 2019, 20190102163306

⁹⁶ ['US Lawmakers urge non-compliance with Cybersecurity Law article'](#), Radio Free Asia, 17 July 2018, CXBB8A1DA37007

⁹⁷ ['Vietnam's New Cyber Law Could Hobble Foreign Investors and Limit Basic Freedoms'](#), Centre for Strategic and International Studies (CSIS), 2 July 2018, CXBB8A1DA30601

⁹⁸ ['Vietnam's New Cyber Law Could Hobble Foreign Investors and Limit Basic Freedoms'](#), Centre for Strategic and International Studies (CSIS), 2 July 2018, CXBB8A1DA30601

to online opinion; in February 2018 Danang authorities rescinded guidelines requiring the local press to obtain official approval before publishing content following a social media backlash.⁹⁹

Environmental Protests: Formosa Ha Tinh Steel Corp Toxic Spill

Local communities protesting about the Formosa Ha Tinh Steel Corporation chemical spill have been accused of deliberately stirring anti-government sentiment. Formosa Steel, the Taiwanese company responsible for the April 2016 spill, in which chemicals leaked into the South China Sea, decimating fish stocks and devastating fishing communities along Vietnam's central coast, agreed to pay \$500 million in damages.¹⁰⁰ The disaster provoked large protests against both the company and the government in part due to the heavy impact on the livelihoods of the affected communities.¹⁰¹ Attempts by fishermen to sue Formosa in a provincial court were thrown out.¹⁰²

Authorities have generally not arrested or used unreasonable force against protesters. Large protests demanding the Formosa Ha Tinh Steel Corporation be closed and further compensation provided to assist with the clean-up have generally not resulted in injuries or arrests by state actors.¹⁰³ However, the government has reportedly cracked down on human rights activists connected to a new civil society organisation, The Alliance of Self-Determined People,¹⁰⁴ while on 6 February 2018, a Vietnamese court sentenced two other activists to prison terms of 14 years and two years respectively for protesting against Formosa.¹⁰⁵ Some supporters of the pair who attended the court building were beaten and detained in a police station until the trial ended at midday.¹⁰⁶ On 6 April 2017, hundreds of Catholic protesters marked the one-year anniversary of the waste spill on the streets and beaches of Vinh diocese, and carried black flags with anti-Formosa slogans on them.¹⁰⁷ In November 2018, Nguyen Van Hoa was jailed by the People's Court of Ha Tinh in Nghe An province after filming protests outside the Taiwan-owned Formosa Plastics Group steel plant. Held for nine days at the Ha Tinh police station following his arrest, Hoa was hung by his hands and beaten by eight police officers, who also threw water in his face¹⁰⁸

⁹⁹ 'Vietnamese City Rescinds Directive Curtailing Press Freedom', Voice of America (VOA), 10 February 2018, CXBB8A1DA22006

¹⁰⁰ 'Outrage over fish kill in Vietnam simmers 6 months later', The New York Times, 3 October 2016, CX6A26A6E10573

¹⁰¹ 'Vietnam's dead fish may spawn a stronger culture of dissent', Hoang C, cogitASIA, 30 September 2016, CIS38A80122116

¹⁰² 'Vietnam court swamped by fishermen seeking to sue Taiwan firm's steel unit', Reuters, 27 September 2016, CX6A26A6E10576

¹⁰³ 'Vietnamese rally outside Taiwanese steel plant that spread toxic waste', Reuters, 2 October 2016, CX6A26A6E10045;

'Vietnam's Dead Fish May Spawn a Stronger Culture of Dissent', Chau Hoang, Centre for Strategic & International Studies, 30 September 2016, p.2, CIS38A80122116;

'Formosa Spill Still Roils Public Opinion in Vietnam', Radio Free Asia, 7 December 2016, CX6A26AE14775

¹⁰⁴ 'Vietnam Cracks Down on Dissenters', Radio Free Asia, 10 November 2016, CX6A26A6E14902

¹⁰⁵ 'More activists sentenced in Vietnam', Voice of America (VOA), 11 February 2018, CXBB8A1DA21834;

'Catholic activist arrested in Vietnam, police beat up protesters', UCA News (UCAN), 23 May 2017, CXC9040668804

¹⁰⁶ 'Vietnamese environmental activists handed prison terms in Nghe An', Radio Free Asia, 6 February 2018, CXBB8A1DA21459

¹⁰⁷ 'Vietnamese Catholics Demonstrate to Mark Anniversary of Formosa Chemical Spill', Radio Free Asia (RFA), 6 April 2017, CXC9040666018

¹⁰⁸ 'Jailed Vietnamese Activist Goes on Hunger Strike Over Beatings by Police', Radio Free Asia (RFA), 28 February 2019, 20190305131350

State Protection

Institutions providing state protection are prone to corruption, although the Vietnamese government has introduced some reforms. The Law on Anti-Corruption criminalises corrupt practices by public officials,¹⁰⁹ and successful prosecutions of corrupt officials have occurred.¹¹⁰ As there is no separation of powers in Vietnam, the legislature, executive and the judiciary are part of the same party-state system.¹¹¹

Police

Internal security is the responsibility of the Ministry of Public Security. There are police organisations at the provincial, district and commune (local) levels over which people's committees exercise some authority.¹¹² There are two core forces: the People's Security Force (An ninh Nhan dan), responsible for national security, and the People's Police Force (Canh sat Nhan dan), which is responsible for social order and public safety.¹¹³ The People's Police force handles traditional police work such as neighbourhood policing, traffic control, household registration, and the issuing of identification cards.¹¹⁴

Police are effective in maintaining public order but have limited capacity in other areas, especially investigations. While the Ministry of Public Security is responsible for internal security and controls the national police; in practice, provincial and local-level police often maintain significant discretion in their activities.¹¹⁵ People's committees have substantial authority over police forces and prosecutors at the provincial, district and local levels.¹¹⁶ Although the Supreme People's Procuracy has authority to investigate security force abuse, police organisations operate with little transparency and limited public oversight.¹¹⁷

Police officers sometimes act with impunity. Internal police oversight exists but is subject to political influence.¹¹⁸ Police frequently ill-treat or torture suspects to elicit confessions, which has resulted in deaths in custody,¹¹⁹ while excessive force may also be used in responding to protests over evictions, land confiscation, and other social issues.¹²⁰ For example, in September 2017, many people were injured when police dispersed protesters in front of the entrance of a Hong Kong-owned textile factory in Hai Duong province.¹²¹ In May 2016, protesters reported that they were beaten and detained for hours when police broke up pro-environment marches in Hanoi and Ho Chi Minh City.¹²²

¹⁰⁹ 'Vietnam Corruption Report'. Global Advice Net, September 2017, CISED50AD7684

¹¹⁰ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, p.14, CIS7B83941599

¹¹¹ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, p.12, CIS7B83941599

¹¹² 'Public Insecurity: Deaths in Custody and Police Brutality in Vietnam', Human Rights Watch, 16 September 2014, p.14, CISA447F082797

¹¹³ 'Public Insecurity: Deaths in Custody and Police Brutality in Vietnam', Human Rights Watch, 16 September 2014, p.14, CISA447F082797

¹¹⁴ 'Public Insecurity: Deaths in Custody and Police Brutality in Vietnam', Human Rights Watch, 16 September 2014, pp. 5-8, CISA447F082797

¹¹⁵ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 7, 20190314094839

¹¹⁶ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 7, 20190314094839

¹¹⁷ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 7, 20190314094839

¹¹⁸ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 29, 20190314094839

¹¹⁹ 'Human Rights Watch World Report 2018', Human Rights Watch, 18 January 2018, p.629, NGED867A63

¹²⁰ 'Human Rights Watch World Report 2016: Events of 2015 – Vietnam', 27 January 2016, NGE43874C8

¹²¹ 'Country Policy and Information Note – Vietnam: Opposition to the State', UK Home Office, September 2018, p.18, CIS7B839419727

¹²² 'Human Rights Watch World Report 2017 – Events of 2016', Human Rights Watch, 13 January 2017, p. 670, NG2A465F52

In February 2017, police stopped hundreds of protesters who were marching to present compensation claims for the Formosa Environmental Disaster - witnesses reported seeing police beat and arrest some of the protesters.¹²³ In January 2019, in Tuy Hoa City, Phu Yen Province a video showing a Vietnamese police officer allegedly kicking a man on the floor of a police station went viral after being published on social media.¹²⁴

Judiciary

Vietnamese courts operate under government control. Most judges are members of the Communist Party of Vietnam and are screened by local officials for suitability before appointment.¹²⁵ The law provides for an independent judiciary and lay assessors.¹²⁶ However, political influence, endemic corruption and inefficiency strongly distort the judicial system and trials of human rights activists consistently fail to meet international standards.¹²⁷

Access to legal representation is inadequate. There is a shortage of judges and lawyers throughout the country, and as few as 20-30 per cent of defendants can obtain access to legal counsel, including in cases subject to the death penalty.¹²⁸ Vietnamese law does not expressly state that defendants have the right to call witnesses and defence lawyers may not have enough time to meet with clients.¹²⁹ There are widespread complaints that judges often appear to have made a determination of guilt prior to conducting a trial.¹³⁰

Harassment of human rights lawyers occurs. Lawyers are pressured to refuse religious and democracy activists as clients, and in some cases defence lawyers are restricted, harassed, and disbarred from representing these clients.¹³¹

Corruption

Corruption is widespread throughout the public administration system, despite criminal penalties. Corruption remains a serious problem¹³², existing in areas such as the police and the military, in business and banking, and in the allocation of land.¹³³ Transparency International rated the country 117 of 180 countries in public sector corruption in 2018.¹³⁴ A slight drop in its ranking from

¹²³ 'Vietnam police stop fishermen marching', Reuters, 14 February 2017, CXC9040661919

¹²⁴ 'Video of Alleged Police Beating in Vietnam Goes Viral', Radio Free Asia (RFA), 30 January 2019, 20190201173227

¹²⁵ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 11, 20190314094839

¹²⁶ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 11, 20190314094839

¹²⁷ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 11, 20190314094839 'Human Rights Watch World Report 2019', Human Rights Watch (HRW), 17 January 2019, p. 657, 20190118091502

¹²⁸ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, p.23 CISED50AD4597

¹²⁹ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 13, 20190314094839

¹³⁰ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 11, 20190314094839

¹³¹ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 11, 20190314094839

¹³² 'Corruption Perceptions Index 2018: Corruption in Vietnam's public sector is still perceived as highly serious', Towards Transparency, 29 January 2019, p.1, 20190326101127

¹³³ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, pp.7, 20CIS7B83941599;

'Freedom in the World 2018 – Vietnam', Freedom House, 5 April 2018, NGE867A684

¹³⁴ 'Corruption Perceptions Index 2018: Corruption in Vietnam's public sector is still perceived as highly serious', Towards Transparency, 29 January 2019, p.1, 20190326101127

2017, despite efforts in anti-corruption with the, improvement of the anti-corruption legal framework (e.g. the amended Anti-corruption Law approved by the National Assembly in November 2018).¹³⁵

Government leaders acknowledge widespread public discontent with the level of corruption and the extent to which it undermines the efficiency of the state and support for the Communist Party.

There have been a number of highly publicised prosecutions of senior public officials in recent years.¹³⁶ However, despite these, anti-corruption campaigns are pursued intermittently with varying degrees of seriousness,¹³⁷ and credible sources state they can be as much the result of internal Communist Party rivalries or attempts to maintain the party's image as a genuine desire to promote transparency in politics and business.¹³⁸ In May 2017, former Ho Chi Minh City Communist Party boss Politburo member Dinh La Thang was dismissed over allegations of corruption and for violations while he was chairman of PetroVietnam from 2009-11; this was only the third time in 30 years that a Politburo member had been dismissed.¹³⁹ In January 2018, Thang and a former subordinate, Trinh Xuan Thanh, were sentenced respectively to 13 years and two life sentences; Trinh Xuan Thanh after allegedly having been kidnapped by Vietnamese agents from a Berlin park.¹⁴⁰ In July 2018, a former deputy governor of Vietnam's central bank was jailed for three years for overseeing a dodgy restructuring scheme which lost the state \$600 million.¹⁴¹

The role of the private sector has steadily grown but deterrents to trade and investment still remain. Persistent high levels of corruption along with an opaque legal system, complex foreign investment laws, an underdeveloped financial system and uncertain rights relating to land ownership and usage are the main deterrents.¹⁴² Corruption is a key concern for business and foreign investors, and is seen as a major impediment to further development. Corruption in Vietnam is driven by a low level of transparency, accountability, and media freedom, as well as low pay for government officials and inadequate systems for holding officials accountable for their actions.¹⁴³ Companies are likely to experience bribery, political interference and facilitation payments.¹⁴⁴ The practice of giving and receiving bribes is so common that it is understood to be a routine part of doing business.¹⁴⁵

The banking sector still struggles with non-performing loans and transparency. In recent years, a number of high-profile banking officials have been arrested and convicted of embezzlement, abuse of power, taking bribes and intentionally violating state regulations on economic management.¹⁴⁶ This has been interpreted by some as a sign of the government's commitment to clean up corruption in the

¹³⁵ 'Corruption Perceptions Index 2018: Corruption in Vietnam's public sector is still perceived as highly serious', Towards Transparency, 29 January 2019, p.1, 20190326101127

¹³⁶ 'Vietnam to move forward with six high-profile graft cases', VietNamNet Bridge, 4 October 2016, CX6A26A6E13892; 'BTI 2016 – Vietnam Country Report', Bertelsmann Stiftung, 29 February 2016, p.19CIS38A8012384; 'Stiff sentences bolster Vietnam's anti-graft drive but questions remains over larger reform', Straits Times, The, 23 January 2018, CXBB8A1DA20684

¹³⁷ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, p.33, CIS7B83941599

¹³⁸ 'At Vietnam's biggest corruption trial, some skeptical views', Reuters, 10 January 2018, CXBB8A1DA363; 'Berlin 'kidnapping': Nowhere to run from Vietnam's anti-corruption campaign', Deutsche Welle, 8 January 2018, CXBB8A1DA329; 'Explainer: What's behind Vietnam's corruption crackdown', Reuters, 8 January 2018, CXBB8A1DA278

¹³⁹ 'Vietnam sacks top official for PetroVietnam 'violation'', BBC News, 8 May 2017, CXC9040667473 and 'Vietnam's Party chief says 'more will come' after high-profile punishment', VNExpress, 13 May 2017, CXC9040667994

¹⁴⁰ 'Stiff sentences bolster Vietnam's anti-graft drive but questions remains over larger reform', Straits Times, The, 23 January 2018, CXBB8A1DA20684; 'Vietnamese oil executive kidnapped in Berlin gets second life sentence', Deutsche Welle, 5 February 2018, CXBB8A1DA21363

¹⁴¹ 'Vietnam jails former central bank governor for three years', Agence France Presse, 2 July 2018, CXBB8A1DA30603

¹⁴² 'BTI 2016 – Vietnam Country Report', Bertelsmann Stiftung, 29 February 2016, pp.28-29, CIS38A8012384

¹⁴³ 'Investment Climate Statements – Vietnam', US Department of State, 2016, CX6A26A6E9812

¹⁴⁴ 'Business Corruption in Vietnam', GAN [Global Advice Net] Integrity Solutions Business Anti-Corruption Portal, 2015, CISEC96CF14407

¹⁴⁵ 'Vietnam targets families of public officials in anti-corruption drive', Luong, D, VnExpress, Vietnam, 22 August 2016, CIS38A80122505; 'Vietnam Corruption Report', Global Advice Net, September 2017, CISED50AD7684

¹⁴⁶ 'BTI 2016 – Vietnam Country Report', Bertelsmann Stiftung, 29 February 2016, p.19, CIS38A8012384

banking sector.¹⁴⁷ However, others saw the verdicts as evidence of widespread corruption, poor management and oversight in the banking sector'.¹⁴⁸

Anti-corruption agencies are often ineffective. A number of anti-corruption offices have been established over the last decade.¹⁴⁹ Anti-corruption efforts are, however, generally localised and have a limited overall impact on corruption.¹⁵⁰ Punitive measures range from fines to capital punishment, depending on the severity of the corruption case.¹⁵¹ Some prominent party functionaries, government officials, and, more recently, top executives of state conglomerates have been prosecuted.¹⁵² However, this is motivated in large part by the desire for good publicity and patronage continues to be a significant problem.¹⁵³

Gangs and Loan Sharks

Loan sharks charging illegal rates of interest are a widespread problem in Vietnam, but authorities have demonstrated a willingness to tackle their activities. Authorities have had difficulty prosecuting loan sharks for charging illegal rates of interest – above 150% of the base rate set by the State Bank of Vietnam – as these are rarely documented on loan papers.¹⁵⁴ A lack of resources, legal loopholes and inadequate implementation of laws also remain problems in tackling loan sharks;¹⁵⁵ however, credible sources assess that individuals targeted for unpaid debts are able to obtain protection from the police, who are active at the provincial, district and local levels and are subject to government authority.¹⁵⁶ In 2018, Police from southern Binh Thuan Province set up special police units to crack down on and increase awareness of illegal loan sharks.¹⁵⁷ In other parts of Vietnam, particularly Ho Chi Minh City, authorities have embarked on some high profile crackdowns on gang activity – including gangs involved in loan sharking – that yielded nearly 7,000 arrests in the second half of 2016.¹⁵⁸ For example, in May 2018, police in Sa Dec City accosted a suspected loan shark, Nguyen Van Thu at a car wash and seized notebooks with records of his loans - more than 400 deposit contracts and identity documents and 3,000 flyers and 700 leaflets for loans.¹⁵⁹ Six people linked with Thu were also arrested - all have admitted to lending money to students and small traders at interest rates of up to 20 per cent a month.¹⁶⁰ In 2016, Vietnam, along with the rest of the

¹⁴⁷ 'BTI 2016 – Vietnam Country Report', Bertelsmann Stiftung, 29 February 2016, p.19, CIS38A8012384

¹⁴⁸ 'BTI 2016 – Vietnam Country Report', Bertelsmann Stiftung, 29 February 2016, p.19, CIS38A8012384

¹⁴⁹ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, p.33, CIS7B83941599

¹⁵⁰ 'Investment Climate Statements – Vietnam', US Department of State, 2016, CX6A26A6E9812

¹⁵¹ 'Vietnam Corruption Report', Global Advice Net, September 2017, CISED50AD7684

¹⁵² 'Freedom in the World 2018 – Vietnam', Freedom House, 5 April 2018, NGED867A684; 'Stiff sentences bolster Vietnam's anti-graft drive but questions remains over larger reform', Straits Times, The, 23 January 2018, CXBB8A1DA20684; 'Vietnamese oil executive kidnapped in Berlin gets second life sentence', Deutsche Welle, 5 February 2018, CXBB8A1DA21363

¹⁵³ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, p.14, CIS7B83941599

¹⁵⁴ '"Black credit" besieges workers, students before Lunar New Year', VietNamNet Bridge, 29 January 2016, CX6A26A6E9780

¹⁵⁵ 'NA approves delay to Penal Code 2015', Viet Nam News, 1 July 2016 CX6A26A6E12697; 'Loan sharks feed off poor, naive workers', Viet Nam News, 11 September 2015 CXBD6A0DE18811; Ives, M & Nguyen, N S, 'Vietnam's gamble: Whether or not to legalise betting', Al Jazeera, 27 January 2016, CX6A26A6E13872

¹⁵⁶ 'Upper Tribunal (Immigration And Asylum Chamber) Appeal Number: AA/08316/2014', Government of the United Kingdom and Northern Ireland, 1 April 2016, CIS38A80124972

¹⁵⁷ 'Specialist police unit set up to target loan sharks in Binh Thuan', VietNamNet Bridge, 8 August 2018, CIS7B839419866

¹⁵⁸ 'HCM City cracks down on criminal gangs, thieves', Viet Nam News, 22 October 2016, CX6A26A6E13224; Huy, D, '14 arrested for extorting "protection fee" from sex workers in HCMC', Thanh Nien News, 16 January 2016, CX6A26A6E13879; 'Cops in Vietnam continue to crack down on gangs of smugglers, robbers', Thanh Nien News, 19 August 2014, CX1B9ECAB12445; 'Vietnamese court sentences six to death for drug trafficking', Voice of Vietnam (VOV News), 7 June 2014, CX322895

¹⁵⁹ 'Loan sharks cause suffering in Mekong Delta, central provinces', VietNamNet Bridge, 15 May 2018, CIS7B839419864

¹⁶⁰ 'Loan sharks cause suffering in Mekong Delta, central provinces', VietNamNet Bridge, 15 May 2018, CIS7B839419864

Association of Southeast Asian Nations (ASEAN), made financial inclusion one of their top priorities – including the ability of people to access loans and legitimate forms of credit.¹⁶¹ Authorities try to encourage people in need of money to use credible loan sources like the Capital Aid Fund for Employment of the Poor – a non-profit microfinance institution – but the amounts available through these sources can be insufficient.¹⁶²

Organised criminal networks are a continuing problem in Vietnam, but authorities have made increased efforts to tackle them. Credible sources indicate that organised gangs operate a range of illicit operations including loan sharking, illegal gambling, extortion, prostitution and sex-trafficking, people smuggling, the production of counterfeit goods and the production, supply, distribution and import/export of illicit drugs.¹⁶³ These criminal networks are based predominately in the major cities of Ho Chi Minh City and Hanoi as well as in the country's northern provinces.¹⁶⁴ In addition to controlling local operations, some of these organisations also operate internationally and have networks that reach throughout Southeast Asia and beyond.¹⁶⁵ Vietnamese authorities have demonstrated increased efforts to eliminate people trafficking - including enacting penal code amendments, establishing a new task force to increase law enforcement efforts in vulnerable border areas, and initiating an assessment of the implementation of its national action plan by identifying more victims, expanding anti-trafficking training and awareness campaigns for officials, vulnerable communities and law enforcement; however, efforts have been impeded by a lack of government coordination.¹⁶⁶ The Ministry of Labour, Invalids and Social Affairs also provides protection and reintegration support; operating 400 social protection centres through local authorities for trafficking victims.¹⁶⁷

Social infrastructure

Vietnam has experienced rapid economic growth over the past 30 years, transforming itself into a lower middle-income country. Vietnam's Gross Domestic Product (GDP) is estimated to have increased by 7 per cent in the first half of 2018.¹⁶⁸ Economic growth has been equitable, leading to a dramatic reduction in poverty and improved social outcomes.¹⁶⁹ The World Bank reported that in 2016 the national poverty rate was 9.8 per cent.¹⁷⁰ The unemployment rate has averaged 2.35 per cent from 1998 until 2018, with a record low of 1.81 per cent in the fourth quarter of 2012.¹⁷¹ The UNDP's Human Development Index ranked Vietnam 116 out of 189 countries in 2017, placing it in the 'medium human development' category.¹⁷²

¹⁶¹ 'How to scale up financial inclusion in ASEAN countries', The World Bank, 2 March 2016, CIS38A80124973

¹⁶² 'Loan sharks cleaning up ahead of Tet holiday', VietNamNet Bridge, 16 January 2017, CXC9040669853

¹⁶³ 'Vietnamese court sentences six to death for drug trafficking', Voice of Vietnam (VOV News), 7 June 2014 CX322895; 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, p.9, CISED50AD4597

¹⁶⁴ 'Vietnam 2015 Crime and Safety Report: Hanoi', 18 February 2015, US Department of State, Bureau of Diplomatic Security, Overseas Security Advisory Council (OSAC) 2015, p.5, CISEC96CF13669; 'Cops in Vietnam continue to crack down on gangs of smugglers, robbers', Thanh Nien News, 19 August 2014 CX1B9ECAB12445

¹⁶⁵ 'Loan sharks feed off poor, naive workers', Viet Nam News, 11 September 2015 CXBD6A0DE18811; 'Southern Vietnamese cut deals with loan sharks at exorbitant rates', Tuoi Tre Online, 23 February 2016, CX6A26A6E9775

¹⁶⁶ '2017 Trafficking in Persons Report – Vietnam', US Department of State, 28 June 2018, p. 454, OGD95BE927701

¹⁶⁷ 'Country Policy and Information Note – Vietnam: Opposition to the State', UK Home Office, September 2018, p.18CIS7B839419727

¹⁶⁸ 'The World Bank in Vietnam', The World Bank, 5 October 2018, p.1, 20190326130544

¹⁶⁹ 'The World Bank in Vietnam', The World Bank, 5 October 2018, p.1, 20190326130544

¹⁷⁰ 'Vietnam continues to reduce poverty, according to WB report', The World Bank, 5 April 2018, CXBB8A1DA33743

¹⁷¹ 'Vietnam Unemployment Rate', Trading Economic Forecast, 2019, 20190326131253

¹⁷² 'Human Development Indices and Indicators – 2018 Statistical Update', UNDP, 2018, p.27CIS7B839419962

Vietnam has an expanding if still limited social welfare system, while traditional social roles mean that families provide support for the elderly and sick. Vietnam's social welfare net has expanded in recent years, well beyond the anti-poverty program started in the 1990s.¹⁷³ New programs have included assistance of 2.16 million VND (AUD \$119) a year and a free health insurance card for all elderly people from the age of 80 onwards, the provision of assistance to single elderly people with limited incomes and no children; and assistance to disabled people, including victims of Agent Orange.¹⁷⁴ However, inequalities in the provision of social welfare exist.¹⁷⁵ Vietnam's social insurance has also not achieved universal coverage despite a voluntary social insurance policy having been in force since 2008.¹⁷⁶ In Vietnam, grown children typically provide care and support to elderly or sick parents.¹⁷⁷

Asylum seekers and returnees

Treatment of failed asylum seekers

Most individuals who depart Vietnam illegally, for the purpose of seeking asylum, are likely to be able to return to Vietnam without facing harm. Information suggests that returnees who have applied for asylum are not treated any differently to other returnees.¹⁷⁸ While Article 120 of the Criminal Code 2015 prohibits 'organising, coercing, instigating illegal emigration for the purpose of opposing the people's government',¹⁷⁹ there are no reported cases of this provision being used against asylum seekers.¹⁸⁰ The government of Vietnam distinguishes between victims and perpetrators of people smuggling and as such views individuals who paid money to organisers of people smuggling operations as victims of people smuggling, not criminally liable.¹⁸¹

Individuals who depart Vietnam illegally may be subject to fines upon return or briefly detained and interviewed. Under Article 347 of the Criminal Code 2015 individuals may be fined between VND 5 million and VND 50 million (approximately AUD302-3028) or face a penalty of 6 to 36 months' imprisonment for leaving Vietnam illegally.¹⁸² Individuals may be fined between VND 10 million and VND 50 million for leaving Vietnam using a false passport.¹⁸³ There are also cases of individuals

¹⁷³ 'Social Relations, Regional Variation, and Economic Inequality in Contemporary Vietnam: A View from Two Vietnamese Rural Communities', Luong, H V in P Taylor (ed), Connected and Disconnected in Viet Nam: Remaking Social Relations in a Post-socialist Nation, Australian National University Press, ACT, Vietnam Series, 2016, p.66, CIS38A8012636

¹⁷⁴ 'Social Relations, Regional Variation, and Economic Inequality in Contemporary Vietnam: A View from Two Vietnamese Rural Communities', Luong, H V in P Taylor (ed), Connected and Disconnected in Viet Nam: Remaking Social Relations in a Post-socialist Nation, Australian National University Press, ACT, Vietnam Series, 2016, p.66, CIS38A8012636

¹⁷⁵ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, p.25CIS7B83941599

¹⁷⁶ 'Social Welfare in Vietnam: 30 Years in Reform on and Outlook until 2030', Anh, D N, Vietnam Social Sciences Review, 8 July 2016, p.22, CIS38A80122817

¹⁷⁷ 'Elderly care centres: dutiful to parents or not?', VietNamNet Bridge, 21 October 2016, CX6A26A6E16960 and 'Vietnamese Cultural Profile – older people', Southern Migrant and Refugee Centre, May 2010, p.2, CISDCDCAAB2010

¹⁷⁸ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, p.24 CISED50AD4597

¹⁷⁹ 'Criminal Code, No.100/2015/QH13', The National Assembly. Socialist Republic of Viet Nam, 27 November 2015, CISEC96CF110167

¹⁸⁰ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, p.24, CISED50AD4597

¹⁸¹ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, p.24, CISED50AD4597

¹⁸² 'Criminal Code, No.100/2015/QH13', The National Assembly. Socialist Republic of Viet Nam, 27 November 2015, CISEC96CF110167

¹⁸³ 'Criminal Code, No.100/2015/QH13', The National Assembly. Socialist Republic of Viet Nam, 27 November 2015, CISEC96CF110167

being detained for short periods of time and interviewed for the purpose of people smuggling investigations.¹⁸⁴

Montagnard asylum seekers

Montagnard (ethnic minority) asylum seekers who are returned to Vietnam may face detention, beatings and close monitoring by police. Credible sources report that Vietnam has pressured Cambodia and Thailand to forcibly return Montagnard asylum seekers, and that those returned may have been detained and questioned for up to several days and closely monitored by police.¹⁸⁵ A 2015 submission referred to an individual who 'was detained by authorities for 12 days after his return and beaten' and of a group of 36 Montagnards who were held overnight by police and released the next day.¹⁸⁶ A group of Montagnards returned from Cambodia in 2017 claimed that they were subject to ongoing surveillance, as well as restrictions on their ability to move freely; forced confessions admitting their error in fleeing Vietnam and filmed for subsequent broadcast on television were also alleged.¹⁸⁷ In August 2018, 85 Montagnards were jailed in Thailand after being arrested during raids in Nonthaburi province.¹⁸⁸ Thai immigration officials have been silent about the plans for the detained Montagnards.¹⁸⁹ A spokesperson from the Montagnards Assistance Project has said that the chances of finding a country to take them in were "very low".¹⁹⁰

Suspected people smugglers

Individuals who are suspected of people smuggling activities are likely to be detained and prosecuted on return to Vietnam. Information indicates individuals suspected of people smuggling may be investigated, arrested and held in long-term detention.¹⁹¹ This is consistent with Article 348 of the Criminal Code 2015 which seeks to discourage people trafficking.¹⁹² It is also consistent with a number of reports from 2016 that detail instances of individuals who have been prosecuted and detained for up to 3 years for organising people smuggling ventures in 2015.¹⁹³

¹⁸⁴ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, p.25, CISED50AD4597

¹⁸⁵ 'Vietnam 2016 Human Rights Report', US Department of State, 20 April 2018, Section 6, p. 35, OGD95BE926901

¹⁸⁶ 'Submission to the Department of Foreign Affairs and Trade: Australia - Viet Nam Human Rights Dialogue Civil Society Consultation', Amnesty International, 31 July 2015, p.7, CISEC96CF13142

¹⁸⁷ 'Returned Montagnards facing intimidation, spying in Vietnam', Cambodia Daily, 3 May 2017, CXC9040666726; Cambodia. Protect Montagnards refugees, Human Rights Watch, 12 September 2017, CXC904066621215

¹⁸⁸ 'Persecuted in Hanoi, locked up in Bangkok – the Montagnards, Vietnam's forgotten Christians', South China Morning Post, 4 November 2018, CXBB8A1DA37926

¹⁸⁹ 'Persecuted in Hanoi, locked up in Bangkok – the Montagnards, Vietnam's forgotten Christians', South China Morning Post, 4 November 2018, CXBB8A1DA37926

¹⁹⁰ 'Persecuted in Hanoi, locked up in Bangkok – the Montagnards, Vietnam's forgotten Christians', South China Morning Post, 4 November 2018, CXBB8A1DA37926

¹⁹¹ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, p.24, CISED50AD4597

¹⁹² 'Vietnamese asylum seekers forcibly returned by Australia face jail', The Guardian, 24 May 2016, CX6A26A6E4619; 'Vietnam: Drop Charges Against Boat Returnees', Human Rights Watch 2016, 24 May 2016, CX6A26A6E12344; 'Criminal Code, No.100/2015/QH13', The National Assembly. Socialist Republic of Viet Nam, 27 November 2015, CISEC96CF110167

¹⁹³ 'Vietnamese asylum seekers forcibly returned by Australia face jail', The Guardian, 24 May 2016, CX6A26A6E4619; 'Vietnam: Drop Charges Against Boat Returnees', Human Rights Watch 2016, 24 May 2016, CX6A26A6E12344; 'Vietnam jails four asylum seekers returned by Australia', Reuters, 27 May 2016, CX6A26A6E4618

Relocating or leaving the country

Residence laws are applied inconsistently by local police. Under the Vietnamese Constitution, all citizens, including migrants, have equal rights, including freedom of movement and residence.¹⁹⁴ However residency laws are not applied consistently, due to lack of guidance and differing interpretations of the law, which causes confusion.¹⁹⁵ A 2013 law explicitly recognises the right of local authorities to set their own policies regarding registration, and some cities have tightened the requirements for obtaining permanent status.¹⁹⁶

Internal relocation in Vietnam is closely monitored by authorities. While relocation is common in Vietnam, with large scale urbanisation occurring in recent decades, under the Household Registration System local police in Vietnam often require citizens to register when staying in or moving to any location outside of their own homes.¹⁹⁷ Moving without permission can hamper individuals seeking legal residence permits, public education, and health-care benefits.¹⁹⁸ Due to the level of official scrutiny and monitoring in Vietnam, there are few options for people wishing to relocate internally in order to seek protection from state authorities.¹⁹⁹

Movement across Vietnam's borders is closely monitored and broad limitations have been placed upon the right to freedom of movement. The Immigration Department of the Ministry of Public Security (MPS) is responsible for identifying and recording travellers who pass through international airports, including Vietnamese nationals.²⁰⁰ The MPS has total discretion to prohibit Vietnamese citizens from leaving or entering the country on the grounds of "safeguarding national security and social order and safety".²⁰¹ The Vietnamese government has also imposed limitations on the movement of some activists and religious leaders, including those outspoken in their criticism of the government and political dissidents amnestied with probation or under house arrest.²⁰² Dozens of individuals have been prevented from traveling overseas or entering the country, had their passports withheld on vague charges or have been refused a passport without clear explanation.²⁰³ For example, authorities continue to monitor and selectively restrict the movement of the following activists and religious leaders: Nguyen Dan Que, Pham Chi Dung, Pham Ba Hai, Nguyen Hong Quang, Thich Khong Tanh, Le Cong Cau, and Duong Thi Tan.²⁰⁴ Vietnamese authorities have also routinely physically prevented political activists and family members of political prisoners from meeting with foreign diplomats or from traveling abroad.²⁰⁵

¹⁹⁴ 'Vietnam 2016 Human Rights Report', US Department of State, 3 March 2017, Section 2, OGD95BE926901

¹⁹⁵ 'Migration, Resettlement and Climate Change in Viet Nam', United Nations Viet Nam, March 2014, pp.13-14, CISA447F083168

¹⁹⁶ 'Vietnam's Household Registration System', World Bank Group & Vietnam Academy of Social Sciences, June 2016, CIS38A80121252

¹⁹⁷ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, p.24, CISED50AD4597

¹⁹⁸ 'Vietnam 2016 Human Rights Report', US Department of State, 3 March 2017, Section 2, OGD95BE926901

¹⁹⁹ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, p.24, CISED50AD4597

²⁰⁰ 'Review of Vietnamese Migration Abroad, Consular Department – Ministry of Foreign Affairs of Vietnam', May 2012, p.11, CIS961F9402609

²⁰¹ 'Q & A on the Right to Freedom of Movement in Vietnam', Civil Rights Defenders, 14 September 2015, pp.2 & 4, CISEC96CF15116

²⁰² 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 25, 20190314094839

²⁰³ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 25, 20190314094839

²⁰⁴ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 25, 20190314094839

²⁰⁵ 'Vietnam 2016 Human Rights Report', US Department of State, 3 March 2017, Section 1, OGD95BE926901; 'Vietnam blocks Catholic priest, sister of labor activist from leaving abroad', Vietnam Human Rights Defenders, 27 June 2017, CXC9040669873; 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, p.25 & 9, OGD95BE927332



Australian Government
Department of Home Affairs

Common Claims

Vietnam

Country of Origin Information Services Section (COISS)

Effective from 11 October 2019

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Religion

The degree to which Vietnamese people have the ability to practice their faith freely and without fear, harassment, detention or violence widely varies. Religious freedoms in Vietnam remain restricted and all religious groups and most individual clergy members are required to join a party-controlled supervisory body and obtain permission for most activities.¹ There are 38 religious organisations and one dharma practice recognised in Vietnam, which are affiliated with 15 distinct religious traditions as defined by the government.² These are Buddhism, Islam, Baha'i, Catholicism, Protestantism, Mormonism, Hoa Hao Buddhism, Cao Dai, Buu Son Ky Huong, Tinh Do Cu Si Phat Hoi, Tu An Hieu Nghia, Phat Duong Nam Tong Minh Su Dao, Minh Ly Dao Tam Tong Mieu, Khmer Brahmanism and Hieu Nghia Ta Lon Buddhism.³ On 1 January 2018, a new Law on Belief and Religion came into effect which critics claim allows increased intrusion into freedom of religion or belief.⁴ The law outlaws groups that do not register with the government, effectively criminalising many peaceful religious practices and activities.⁵

Treatment of religious groups

Recognised religious groups in Vietnam who worship quietly and conform to government policies have a low risk of official interference. Catholic groups – along with Protestants, Muslims, Baha'i and Buddhist groups – are now allowed to provide religious education to adherents.⁶ In September 2016, the Catholic Institute of Vietnam opened in Ho Chi Minh City, becoming the country's first-ever university-level institute of theology.⁷ According to a 2015 report from the UN Special Rapporteur on freedom of religion or belief, the relationship between Vietnam and the Vatican has improved markedly in recent years.⁸ In May 2016, the Vietnamese government granted recognition to the Church of Jesus Christ of Latter-day Saints, while the Popular Council of the Independent Cao Dai Church has also reported declining government repression.⁹ Jehovah's Witnesses also report that the Vietnamese government has granted registration and recognition certificates to many of its congregations and local groups, enabling adherents to worship freely.¹⁰

Reports of repression, violence and harassment of religious activities outside state-approved religious groups are common. The Vietnamese government is suspicious of any organised group that may challenge its authority, and continues to closely monitor and disrupt the activities of unrecognised branches of various religious groups, sometimes violently.¹¹ Reports of harassment from authorities include physical assault, arrest, prosecution, monitoring, travel restrictions, property seizure, and denial of registration,¹² although credible sources claim that more serious acts of

¹ 'Freedom in the World 2019 – Vietnam', Freedom House, 2019, p.4, 20190802161239

² 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.4, 20190625113215

³ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.4, 20190625113215

⁴ 'United States Commission on International Religious Freedom Annual Report 2019', United States Commission on International Religious Freedom (USCIRF), 29 April 2019, p.132, 20190508143726; 'United States Commission on International Religious Freedom Annual Report 2018', US Commission on International Religious Freedom, 25 April 2018, p.126, CIS7B83941863

⁵ 'United States Commission on International Religious Freedom Annual Report 2019', United States Commission on International Religious Freedom (USCIRF), 29 April 2019, p.132, 20190508143726

⁶ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.20, 20190625113215

⁷ '2017 Annual Report', US Commission on International Religious Freedom, April 2017, p.116, CISED50AD3969

⁸ 'Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt – Addendum: Mission to Viet Nam (21 to 31 July 2014)', UN Human Rights Council, 30 January 2015, p.13, CISEC96CF13238

⁹ '2017 Annual Report', US Commission on International Religious Freedom, April 2017, p.116, CISED50AD3969

¹⁰ 'United States Commission on International Religious Freedom Annual Report 2018', US Commission on International Religious Freedom, 25 April 2018, p.124, CIS7B83941863

¹¹ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.25, 20190917095808; 'Human Rights Watch World Report 2019', Human Rights Watch, 17 January 2019, pp.658-659, 20190118091502

¹² 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.1, 20190625113215

violence are generally related to activities such as protesting against land confiscation and anti-government activities, rather than due to a person's religion.¹³

The Vietnamese government closely controls and monitors the activities of Catholics and other Christians. While the Vatican is permitted to select its own bishops and priests, these must be approved by the authorities.¹⁴ There are restrictions on the numbers of students permitted to enrol in Catholic and also in Protestant seminaries, which church leaders say are inadequate to meet demand.¹⁵ According to a 2018 report, Christians have, as a rule, always been denied membership in the party, the state bureaucracy and the security forces, and have not been appointed to leadership positions in schools and universities.¹⁶ According to many Catholic bishops, congregations in remote areas with majority ethnic minority populations face difficulty registering for government recognition, uneven and inconsistent enforcement of national laws, and a lack of accountability on the part of provincial authorities.¹⁷ Catholic leaders state that the most problematic regions are in the Central Highlands (Gia Lai, Dak Lak, Dak Nong, Kon Tum, and Lam Dong provinces), the Northwest Highlands, and Hoa Binh province.¹⁸ In 2017 and 2018 there were reports of harassment of Catholics, particularly Catholics active in political protests¹⁹, by a pro-government group called the Red Flag Association.²⁰ Red Flag groups are organised and often work closely with authorities.²¹ In February 2018, members of the Red Flag Association at a primary school in Nghe An province intimidated and beat Catholic parents at a school meeting.²² In December 2017, the group clashed violently with parishioners in Vinh Diocese, Nghe An province, over the construction of a new chapel.²³ The group reportedly ceased operating in March 2018.²⁴

Catholic leaders have been actively involved in local political issues such as environmental protests. Catholic leaders, particularly in central Vietnam, have helped organise protests calling for stronger environmental protections, and were involved in the widespread June 2018 protests on special economic zones and the cybersecurity law.²⁵ Priests have also assisted parishioners in filing complaints and lawsuits against the government over the 2016 Formosa incident.²⁶ In response, state-run media and pro-government blogs published highly critical material against priests who assisted activists and victims of the Formosa incident, with some priests reportedly pressured to leave their parishes.²⁷ [Also see: [Environmental Protests: Formosa Ha Tinh Steel Corp Toxic Spill](#)]

¹³ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, p.13, CISED50AD4597

¹⁴ 'The Vatican is making headway in Hanoi. Will Beijing be next?', Catholic Herald, 29 August 2019, 20190917154848; 'Vietnam deal points way for China-Vatican progress', UCA News (UCAN), 8 October 2018, 20190917155709

¹⁵ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.20, 20190625113215

¹⁶ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, pp.8-9, CIS7B83941599

¹⁷ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.17, 20190625113215

¹⁸ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.17, 20190625113215

¹⁹ 'Report on Human Rights in Vietnam 2018-2019', Vietnam Human Rights Network, 10 May 2019, p.25, 20190806115309

²⁰ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.2, 20190625113215; 'International Religious Freedom Report for 2017 - Vietnam', US Department of State, 29 May 2018, p.26, OGD95BE927542

²¹ 'United States Commission on International Religious Freedom Annual Report 2019', United States Commission on International Religious Freedom (USCIRF), 29 April 2019, p.136, 20190508143726

²² 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.22, 20190625113215

²³ 'International Religious Freedom Report for 2017 - Vietnam', US Department of State, 29 May 2018, p.26, OGD95BE927542

²⁴ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.2, 20190625113215

²⁵ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.13, 20190625113215

²⁶ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.13, 20190625113215

²⁷ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.13, 20190625113215

Particular social groups

Women

Domestic violence against women in Vietnam is common. Exact statistics are difficult to obtain due to victims' frequent reluctance to approach authorities,²⁸ but according to a 2015 NGO survey, 59 per cent of married women had suffered physical or sexual abuse at least once in their lives, typically from a male partner or member of the family.²⁹ Of approximately 1.4 million divorce cases processed by local courts between 2008 and 2018, about 1 million, or 77 per cent, involved domestic violence.³⁰ Domestic violence against women is most prevalent in rural areas where a range of circumstances exist, such as economic difficulties, family conflicts, addictive illness and a lack of understanding among women of their rights.³¹ Social stigma prevents many survivors from coming forward due to fear of harassment from their spouses or family.³²

Domestic violence is criminalised in Vietnam, and there are avenues of redress available to victims. Vietnamese law criminalises rape – including spousal rape – and prohibits violence or threats against women.³³ Rapists are subject to prison terms of up to 15 years in severe cases.³⁴ Authorities prosecute rape cases but do not release arrest, prosecution, conviction, or punishment statistics.³⁵ Vietnamese law also outlines acts that constitute domestic violence and stipulates punishments, ranging from warnings and probation to imprisonment.³⁶ However, authorities treat domestic violence cases as civil cases unless the victim suffers injuries to more than 11 per cent of their body.³⁷ Police generally seek to initiate a process of reconciliation between the victim and perpetrator for less serious cases of domestic violence,³⁸ which credible sources indicate favours men over women and can leave a victim without access to effective legal remedy,³⁹ but victims and the police can initiate a criminal investigation into more serious incidents.⁴⁰ Authorities, with the help of international and local non-government organisations, train police, lawyers, community advocates and

²⁸ 'Vietnam's social mores make it more difficult to fight domestic violence', VNExpress, 20 September 2019, 20190924140401; 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, p.17, CISED50AD4597

²⁹ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 30, 20190314094839

³⁰ 'Vietnam's social mores make it more difficult to fight domestic violence', VNExpress, 20 September 2019, 20190924140401

³¹ 'Consideration of reports submitted by States parties under article 18 of the Convention: Seventh and eighth periodic reports of States parties due in 2011: Viet Nam', UN Committee on the Elimination of Discrimination against Women, 13 December 2014, pp.67-68, CIS2F827D91319

³² 'Vietnam's social mores make it more difficult to fight domestic violence', VNExpress, 20 September 2019, 20190924140401; 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 30, 20190314094839

³³ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 30, 20190314094839

³⁴ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 30, 20190314094839

³⁵ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 30, 20190314094839

³⁶ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 30, 20190314094839; 'Country Profile - Social Institutions and Gender Index - Viet Nam', Social Institutions and Gender Index (SIGI), 2019, p.4, 20190820172336

³⁷ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 30, 20190314094839

³⁸ 'Country Profile - Social Institutions and Gender Index - Viet Nam', Social Institutions and Gender Index (SIGI), 2019, p.5, 20190820172336; 'Assessment of the situation of women in the criminal justice system in Viet Nam. In support of the Government's efforts towards Effective Gender Equality in the Criminal Justice System', United Nations Office on Drugs and Crime, July 2013, p.19, CIS36DE0BB2142

³⁹ 'Compilation on Viet Nam: Report of the Office of the United Nations High Commissioner for Human Rights', United Nations Human Rights Council, 15 November 2018, p.9, 20190723115431; 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, p.17, CISED50AD4597

⁴⁰ 'Assessment of the situation of women in the criminal justice system in Viet Nam. In support of the Government's efforts towards Effective Gender Equality in the Criminal Justice System', United Nations Office on Drugs and Crime, July 2013, p. 19, CIS36DE0BB2142

legal system officials in laws related to domestic violence.⁴¹ Victims, or a representative of a victim, are required to lodge a written complaint to the police to initiate proceedings.⁴²

Support services

The Vietnamese government and NGOs provide support services to address domestic violence. These include crisis centres, hotlines, and 300 “reliable residences” which enable women to seek assistance from another family while local authorities and community leaders attempt to confront the perpetrator to resolve the complaint.⁴³ Domestic violence rapid response teams have been established with the support of the United Nations,⁴⁴ while judicial officers and legal aid centres are available to victims.⁴⁵ By 2013, Vietnam had developed 10 shelters nationwide that provide women and girls with access to health-care services, counselling, education, vocational and life skills training.⁴⁶ The Center for Women and Development, supported by the Women’s Union, operates a nationwide domestic violence hotline, but this is not widely advertised in rural areas.⁴⁷ The Center also runs a shelter in Hanoi, ‘Peace House’; the shelter provides children and women who are affected by domestic violence with counselling services, vocational training, and social programs.⁴⁸ Authorities, with the help of international and local non-government organisations, continue to support workshops and seminars that aim to educate women and men about domestic violence and women’s rights, as well as seeking to highlight the problem through public awareness campaigns.⁴⁹

Forced/early marriage

Forcing or entering into marriage with an underage person is prohibited in Vietnam. The legal minimum age of marriage is 18 for girls and 20 for boys.⁵⁰ However, there are reports that child marriage still occurs in rural areas of Quang Nam Province, with pregnant girls as young as 14 pressured into marriage by family.⁵¹ Approximately 10 per cent of girls under 18 are married.⁵²

LGBTI

Discrimination against LGBTI people remains widespread in Vietnamese society, despite increased government tolerance. Although there are no laws to prohibit discrimination on the basis

⁴¹ ‘Country Reports on Human Rights Practices for 2017 – Vietnam’, 20 April 2018, p.30, OGD95BE927332

⁴² ‘Assessment of the situation of women in the criminal justice system in Viet Nam. In support of the Government’s efforts towards Effective Gender Equality in the Criminal Justice System’, United Nations Office on Drugs and Crime, July 2013, pp.18-19, CIS36DE0BB2142

⁴³ ‘Vietnam 2016 Human Rights Report’, US Department of State, 3 March 2017, Section 6, OGD95BE926901

⁴⁴ ‘Viet Nam establishes Rapid Response Forces against domestic violence’, United Nations Office on Drugs and Crime, 1 January 2015, CXBD6A0DE19214

⁴⁵ ‘Access to Justice in the Plural Legal System in Viet Nam: A Case Study of Women Domestic Violence Survivors’, UN Women, 2015, p.57-58, CISEC96CF15250

⁴⁶ ‘Consideration of reports submitted by States parties under article 18 of the Convention: Seventh and eighth periodic reports of States parties due in 2011: Viet Nam’, UN Committee on the Elimination of Discrimination against Women, 13 December 2014, pp.67-68, CIS2F827D91319

⁴⁷ ‘Vietnam 2016 Human Rights Report’, US Department of State, 3 March 2017, Section 6, OGD95BE926901

⁴⁸ ‘Third periodic report submitted by Vietnam under article 40 of the Covenant’, United Nations Human Rights Office of the High Commissioner, 9 January 2018, CIS7B839419944; ‘Social activities of the Center for Women and Development’, Center for Women and Development, n.d. [Accessed 16 October 2018], CIS7B839419862

⁴⁹ ‘Country Report on Human Rights Practices 2018 – Vietnam’, US Department of State, 13 March 2019, p. 31, 20190314094839

⁵⁰ ‘Country Report on Human Rights Practices 2018 – Vietnam’, US Department of State, 13 March 2019, p. 33, 20190314094839

⁵¹ ‘Child marriage remains the norm in central mountains’, Dac Thanh, VNExpress, 21 August 2019, 20190822090141

⁵² ‘Country Profile - Social Institutions and Gender Index - Viet Nam’, Social Institutions and Gender Index (SIGI), 2019, p.1, 20190820172336

of sexual orientation or gender identity in Vietnam,⁵³ consensual same-sex sexual conduct is not criminalised.⁵⁴ Although the government still does not officially recognise same-sex marriage, in 2015 Vietnam repealed a ban on such unions.⁵⁵ A revised civil code also contains new provisions legalising transgender rights – including the right to change their sex, access health care and change their gender identity on official documents if they have undergone sex re-assignment surgery.⁵⁶ Recently, the Binh Dan Hospital in Saigon, opened a new clinic catering to members of the LGBTI community, making it Vietnam's first medical facility to do so.⁵⁷ Despite this, societal discrimination and stigma against LGBTI people remains widespread and is worst towards transgender people.⁵⁸ Discrimination is most pervasive in schools, health care and the work place, although it also occurs within some families.⁵⁹ Violence against LGBTI people is much less common than other forms of discrimination, such as verbal insults and online abuse,⁶⁰ and a 2016 report said that, unlike other countries, violence is mainly perpetrated by acquaintances rather than strangers.⁶¹ LGBTI people often choose not to report incidents of discrimination or violence to police because they perceive it as commonplace, do not believe it will be adequately resolved or fear embarrassment.⁶²

Vietnam increasingly accepts the rights of LGBTI people. Numerous civil society organisations advocating for LGBTI rights have emerged in recent years.⁶³ While places to meet on a day-to-day basis remain limited it is also known that many Vietnamese LGBTI people remain discreet in expressing their sexuality,⁶⁴ Vietnam's first gay pride rally took place in 2012,⁶⁵ and has become an annual event each August.⁶⁶ Authorities have allowed gay pride marches and gatherings to go ahead despite not being registered.⁶⁷ Nearly 2,000 individuals participated in a pride parade in Ho Chi Minh City in September 2017, while other pride celebrations were held in 35 cities and provinces.⁶⁸ Mainstream Vietnamese media – which is controlled by the government – increasingly promotes the view that being gay is normal.⁶⁹ While Vietnam does not have a 'gay scene' in major cities, young LGBTI people frequently connect through social media platforms such as Facebook groups and blogs.⁷⁰

⁵³ 'Freedom in the World 2019 – Vietnam', Freedom House, 02 August 2019, p.6, 20190802161239

⁵⁴ 'State-Sponsored Homophobia 2019', Lucas Ramón Mendos, International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), 20 March 2019, p.189, 20190327100813

⁵⁵ 'Freedom in the World 2018 – Vietnam', Freedom House, 5 April 2018, NGE867A684

⁵⁶ 'LGBT rights: Vietnam recognises transgender people, but there's a flaw in its law', Sen Nguyen, South China Morning Post, 21 June 2019, 20190814134558; 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, p.17, CISED50AD4597

⁵⁷ 'Vietnam's first LGBT-friendly clinic provides relief from illness and prejudice', VNExpress, 29 January 2019, 20190130103506

⁵⁸ 'Freedom in the World 2018 – Vietnam', Freedom House, 5 April 2018, NGE867A684; "'Is it because I am LGBT?' Discrimination based on sexual orientation in Viet Nam', UNDP, 21 June 2016, p.14CIS38A80124354; 'Transgender at work. Livelihoods for transgender people in Vietnam', Hoang T-A and Oosterhoff, P, Institute of Development Studies, February 2016, pp. 4, 15, CIS38A80128087

⁵⁹ 'Being LGBT in Asia – Vietnam country report', USAID & UNDP, August 2014, pp.27-31, CX324893; "'Is it because I am LGBT?' Discrimination based on sexual orientation in Viet Nam', UNDP, 21 June 2016, p.14CIS38A80124354

⁶⁰ "'Is it because I am LGBT?' Discrimination based on sexual orientation in Viet Nam', UNDP, 21 June 2016, p.18, CIS38A80124354

⁶¹ "'Is it because I am LGBT?' Discrimination based on sexual orientation in Viet Nam', UNDP, 21 June 2016, p.18, CIS38A80124354

⁶² "'Is it because I am LGBT?' Discrimination based on sexual orientation in Viet Nam', UNDP, 21 June 2016, p.97, CIS38A80124354

⁶³ 'Being LGBT in Asia – Vietnam country report', USAID & UNDP, August 2014, p.21, CX324893

⁶⁴ 'Gay Vietnam', Travel Gay Asia, n.d., (accessed 3 July 2017), CISED50AD4725; Gay Hanoi, Travel Gay Asia, n.d., (accessed 3 July 2017), CISED50AD4726; Travel & Resources: HO CHI MINH CITY – SAIGON, Utopia, n.d. (accessed 3 July 2017), CISED50AD4728

⁶⁵ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, pp.17-18, CISED50AD4597

⁶⁶ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, pp.17-18, CISED50AD4597; 'Love in the air at gay pride parade in Ho Chi Minh City', Tuoi Tre Online, 25 September 2017, CXC90406620464

⁶⁷ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.28, 20190917095808

⁶⁸ 'Love in the air at gay pride parade in Ho Chi Minh City', Tuoi Tre Online, 25 September 2017, CXC90406620464

⁶⁹ 'Gay Vietnam', Travel Gay Asia, n.d., (accessed 3 July 2017), CISED50AD4725

⁷⁰ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, p.18, CISED50AD4597

Political Opinion

Membership of the Vietnamese Communist Party (CPV) remains beneficial for career advancement and to maximise other social and economic opportunities, but is no longer essential for success. Vietnam is a single-party, authoritarian regime.⁷¹ Party membership remains a prerequisite to career advancement for nearly all government and government-linked organisations and businesses.⁷² Recent economic reforms have provided greater opportunities for non-CPV members, and increasingly young Vietnamese no longer see membership of the party as key to economic and social success, particularly with the increasing availability and attractiveness of careers in the private sector.⁷³ The CPV continues to deny membership to individuals whose parents – or the parents of their spouse – worked for the former South Vietnamese regime.⁷⁴ However, according to credible sources, Vietnamese with ties to the former South Vietnamese regime can now gain some positions in government and state-owned enterprises, but generally cannot hold top positions.⁷⁵

Freedom of expression

While “re-education camps” ceased operation in Vietnam in the 1990s, mechanisms still remain for detaining and silencing political dissidents. These include house arrest, administrative detention or prison sentences, along with the regular movement of dissidents throughout the detention network to isolate them from family and support networks and other detainees.⁷⁶

The Vietnamese government suppresses political expression and protest. Amnesty International has identified 128 political prisoners in Vietnam, with many charged under vague provisions of the 2018 penal code such as ‘making, storing, disseminating or propagandizing materials and products that aim to oppose the State of the Socialist Republic of Vietnam’, ‘disrupting national security’ or ‘abusing democratic freedom to violate the interests of the state.’⁷⁷ University authorities have been told by the Ministry of Public Security to expel activists from their universities;⁷⁸ while there have been reports that university students who participated in human rights advocacy have been prevented from graduating.⁷⁹

The government prevents the exit and entry of individuals who openly express anti-government views. Several individuals considered to be political dissidents or activists, or their family members, have been prevented from leaving or returning to Vietnam, or have had passports confiscated or withheld on often vague or unexplained grounds.⁸⁰ In March 2018, at Hanoi Noi Bai

⁷¹ ‘Country Report on Human Rights Practices 2018 – Vietnam’, US Department of State, 13 March 2019, p. 1, 20190314094839

⁷² ‘Country Report on Human Rights Practices 2018 – Vietnam’, US Department of State, 13 March 2019, p. 16, 20190314094839

⁷³ ‘Vietnam’s Divide: Slow Healing, Fewer Prospects for Children of U.S. Allies’, Bloomberg, 24 December 2015, CXBD6A0DE19603; ‘As Vietnam booms, Communist Party struggles to keep up’, Reuters, 17 January 2011, CXCB3E63421361 and ‘Country Reports on Human Rights Practices for 2017 – Vietnam’, 20 April 2018, p. 15, OGD95BE927332

⁷⁴ ‘Vietnam’s Divide: Slow Healing, Fewer Prospects for Children of U.S. Allies’, Bloomberg, 24 December 2015, CXBD6A0DE19603

⁷⁵ ‘Vietnam’s Divide: Slow Healing, Fewer Prospects for Children of U.S. Allies’, Bloomberg, 24 December 2015, CXBD6A0DE19603

⁷⁶ ‘Country Reports on Human Rights Practices 2017 - Vietnam’, US Department of State, 20 April 2018, Section 1(d), OGD95BE927332

⁷⁷ ‘Prisoners of Conscience in Viet Nam’, Amnesty International, 13 May 2019, p.3, 20190514144113

⁷⁸ ‘Country Report on Human Rights Practices 2018 – Vietnam’, US Department of State, 13 March 2019, p. 23, 20190314094839

⁷⁹ ‘Freedom in the World 2018 – Vietnam’, Freedom House, 5 April 2018, NGED867A684; ‘Country Report on Human Rights Practices 2018 – Vietnam’, US Department of State, 13 March 2019, p. 23, 20190314094839

⁸⁰ ‘Country Report on Human Rights Practices 2018 – Vietnam’, US Department of State, 13 March 2019, p. 26, 20190314094839; ‘DFAT Country Information Report – Vietnam’, Department of Foreign Affairs and Trade, 21 June 2017, p.24 CISED50AD4597

airport authorities denied exit permission to a student who was traveling to study overseas due to his involvement in Formosa-related protests.⁸¹ In May 2017, police stopped Polish-Vietnamese activist Phan Chau Thanh from entering Vietnam, while in June 2017, stopped former political prisoner Do Thi Minh Hanh from leaving for Austria to visit her ill mother.⁸² The same month, Vietnamese authorities stripped former political prisoner Pham Minh Hoang of his citizenship and deported him to France.⁸³

Protests

Public protests and gatherings are monitored or restricted. The law requires people wishing to gather in a group to apply for a permit from local authorities.⁸⁴ However, in practice, only those arranging publicised gatherings to discuss sensitive matters appear to require permits.⁸⁵ Permits can be denied without explanation, and the government generally does not allow demonstrations seen to be anti-government or political.⁸⁶ Despite legal restrictions and threats of crackdown by the police, Vietnamese citizens continue to express their views through numerous protests.⁸⁷

Activist groups seeking to exercise their freedom of expression or association may experience harassment, surveillance, restrictions on their movement, short-term detention and physical attack. Attacks on rights campaigners have taken place in many regions of Vietnam.⁸⁸ In July 2019, plainclothes agents and government supporters attacked approximately 20 human rights activists and relatives of political prisoners who were attempting to visit a prison in Nghe An province.⁸⁹ In August 2018, security agents brutally beat rights activists Pham Doan Trang, Nguyen Tin, and Nguyen Dang Cao Dai after a raid on a concert in Ho Chi Minh City.⁹⁰ In June and July 2018 in Lam Dong province, unidentified men threw rocks and a handmade incendiary device into the house of a labor activist and former political prisoner, Do Thi Minh Hanh.⁹¹ A June 2017 report highlighted 36 incidents in which men in civilian clothes attacked activists between January 2015 and April 2017, often resulting in serious injuries.⁹² Credible sources state that the use of these plain-clothes 'thugs', many of whom likely work for a government security agency, rose in 2017 and has in some instances allowed the government to be seen to be removed from committing acts of violence.⁹³

Anti-government protests

Anti-government protests are not tolerated by authorities. Political opposition parties are illegal.⁹⁴ Individuals and groups who protest against the Government or openly criticise the Communist Party are likely to attract adverse attention from authorities, experience police intimidation or harassment, or

⁸¹ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 23, 20190314094839

⁸² 'Country Policy and Information Note – Vietnam: Opposition to the State', UK Home Office, September 2018, p.17CIS7B839419727

⁸³ 'Human Rights Watch World Report 2018', Human Rights Watch, 18 January 2018, p.628NGED867A63

⁸⁴ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 23, 20190314094839

⁸⁵ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 23, 20190314094839

⁸⁶ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 23, 20190314094839

⁸⁷ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, p.12, CIS7B83941599

⁸⁸ 'No Country for Human Rights Activists: Assaults on Bloggers and Democracy Campaigners in Vietnam', Human Rights Watch, 18 June 2017, p.2, CISED50AD4751

⁸⁹ 'Plainclothes police attack activists and relatives of political prisoners in Nghệ An', Asia News IT, 15 July 2019, 20190820143746

⁹⁰ 'Human Rights Watch World Report 2019', Human Rights Watch (HRW), 17 January 2019, p. 656, 20190118091502

⁹¹ 'Human Rights Watch World Report 2019', Human Rights Watch (HRW), 17 January 2019, p. 656, 20190118091502

⁹² 'No Country for Human Rights Activists: Assaults on Bloggers and Democracy Campaigners in Vietnam', Human Rights Watch, 18 June 2017, p.2, CISED50AD4751

⁹³ 'Australia - Vietnam Human Rights Dialogue - Human Rights Watch Submission - June 2019', Human Rights Watch (HRW), 01 June 2019, p.1, 20190828092550; 'United States Commission on International Religious Freedom Annual Report 2018', US Commission on International Religious Freedom, 25 April 2018, p.123, CIS7B83941863

⁹⁴ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.9, 20190917095808

see their protests shut down,⁹⁵ sometimes with the use of physical force.⁹⁶ In June 2018, there was a string of large demonstrations across Vietnam in protest against a new cybersecurity law and a draft law on special economic zones.⁹⁷ Authorities responded by arresting and imprisoning hundreds of those involved.⁹⁸ For example, in July 2018 a court in southern Vietnam jailed 15 individuals for their involvement in protest activity,⁹⁹ while days earlier 10 people received prison terms of up to three-and-a-half years in central Binh Thuan province.¹⁰⁰ Individual petitioners seeking government action in relation to their land use rights have also been attacked or jailed.¹⁰¹

Online protests

Vietnamese authorities have jailed a number of well-known bloggers in an attempt to curb online criticism of the government. In September 2019, police arrested a pro-democracy activist, Nguyen Quoc Duc Vuong, for Facebook postings which included support for democracy and criticism of government corruption.¹⁰² He was charged under article 117 of the penal code with 'making, storing, disseminating or propagandizing information, materials and products that aim to oppose the State of the Socialist Republic of Vietnam',¹⁰³ In 2018, Vietnam put on trial at least 12 people for conducting propaganda against the state.¹⁰⁴ Sentences ranged from 4 to 12 years in prison, including for blogger Ho Van Hai (also known as Dr. Ho Hai), and activists Nguyen Dinh Thanh, Bui Hieu Vo, Tran Hoang Phuc, Vu Quang Thuan, Nguyen Van Dien, Nguyen Viet Dung, and Vuong Van Tha.¹⁰⁵ In February 2018 another high-profile blogger, Ho Van Hai, received a four year prison sentence for posts highlighting the faults of Vietnam's Communist government.¹⁰⁶ In June 2017, a court in Khanh Hoa sentenced prominent blogger Nguyen Ngoc Nhu Quynh (also known as Mother Mushroom) to 10 years in prison for the publication of critical online posts and documents.¹⁰⁷ She was released on 17 October 2018 with the remainder of her 10 year prison sentence as reportedly suspended. Following her release Nguyen Ngoc Nhu Quynh went into exile to the United States with her family.¹⁰⁸

Vietnam has established a new 10,000 person cyber unit to tackle dissident views online, while the National Assembly passed a new cyber security law in June 2018. Critics claim the new law gives authorities wide discretion to determine when online expression must be censored and therefore could facilitate further suppression of freedom of speech.¹⁰⁹ Under the law, introduced on 1 January 2019, service providers are required to take down offending content within 24 hours, while internet companies are required to disclose user data to authorities.¹¹⁰ In July 2018, nearly two dozen

⁹⁵ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, pp.9-10, 20190917095808; 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, p.16, CISED850AD4597

⁹⁶ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, pp.9-10, 20190917095808; 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, p.24, CISED850AD4597

⁹⁷ 'Vietnam: a month of mass protests', Lowy Interpreter (The Interpreter), 27 June 2018, CXBB8A1DA30346

⁹⁸ 'Vietnam: Investigate Police Response to Mass Protests', Human Rights Watch (HRW), 15 June 2018, CXBB8A1DA30048

⁹⁹ 'Vietnamese court imprisons peaceful demonstrators', UCA News (UCAN), 1 August 2018, CXBB8A1DA32816

¹⁰⁰ 'Vietnam jails 10 more for protests over economic zones', Reuters, 23 July 2018, CXBB8A1DA32143

¹⁰¹ 'Vietnam jails activist a second time for "public disorder"', Reuters, 20 September 2016 CX6A26A6E11373; 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, p.22, OGD95BE927332; 'Freedom in the World 2017 – Vietnam', Freedom House, 4 September 2017, NG2A465F593; 'Vietnamese Land-Rights Petitioner Receives 18-Month Prison Term', Radio Free Asia, 29 September 2015, CXBD6A0DE15108

¹⁰² 'Vietnam: New Arrest for Facebook Postings', Human Rights Watch (HRW), 07 October 2019, 20191009100222

¹⁰³ 'Vietnam: New Arrest for Facebook Postings', Human Rights Watch (HRW), 07 October 2019, 20191009100222

¹⁰⁴ 'Human Rights Watch World Report 2019', Human Rights Watch (HRW), 17 January 2019, pp. 655-656, 20190118091502

¹⁰⁵ 'Human Rights Watch World Report 2019', Human Rights Watch (HRW), 17 January 2019, p. 656, 20190118091502

¹⁰⁶ 'Vietnam hands blogger Ho Van Hai four-year Jail term for anti-state propaganda', Radio Free Asia, 1 February 2018, CXBB8A1DA21206

¹⁰⁷ 'Human Rights Watch World Report 2018', Human Rights Watch, 18 January 2018, p.627NGED867A63

¹⁰⁸ 'Vietnamese Blogger Mother Mushroom Released, Exiled to US', 17 October 2018, CXBB8A1DA36966

¹⁰⁹ 'Submission to the Universal Periodic Review of Vietnam', Human Rights Watch, 13 July 2018, CXBB8A1DA31726

¹¹⁰ 'Submission to the Universal Periodic Review of Vietnam', Human Rights Watch, 13 July 2018, CXBB8A1DA31726;

'Vietnam's New Cyber Law Could Hobble Foreign Investors and Limit Basic Freedoms', Centre for Strategic and International Studies (CSIS), 2 July 2018, CXBB8A1DA30601; 'Vietnam's new cyber law curbs dissents and business', Radio France Internationale (RFI), 01 January 2019, 20190102163306

members of the U.S. Congress reportedly wrote to the heads of Facebook and Google urging them not to comply with the law which they said is in violation of international human rights standards.¹¹¹

Despite online censorship, Vietnam applies fewer controls on the Internet than neighbouring China. Social media platforms such as Facebook are widely used, with some 52 million accounts out of a population of about 96 million.¹¹² The government has also, for the most part, not shut down other popular forms of online communication such as Twitter and Gmail and does not block the websites of major international media such as *The New York Times*.¹¹³ Vietnamese authorities can be responsive to online opinion; in February 2018 Danang authorities rescinded guidelines requiring the local press to obtain official approval before publishing content following a social media backlash.¹¹⁴

Environmental Protests: Formosa Ha Tinh Steel Corp Toxic Spill

Local communities protesting about the Formosa Ha Tinh Steel Corporation chemical spill have been accused of deliberately stirring anti-government sentiment. Formosa Steel, the Taiwanese company responsible for the April 2016 spill, in which chemicals leaked into the South China Sea, decimating fish stocks and devastating fishing communities along Vietnam's central coast, agreed to pay \$500 million in damages.¹¹⁵ The disaster provoked large protests against both the company and the government in part due to the heavy impact on the livelihoods of the affected communities.¹¹⁶ Attempts by fishermen to sue Formosa in a provincial court were thrown out.¹¹⁷ Protests were also held in diaspora countries including Australia, where in March 2017 about 300 members of the Vietnamese community in Australia protested outside Victoria's Parliament.¹¹⁸

Authorities have generally not arrested or used unreasonable force against protesters. Large protests demanding the Formosa Ha Tinh Steel Corporation be closed and further compensation provided to assist with the clean-up have generally not resulted in injuries or arrests by state actors.¹¹⁹ However, the government has reportedly cracked down on human rights activists connected to a new civil society organisation, The Alliance of Self-Determined People,¹²⁰ while on 6 February 2018, a Vietnamese court sentenced two other activists to prison terms of 14 years and two years respectively for protesting against Formosa.¹²¹ Some supporters of the pair who attended the court building were beaten and detained in a police station until the trial ended at midday.¹²² On 6 April 2017, hundreds of Catholic protesters marked the one-year anniversary of the waste spill on the streets and beaches of

¹¹¹ 'US Lawmakers urge non-compliance with Cybersecurity Law article', Radio Free Asia, 17 July 2018, CXBB8A1DA37007

¹¹² 'Vietnam's New Cyber Law Could Hobble Foreign Investors and Limit Basic Freedoms', Centre for Strategic and International Studies (CSIS), 2 July 2018, CXBB8A1DA30601

¹¹³ 'Vietnam's New Cyber Law Could Hobble Foreign Investors and Limit Basic Freedoms', Centre for Strategic and International Studies (CSIS), 2 July 2018, CXBB8A1DA30601

¹¹⁴ 'Vietnamese City Rescinds Directive Curtailing Press Freedom', Voice of America (VOA), 10 February 2018, CXBB8A1DA22006

¹¹⁵ 'Outrage over fish kill in Vietnam simmers 6 months later', The New York Times, 3 October 2016, CX6A26A6E10573

¹¹⁶ 'Vietnam's dead fish may spawn a stronger culture of dissent', Hoang C, cogitASIA, 30 September 2016, CIS38A80122116

¹¹⁷ 'Vietnam court swamped by fishermen seeking to sue Taiwan firm's steel unit', Reuters, 27 September 2016, CX6A26A6E10576

¹¹⁸ 'Vietnamese communities stage anti-Formosa and pro-democracy protests', TiVi Tuan-san, 07 March 2017, 20191004114557

¹¹⁹ 'Vietnamese rally outside Taiwanese steel plant that spread toxic waste', Reuters, 2 October 2016, CX6A26A6E10045; 'Vietnam's Dead Fish May Spawn a Stronger Culture of Dissent', Chau Hoang, Centre for Strategic & International Studies, 30 September 2016, p.2, CIS38A80122116;

'Formosa Spill Still Roils Public Opinion in Vietnam', Radio Free Asia, 7 December 2016, CX6A26A6E14775

¹²⁰ 'Vietnam Cracks Down on Dissenters', Radio Free Asia, 10 November 2016, CX6A26A6E14902

¹²¹ 'More activists sentenced in Vietnam', Voice of America (VOA), 11 February 2018, CXBB8A1DA21834; 'Catholic activist arrested in Vietnam, police beat up protesters', UCA News (UCAN), 23 May 2017, CXC9040668804

¹²² 'Vietnamese environmental activists handed prison terms in Nghe An', Radio Free Asia, 6 February 2018, CXBB8A1DA21459

Vinh diocese, and carried black flags with anti-Formosa slogans on them.¹²³ In November 2018, Nguyen Van Hoa was jailed by the People's Court of Ha Tinh in Nghe An province after filming protests outside the Taiwan-owned Formosa Plastics Group steel plant. Held for nine days at the Ha Tinh police station following his arrest, Hoa was hung by his hands and beaten by eight police officers, who also threw water in his face.¹²⁴

State Protection

Institutions providing state protection are prone to corruption, although the Vietnamese government has introduced some reforms. The Law on Anti-Corruption criminalises corrupt practices by public officials,¹²⁵ and successful prosecutions of corrupt officials have occurred.¹²⁶ As there is no separation of powers in Vietnam, the legislature, executive and the judiciary are part of the same party-state system.¹²⁷

Police

Internal security is the responsibility of the Ministry of Public Security. There are police organisations at the provincial, district and commune (local) levels over which people's committees exercise some authority.¹²⁸ There are two core forces: the People's Security Force (An ninh Nhan dan), responsible for national security, and the People's Police Force (Canh sat Nhan dan), which is responsible for social order and public safety.¹²⁹ The People's Police force handles traditional police work such as neighbourhood policing, traffic control, household registration, and the issuing of identification cards.¹³⁰

Police are effective in maintaining public order but have limited capacity in other areas, especially investigations. While the Ministry of Public Security is responsible for internal security and controls the national police; in practice, provincial and local-level police often maintain significant discretion in their activities.¹³¹ People's committees have substantial authority over police forces and prosecutors at the provincial, district and local levels.¹³² Although the Supreme People's Procuracy has authority to investigate security force abuse, police organisations operate with little transparency and limited public oversight.¹³³ Due to a lack of cross-agency coordination within the police, delays in dealing with cases are common.¹³⁴

¹²³ 'Vietnamese Catholics Demonstrate to Mark Anniversary of Formosa Chemical Spill', Radio Free Asia (RFA), 6 April 2017, CXC9040666018

¹²⁴ 'Jailed Vietnamese Activist Goes on Hunger Strike Over Beatings by Police', Radio Free Asia (RFA), 28 February 2019, 20190305131350

¹²⁵ 'Vietnam Corruption Report', Global Advice Net, September 2017, CISED50AD7684

¹²⁶ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, p.14, CIS7B83941599

¹²⁷ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, p.12, CIS7B83941599

¹²⁸ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade (DFAT), 21 June 2017, p.22, CISED50AD4597; 'Public Insecurity: Deaths in Custody and Police Brutality in Vietnam', Human Rights Watch, 16 September 2014, p.14, CISA447F082797

¹²⁹ 'Public Insecurity: Deaths in Custody and Police Brutality in Vietnam', Human Rights Watch, 16 September 2014, p.14, CISA447F082797

¹³⁰ 'Public Insecurity: Deaths in Custody and Police Brutality in Vietnam', Human Rights Watch, 16 September 2014, pp. 5-8, CISA447F082797

¹³¹ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 7, 20190314094839

¹³² 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 7, 20190314094839

¹³³ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.12, 20190917095808; 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 7, 20190314094839

¹³⁴ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.11, 20190917095808

Police officers sometimes act with impunity. Internal police oversight exists but is subject to political influence.¹³⁵ Police frequently ill-treat or torture suspects to elicit confessions, which has resulted in deaths in custody,¹³⁶ while excessive force may also be used in responding to protests over evictions, land confiscation, and other social issues.¹³⁷ For example, in January 2019, in Tuy Hoa City, Phu Yen Province a video showing a Vietnamese police officer allegedly kicking a man on the floor of a police station went viral after being published on social media.¹³⁸ In June 2018, police allegedly used excessive force to disperse protestors taking part in nationwide demonstrations against a draft law on long-term leases in special economic zones.¹³⁹ In September 2017, many people were injured when police dispersed protesters in front of the entrance of a Hong Kong-owned textile factory in Hai Duong province.¹⁴⁰ In February 2017, police stopped hundreds of protesters who were marching to present compensation claims for the Formosa Environmental Disaster - witnesses reported seeing police beat and arrest some of the protesters.¹⁴¹

Judiciary

Vietnamese courts operate under government control. Most judges are members of the Communist Party of Vietnam and are screened by local officials for suitability before appointment.¹⁴² The law provides for an independent judiciary and lay assessors.¹⁴³ However, political influence, endemic corruption and inefficiency strongly distort the judicial system and trials of human rights activists consistently fail to meet international standards.¹⁴⁴

Access to legal representation is inadequate. There is a shortage of judges and lawyers, with only around 7,000 lawyers throughout the country.¹⁴⁵ As few as 20-30 per cent of defendants can obtain access to legal counsel, including in cases subject to the death penalty.¹⁴⁶ Vietnamese law does not expressly state that defendants have the right to call witnesses and defence lawyers may not have enough time to meet with clients.¹⁴⁷ There are widespread complaints that judges often appear to have made a determination of guilt prior to conducting a trial.¹⁴⁸

¹³⁵ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 29, 20190314094839

¹³⁶ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.15, 20190917095808; 'Human Rights Watch World Report 2018', Human Rights Watch, 18 January 2018, p.629, NGE43874C8

¹³⁷ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.12, 20190917095808; 'Human Rights Watch World Report 2016: Events of 2015 – Vietnam', 27 January 2016, NGE43874C8

¹³⁸ 'Video of Alleged Police Beating in Vietnam Goes Viral', Radio Free Asia (RFA), 30 January 2019, 20190201173227

¹³⁹ 'Vietnam: Investigate Police Response to Mass Protests', Human Rights Watch (HRW), 15 June 2018, CXBB8A1DA30048

¹⁴⁰ 'Country Policy and Information Note – Vietnam: Opposition to the State', UK Home Office, September 2018, p.18, CIS7B839419727

¹⁴¹ 'Vietnam police stop fishermen marching', Reuters, 14 February 2017, CXC9040661919

¹⁴² 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 11, 20190314094839

¹⁴³ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 11, 20190314094839

¹⁴⁴ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 11, 20190314094839 'Human Rights Watch World Report 2019', Human Rights Watch (HRW), 17 January 2019, p. 657, 20190118091502

¹⁴⁵ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.14, 20190917095808; 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, p.23 CISED50AD4597

¹⁴⁶ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.14, 20190917095808; 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, p.23 CISED50AD4597

¹⁴⁷ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 13, 20190314094839

¹⁴⁸ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 11, 20190314094839

Harassment of human rights lawyers occurs. Lawyers are pressured to refuse religious and democracy activists as clients, and in some cases defence lawyers are restricted, harassed, and disbarred from representing these clients.¹⁴⁹

Corruption

Corruption is widespread throughout the public administration system, despite criminal penalties. Corruption remains a serious problem¹⁵⁰, existing in areas such as the police and the military, in business and banking, and in the allocation of land.¹⁵¹ Transparency International rated the country 117 of 180 countries in public sector corruption in 2018,¹⁵² a slight drop in its ranking from 2017, despite efforts in anti-corruption with the improvement of the anti-corruption legal framework (e.g. the amended Anti-corruption Law approved by the National Assembly in November 2018).¹⁵³

Government leaders acknowledge widespread public discontent with the level of corruption and the extent to which it undermines the efficiency of the state and support for the Communist Party. There have been a number of highly publicised prosecutions of senior public officials in recent years.¹⁵⁴ However, despite these, anti-corruption campaigns are pursued intermittently with varying degrees of seriousness,¹⁵⁵ and credible sources state they can be as much the result of internal Communist Party rivalries or attempts to maintain the party's image as a genuine desire to promote transparency in politics and business.¹⁵⁶ In May 2017, former Ho Chi Minh City Communist Party boss Politburo member Dinh La Thang was dismissed over allegations of corruption and for violations while he was chairman of PetroVietnam from 2009-11; this was only the third time in 30 years that a Politburo member had been dismissed.¹⁵⁷ In January 2018, Thang and a former subordinate, Trinh Xuan Thanh, were sentenced respectively to 13 years and two life sentences; Trinh Xuan Thanh after allegedly having been kidnapped by Vietnamese agents from a Berlin park.¹⁵⁸ In July 2018, a former deputy governor of Vietnam's central bank was jailed for three years for overseeing a dodgy restructuring scheme which lost the state \$600 million.¹⁵⁹

The role of the private sector has steadily grown but deterrents to trade and investment still remain. Persistent high levels of corruption along with an opaque legal system, complex foreign investment laws, an underdeveloped financial system and uncertain rights relating to land ownership and usage are the main deterrents.¹⁶⁰ Corruption is a key concern for business and foreign investors, and is seen as a major impediment to further development. Corruption in Vietnam is driven by a low level of transparency, accountability, and media freedom, as well as low pay for government officials

¹⁴⁹ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 11, 20190314094839

¹⁵⁰ 'Corruption Perceptions Index 2018: Corruption in Vietnam's public sector is still perceived as highly serious', Towards Transparency, 29 January 2019, p.1, 20190326101127

¹⁵¹ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, pp.7, 20, CIS7B83941599; 'Freedom in the World 2018 – Vietnam', Freedom House, 5 April 2018, NGE0867A684

¹⁵² 'Corruption Perceptions Index 2018: Corruption in Vietnam's public sector is still perceived as highly serious', Towards Transparency, 29 January 2019, p.1, 20190326101127

¹⁵³ 'Corruption Perceptions Index 2018: Corruption in Vietnam's public sector is still perceived as highly serious', Towards Transparency, 29 January 2019, p.1, 20190326101127

¹⁵⁴ 'Vietnam Communist Party takes aim at corrupt rising stars', Reuters, 26 September 2019, 20190927085651; 'Vietnam jails former deputy labor minister for economic mismanagement', Reuters, 25 September 2019, 20190927090012; 'Ex-chairman of Vietnam's BIDV bank dies in detention', Reuters, 23 July 2019, 20190723102504; 'Stiff sentences bolster Vietnam's anti-graft drive but questions remains over larger reform', Straits Times, The, 23 January 2018, CXBB8A1DA20684; 'Vietnam to move forward with six high-profile graft cases', VietNamNet Bridge, 4 October 2016, CX6A26A6E13892

¹⁵⁵ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, p.33, CIS7B83941599

¹⁵⁶ 'At Vietnam's biggest corruption trial, some skeptical views', Reuters, 10 January 2018, CXBB8A1DA363; 'Berlin kidnapping: Nowhere to run from Vietnam's anti-corruption campaign', Deutsche Welle, 8 January 2018, CXBB8A1DA329; 'Explainer: What's behind Vietnam's corruption crackdown', Reuters, 8 January 2018, CXBB8A1DA278

¹⁵⁷ 'Vietnam sacks top official for PetroVietnam violation', BBC News, 8 May 2017, CXC9040667473 and 'Vietnam's Party chief says 'more will come' after high-profile punishment', VNExpress, 13 May 2017, CXC9040667994

¹⁵⁸ 'Stiff sentences bolster Vietnam's anti-graft drive but questions remains over larger reform', Straits Times, The, 23 January 2018, CXBB8A1DA20684; 'Vietnamese oil executive kidnapped in Berlin gets second life sentence', Deutsche Welle, 5 February 2018, CXBB8A1DA21363

¹⁵⁹ 'Vietnam jails former central bank governor for three years', Agence France Presse, 2 July 2018, CXBB8A1DA30603

¹⁶⁰ 'BTI 2016 – Vietnam Country Report', Bertelsmann Stiftung, 29 February 2016, pp.28-29, CIS38A8012384

and inadequate systems for holding officials accountable for their actions.¹⁶¹ Companies are likely to experience bribery, political interference and facilitation payments.¹⁶² The practice of giving and receiving bribes is so common that it is understood to be a routine part of doing business.¹⁶³

The banking sector still struggles with non-performing loans and transparency. In recent years, a number of high-profile banking officials have been arrested and convicted of embezzlement, abuse of power, taking bribes and intentionally violating state regulations on economic management.¹⁶⁴ This has been interpreted by some as a sign of the government's commitment to clean up corruption in the banking sector.¹⁶⁵ However, others saw the verdicts as evidence of widespread corruption, poor management and oversight in the banking sector'.¹⁶⁶

Anti-corruption agencies are often ineffective. A number of anti-corruption offices have been established over the last decade.¹⁶⁷ Anti-corruption efforts are, however, generally localised and have a limited overall impact on corruption.¹⁶⁸ Punitive measures range from fines to capital punishment, depending on the severity of the corruption case.¹⁶⁹ Some prominent party functionaries, government officials, and, more recently, top executives of state conglomerates have been prosecuted.¹⁷⁰ However, this is motivated in large part by the desire for good publicity and patronage continues to be a significant problem.¹⁷¹

Gangs and Loan Sharks

Loan sharks charging illegal rates of interest are a widespread problem in Vietnam, but authorities have demonstrated a willingness to tackle their activities. Authorities have had difficulty prosecuting loan sharks for charging illegal rates of interest – above 150% of the base rate set by the State Bank of Vietnam – as these are rarely documented on loan papers.¹⁷² A lack of resources, legal loopholes and inadequate implementation of laws also remain problems in tackling loan sharks;¹⁷³ however, credible sources assess that individuals targeted for unpaid debts are able to obtain protection from the police, who are active at the provincial, district and local levels and are subject to government authority.¹⁷⁴ According to the Ministry of Public Security, during 2018 police units and localities dealt with more than 600 illegal moneylending or 'black credit' cases.¹⁷⁵ For example, in 2018, police from southern Binh Thuan Province set up special units to crack down on and increase awareness of illegal loan sharks.¹⁷⁶ In other parts of Vietnam, particularly Ho Chi Minh City, authorities have embarked on some high profile crackdowns on gang activity – including gangs

¹⁶¹ 'Investment Climate Statements – Vietnam', US Department of State, 2016, CX6A26A6E9812

¹⁶² 'Business Corruption in Vietnam', GAN [Global Advice Net] Integrity Solutions Business Anti-Corruption Portal, 2015, CISEC96CF14407

¹⁶³ 'Vietnam targets families of public officials in anti-corruption drive', Luong, D, VnExpress, Vietnam, 22 August 2016, CIS38A80122505; 'Vietnam Corruption Report', Global Advice Net, September 2017, CISED50AD7684

¹⁶⁴ 'BTI 2016 – Vietnam Country Report', Bertelsmann Stiftung, 29 February 2016, p.19, CIS38A8012384

¹⁶⁵ 'BTI 2016 – Vietnam Country Report', Bertelsmann Stiftung, 29 February 2016, p.19, CIS38A8012384

¹⁶⁶ 'BTI 2016 – Vietnam Country Report', Bertelsmann Stiftung, 29 February 2016, p.19, CIS38A8012384

¹⁶⁷ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, p.33, CIS7B83941599

¹⁶⁸ 'Investment Climate Statements – Vietnam', US Department of State, 2016, CX6A26A6E9812

¹⁶⁹ 'Vietnam Corruption Report', Global Advice Net, September 2017, CISED50AD7684

¹⁷⁰ 'Freedom in the World 2018 – Vietnam', Freedom House, 5 April 2018, NGE867A684; 'Stiff sentences bolster Vietnam's anti-graft drive but questions remains over larger reform', Straits Times, The, 23 January 2018, CXBB8A1DA20684; 'Vietnamese oil executive kidnapped in Berlin gets second life sentence', Deutsche Welle, 5 February 2018, CXBB8A1DA21363

¹⁷¹ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, p.14, CIS7B83941599

¹⁷² 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.24, 20190917095808; "Black credit" besieges workers, students before Lunar New Year', VietNamNet Bridge, 29 January 2016, CX6A26A6E9780

¹⁷³ 'NA approves delay to Penal Code 2015', Viet Nam News, 1 July 2016 CX6A26A6E12697; 'Loan sharks feed off poor, naive workers', Viet Nam News, 11 September 2015 CXBD6A0DE18811; Ives, M & Nguyen, N S, 'Vietnam's gamble: Whether or not to legalise betting', Al Jazeera, 27 January 2016, CX6A26A6E13872

¹⁷⁴ 'Upper Tribunal (Immigration And Asylum Chamber) Appeal Number: AA/08316/2014', Government of the United Kingdom and Northern Ireland, 1 April 2016, CIS38A80124972

¹⁷⁵ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.24, 20190917095808

¹⁷⁶ 'Specialist police unit set up to target loan sharks in Binh Thuan', VietNamNet Bridge, 8 August 2018, CIS7B839419866

involved in loan sharking – that yielded nearly 7,000 arrests in the second half of 2016.¹⁷⁷ For example, in May 2018, police in Sa Dec City accosted a suspected loan shark, Nguyen Van Thu at a car wash and seized notebooks with records of his loans - more than 400 deposit contracts and identity documents and 3,000 flyers and 700 leaflets for loans.¹⁷⁸ Six people linked with Thu were also arrested - all have admitted to lending money to students and small traders at interest rates of up to 20 per cent a month.¹⁷⁹ In 2016, Vietnam, along with the rest of the Association of Southeast Asian Nations (ASEAN), made financial inclusion one of their top priorities – including the ability of people to access loans and legitimate forms of credit.¹⁸⁰ Authorities try to encourage people in need of money to use credible loan sources like the Capital Aid Fund for Employment of the Poor – a non-profit microfinance institution – but the amounts available through these sources can be insufficient.¹⁸¹

Organised criminal networks are a continuing problem in Vietnam, but authorities have made increased efforts to tackle them. Credible sources indicate that organised gangs operate a range of illicit operations including loan sharking, illegal gambling, extortion, prostitution and sex-trafficking, people smuggling, the production of counterfeit goods and the production, supply, distribution and import/export of illicit drugs.¹⁸² These criminal networks are mainly based in the major cities of Ho Chi Minh City and Hanoi as well as in the country's northern provinces.¹⁸³ In addition to controlling local operations, some of these organisations also operate internationally and have networks that reach throughout Southeast Asia and beyond.¹⁸⁴

Police corruption may hinder internal relocation for a person fleeing a criminal gang. Corruption occurs at every level of the police and bribery is widespread.¹⁸⁵ Police at the village level are aware of who lives in their area and who is registered there, and an academic source cited by a UK Home Office fact-finding team states that members of criminal gangs could find out the location of a person attempting to flee a gang by persuading police to provide the relevant information.¹⁸⁶

Authorities are active in tackling groups involved in people trafficking but are hampered by inadequate coordination and training of officials. In recent years Vietnamese authorities have demonstrated increased efforts to eliminate people trafficking - including enacting penal code amendments, establishing a new task force to increase law enforcement efforts in vulnerable border areas, and initiating an assessment of the implementation of its national action plan by identifying more victims, expanding anti-trafficking training and awareness campaigns for officials, vulnerable communities and law enforcement.¹⁸⁷ However, efforts have been impeded by a lack of government coordination and unfamiliarity among some provincial officials with anti-trafficking law and victim protection,¹⁸⁸ and in 2019 the US State Department assessed that the government decreased law

¹⁷⁷ 'HCM City cracks down on criminal gangs, thieves', Viet Nam News, 22 October 2016, CX6A26A6E13224; '14 arrested for extorting "protection fee" from sex workers in HCMC', Thanh Nien News, 16 January 2016, CX6A26A6E13879; 'Cops in Vietnam continue to crack down on gangs of smugglers, robbers', Thanh Nien News, 19 August 2014, CX1B9ECAB12445; 'Vietnamese court sentences six to death for drug trafficking', Voice of Vietnam (VOV News), 7 June 2014, CX322895

¹⁷⁸ 'Loan sharks cause suffering in Mekong Delta, central provinces', VietNamNet Bridge, 15 May 2018, CIS7B839419864

¹⁷⁹ 'Loan sharks cause suffering in Mekong Delta, central provinces', VietNamNet Bridge, 15 May 2018, CIS7B839419864

¹⁸⁰ 'How to scale up financial inclusion in ASEAN countries', The World Bank, 2 March 2016, CIS38A80124973

¹⁸¹ 'Loan sharks cleaning up ahead of Tet holiday', VietNamNet Bridge, 16 January 2017, CXC9040669853

¹⁸² 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, p.9, CISED50AD4597; 'Vietnamese court sentences six to death for drug trafficking', Voice of Vietnam (VOV News), 7 June 2014 CX322895

¹⁸³ 'Vietnam 2019 Crime & Safety Report: Ho Chi Minh City', Overseas Security Advisory Council (OSAC), 10 April 2019, 20190821085929; 'Vietnam 2015 Crime and Safety Report: Hanoi', 18 February 2015, US Department of State, Bureau of Diplomatic Security, Overseas Security Advisory Council (OSAC) 2015, p.5, CISEC96CF13669; 'Cops in Vietnam continue to crack down on gangs of smugglers, robbers', Thanh Nien News, 19 August 2014 CX1B9ECAB12445

¹⁸⁴ 'Loan sharks feed off poor, naive workers', Viet Nam News, 11 September 2015 CXBD6A0DE18811; 'Southern Vietnamese cut deals with loan sharks at exorbitant rates', Tuoi Tre Online, 23 February 2016, CX6A26A6E9775

¹⁸⁵ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.58, 20190917095808; 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 29, 20190314094839

¹⁸⁶ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.25, 20190917095808

¹⁸⁷ 'Trafficking in Persons Report 2019', United States Department of State, 20 June 2019, p.498, 20190621103235; '2017 Trafficking in Persons Report – Vietnam', US Department of State, 28 June 2018, p. 454, OGD95BE927701

¹⁸⁸ 'Trafficking in Persons Report 2019', United States Department of State, 20 June 2019, p.498, 20190621103235; '2017 Trafficking in Persons Report – Vietnam', US Department of State, 28 June 2018, p.454, OGD95BE927701

enforcement efforts, as well as efforts to protect victims.¹⁸⁹ The Ministry of Labour, Invalids and Social Affairs provides protection and reintegration support; operating 400 social protection centres through local authorities for trafficking victims.¹⁹⁰

Social infrastructure

Vietnam has experienced rapid economic growth over the past 30 years, transforming itself into a lower middle-income country. Vietnam's Gross Domestic Product (GDP) is estimated to have increased by 7.1 per cent in 2018.¹⁹¹ Economic growth has been equitable, leading to a dramatic reduction in poverty and improved social outcomes.¹⁹² For example, the extreme poverty rate has declined to below 3 per cent.¹⁹³ The unemployment rate has averaged 2.35 per cent from 1998 until 2018, with a record low of 1.81 per cent in the fourth quarter of 2012.¹⁹⁴ The UNDP's Human Development Index ranked Vietnam 116 out of 189 countries in 2018, placing it in the 'medium human development' category.¹⁹⁵

Vietnam has an expanding if still limited social welfare system, while traditional social roles mean that families provide support for the elderly and sick. Vietnam's social welfare net has expanded in recent years, well beyond the anti-poverty program started in the 1990s.¹⁹⁶ New programs have included assistance of 2.16 million VND (AUD \$119) a year and a free health insurance card for all elderly people from the age of 80 onwards, the provision of assistance to single elderly people with limited incomes and no children; and assistance to disabled people, including victims of Agent Orange.¹⁹⁷ However, inequalities in the provision of social welfare exist.¹⁹⁸ Vietnam's social insurance has also not achieved universal coverage despite a voluntary social insurance policy having been in force since 2008.¹⁹⁹ In Vietnam, grown children typically provide care and support to elderly or sick parents.²⁰⁰

Asylum seekers and returnees

Treatment of failed asylum seekers

Most individuals who depart Vietnam illegally, for the purpose of seeking asylum, are likely to be able to return to Vietnam without facing harm. Information suggests that returnees who have applied for asylum are not treated any differently to other returnees.²⁰¹ While Article 120 of the Criminal Code 2015 prohibits 'organising, coercing, instigating illegal emigration for the purpose of

¹⁸⁹ 'Trafficking in Persons Report 2019', United States Department of State, 20 June 2019, pp.498-499, 20190621103235

¹⁹⁰ 'Country Policy and Information Note – Vietnam: Opposition to the State', UK Home Office, September 2018, p.18, CIS7B839419727

¹⁹¹ 'The World Bank in Vietnam - Overview - Context', The World Bank, 24 April 2019, 20191010134550

¹⁹² 'The World Bank in Vietnam', The World Bank, 5 October 2018, p.1, 20190326130544

¹⁹³ 'The World Bank in Vietnam - Overview - Context', The World Bank, 24 April 2019, 20191010134550

¹⁹⁴ 'Vietnam Unemployment Rate', Trading Economic Forecast, 2019, 20190326131253

¹⁹⁵ 'Human Development Indices and Indicators - 2018 Statistical Update', UNDP, 01 January 2018, p.23, CIS7B839419962

¹⁹⁶ 'Social Relations, Regional Variation, and Economic Inequality in Contemporary Vietnam: A View from Two Vietnamese Rural Communities', Luong, H V in P Taylor (ed), Connected and Disconnected in Viet Nam: Remaking Social Relations in a Post-socialist Nation, Australian National University Press, ACT, Vietnam Series, 2016, p.66, CIS38A8012636

¹⁹⁷ 'Social Relations, Regional Variation, and Economic Inequality in Contemporary Vietnam: A View from Two Vietnamese Rural Communities', Luong, H V in P Taylor (ed), Connected and Disconnected in Viet Nam: Remaking Social Relations in a Post-socialist Nation, Australian National University Press, ACT, Vietnam Series, 2016, p.66, CIS38A8012636

¹⁹⁸ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, p.25, CIS7B83941599

¹⁹⁹ 'Social Welfare in Vietnam: 30 Years in Reform on and Outlook until 2030', Anh, D N, Vietnam Social Sciences Review, 8 July 2016, p.22, CIS38A80122817

²⁰⁰ 'Elderly care centres: dutiful to parents or not?', VietNamNet Bridge, 21 October 2016, CX6A26A6E16960 and 'Vietnamese Cultural Profile – older people', Southern Migrant and Refugee Centre, May 2010, p.2, CISDCDCAAB2010

²⁰¹ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, p.24 CISED50AD4597

opposing the people's government',²⁰² there are no reported cases of this provision being used against asylum seekers.²⁰³ The government of Vietnam distinguishes between victims and perpetrators of people smuggling and as such views individuals who paid money to organisers of people smuggling operations as victims of people smuggling, not criminally liable.²⁰⁴

Individuals who depart Vietnam illegally may be subject to fines upon return or briefly detained and interviewed. Under Article 347 of the Criminal Code 2015 individuals may be fined between VND 5 million and VND 50 million (approximately AUD302-3028) or face a penalty of 6 to 36 months' imprisonment for leaving Vietnam illegally.²⁰⁵ Individuals may be fined between VND 10 million and VND 50 million for leaving Vietnam using a false passport.²⁰⁶ There are also cases of individuals being detained for short periods of time and interviewed for the purpose of people smuggling investigations.²⁰⁷

Activists who return to Vietnam may face monitoring and, in some cases, imprisonment.

Activists who return to Vietnam after seeking asylum overseas may face monitoring, with high-level activists facing more monitoring than low-level activists.²⁰⁸ People of particular interest to authorities may be required to have regular chats or 'catch ups' with officials.²⁰⁹ In January 2019, a Radio Free Asia blogger, Truong Duy Nhat, went missing in Thailand amid fears he had been abducted by Vietnamese agents. He later resurfaced in a Hanoi prison and authorities laid official charges in September 2019.²¹⁰

Montagnard asylum seekers

Montagnard (ethnic minority) asylum seekers who are returned to Vietnam may face detention, beatings and close monitoring by police. Credible sources report that Vietnam has pressured Cambodia and Thailand to forcibly return Montagnard asylum seekers, and that those returned may have been detained and questioned for up to several days and closely monitored by police.²¹¹ The government has also reportedly exerted pressure on the family members of minorities who flee to neighbouring countries.²¹² A 2015 submission referred to an individual who 'was detained by authorities for 12 days after his return and beaten' and of a group of 36 Montagnards who were held overnight by police and released the next day.²¹³ A group of Montagnards returned from Cambodia in 2017 claimed that they were subject to ongoing surveillance, as well as restrictions on their ability to move freely; forced confessions admitting their error in fleeing Vietnam and filmed for subsequent

²⁰² 'Criminal Code, No.100/2015/QH13', The National Assembly. Socialist Republic of Viet Nam, 27 November 2015, CISEC96CF110167

²⁰³ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, p.24, CISED50AD4597

²⁰⁴ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, p.24, CISED50AD4597

²⁰⁵ 'Criminal Code, No.100/2015/QH13', The National Assembly. Socialist Republic of Viet Nam, 27 November 2015, CISEC96CF110167

²⁰⁶ 'Criminal Code, No.100/2015/QH13', The National Assembly, Socialist Republic of Viet Nam, 27 November 2015, CISEC96CF110167

²⁰⁷ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, p.25, CISED50AD4597

²⁰⁸ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.31, 20190917095808

²⁰⁹ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.31, 20190917095808

²¹⁰ '10 Most Censored Countries', Committee to Protect Journalists (CPJ), New York, 10 September 2019, 20190910171006;

'Unholy alliance'? Southeast Asian authorities accused of trading exiled activists', Reuters, 21 June 2019, 20190624112000;

'RFA Blogger Formally Indicted in Vietnam for 'Abuse of Power'', Radio Free Asia (RFA), 17 September 2019, 20190918084723

²¹¹ 'Country Report on Human Rights Practices 2018 - Vietnam', US Department of State, 13 March 2019, pp.35-36, 20190314094839

²¹² 'Freedom in the World 2019 – Vietnam', Freedom House, 2019, p.6, 20190802161239

²¹³ 'Submission to the Department of Foreign Affairs and Trade: Australia - Viet Nam Human Rights Dialogue Civil Society Consultation', Amnesty International, 31 July 2015, p.7, CISEC96CF13142

broadcast on television were also alleged.²¹⁴ In August 2018, 85 Montagnards were jailed in Thailand after being arrested during raids in Nonthaburi province.²¹⁵ Thai immigration officials have been silent about the plans for the detained Montagnards.²¹⁶ A spokesperson from the Montagnards Assistance Project has said that the chances of finding a country to take them in were “very low”.²¹⁷ In June 2019, Cambodia returned four Montagnards to Vietnam after one asked to return to be with his family, and the others were refused refugee status.²¹⁸

Suspected people smugglers

Individuals who are suspected of people smuggling activities are likely to be detained and prosecuted on return to Vietnam. Information indicates individuals suspected of people smuggling may be investigated, arrested and held in long-term detention.²¹⁹ This is consistent with Article 348 of the Criminal Code 2015 which seeks to discourage people trafficking.²²⁰ It is also consistent with a number of reports from 2016 that detail instances of individuals who have been prosecuted and detained for up to 3 years for organising people smuggling ventures in 2015.²²¹

Relocating or leaving the country

Residence laws are applied inconsistently by local police. Under the Vietnamese Constitution, all citizens, including migrants, have equal rights, including freedom of movement and residence.²²² However residency laws are not applied consistently, due to lack of guidance and differing interpretations of the law, which causes confusion.²²³ A 2013 law explicitly recognises the right of local authorities to set their own policies regarding registration, and some cities have tightened the requirements for obtaining permanent status.²²⁴

Internal relocation in Vietnam is closely monitored by authorities. While relocation is common in Vietnam, with large scale urbanisation occurring in recent decades, under the Household Registration System local police in Vietnam often require citizens to register when staying in or moving to any location outside of their own homes.²²⁵ Moving without permission can hamper individuals seeking

²¹⁴ ‘Returned Montagnards facing intimidation, spying in Vietnam’, Cambodia Daily, 3 May 2017, CXC9040666726; Cambodia. Protect Montagnards refugees, Human Rights Watch, 12 September 2017, CXC90406621215

²¹⁵ ‘Persecuted in Hanoi, locked up in Bangkok – the Montagnards, Vietnam’s forgotten Christians’, South China Morning Post, 4 November 2018, CXBB8A1DA37926

²¹⁶ ‘Persecuted in Hanoi, locked up in Bangkok – the Montagnards, Vietnam’s forgotten Christians’, South China Morning Post, 4 November 2018, CXBB8A1DA37926

²¹⁷ ‘Persecuted in Hanoi, locked up in Bangkok – the Montagnards, Vietnam’s forgotten Christians’, South China Morning Post, 4 November 2018, CXBB8A1DA37926

²¹⁸ ‘Montagnards’ Deportation Sparks Fears about Safety’, Voice of America (VOA), 30 June 2019, 20190702113623

²¹⁹ ‘Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019’, UK Home Office, 09 September 2019, p.19, 20190917095808; ‘DFAT Country Information Report – Vietnam’, Department of Foreign Affairs and Trade, 21 June 2017, p.24, CISED50AD4597

²²⁰ ‘Vietnamese asylum seekers forcibly returned by Australia face jail’, The Guardian, 24 May 2016, CX6A26A6E4619; ‘Vietnam: Drop Charges Against Boat Returnees’, Human Rights Watch 2016, 24 May 2016, CX6A26A6E12344; ‘Criminal Code, No.100/2015/QH13’, The National Assembly. Socialist Republic of Viet Nam, 27 November 2015, CISEC96CF110167

²²¹ ‘Vietnamese asylum seekers forcibly returned by Australia face jail’, The Guardian, 24 May 2016, CX6A26A6E4619; ‘Vietnam: Drop Charges Against Boat Returnees’, Human Rights Watch 2016, 24 May 2016, CX6A26A6E12344; ‘Vietnam jails four asylum seekers returned by Australia’, Reuters, 27 May 2016, CX6A26A6E4618

²²² ‘Migration, Resettlement and Climate Change in Viet Nam’, United Nations Viet Nam, March 2014, pp.13-14, CISA447F083168

²²³ ‘Migration, Resettlement and Climate Change in Viet Nam’, United Nations Viet Nam, March 2014, p.14, CISA447F083168

²²⁴ ‘Vietnam’s Household Registration System’, World Bank Group & Vietnam Academy of Social Sciences, June 2016, p.x, CIS38A80121252

²²⁵ ‘Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019’, UK Home Office, 09 September 2019, pp.15-16, 20190917095808; ‘No more household registration books: a move to reduce administrative burden’, Vietnam Law and Legal Forum, 25 January 2018, CXBB8A1DA37045; ‘DFAT Country Information Report – Vietnam’, Department of Foreign Affairs and Trade, 21 June 2017, p.24, CISED50AD4597

legal residence permits, public education, and health-care benefits.²²⁶ Due to the level of official scrutiny and monitoring in Vietnam, there are few options for people wishing to relocate internally in order to seek protection from state authorities.²²⁷

Movement across Vietnam's borders is closely monitored and broad limitations have been placed upon the right to freedom of movement. The Immigration Department of the Ministry of Public Security (MPS) is responsible for identifying and recording travellers who pass through international airports, including Vietnamese nationals.²²⁸ The MPS has total discretion to prohibit Vietnamese citizens from leaving or entering the country on the grounds of 'safeguarding national security and social order and safety'.²²⁹ The Vietnamese government has also imposed limitations on the movement of some activists and religious leaders, including those outspoken in their criticism of the government and political dissidents amnestied with probation or under house arrest.²³⁰ Dozens of individuals have been prevented from traveling overseas or entering the country, had their passports withheld on vague charges or have been refused a passport without clear explanation.²³¹ For example, authorities continue to monitor and selectively restrict the movement of the following activists and religious leaders: Nguyen Dan Que, Pham Chi Dung, Pham Ba Hai, Nguyen Hong Quang, Thich Khong Tanh, Le Cong Cau, and Duong Thi Tan.²³² Vietnamese authorities have also routinely physically prevented political activists and family members of political prisoners from meeting with foreign diplomats or from traveling abroad.²³³

²²⁶ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p.26, 20190314094839

²²⁷ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, p.24, CISED50AD4597

²²⁸ 'Review of Vietnamese Migration Abroad, Consular Department – Ministry of Foreign Affairs of Vietnam', May 2012, p.11, CIS961F9402609

²²⁹ 'Q & A on the Right to Freedom of Movement in Vietnam', Civil Rights Defenders, 14 September 2015, pp.2 & 4, CISEC96CF15116

²³⁰ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p.25, 20190314094839

²³¹ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p.25, 20190314094839

²³² 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p.25, 20190314094839

²³³ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.16, 20190917095808; 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p.25, 20190314094839; 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, pp.25 & 9, OGD95BE927332; 'Vietnam blocks Catholic priest, sister of labor activist from leaving abroad', Vietnam Human Rights Defenders, 27 June 2017, CXC9040669873



Australian Government
Department of Home Affairs

Common Claims

Vietnam

Country of Origin Information Services Section (COISS)

Effective from 17 December 2019

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Religion

The degree to which Vietnamese people have the ability to practice their faith freely and without fear, harassment, detention or violence widely varies. Religious freedoms in Vietnam remain restricted and all religious groups and most individual clergy members are required to join a party-controlled supervisory body and obtain permission for most activities.¹ There are 38 religious organisations and one dharma practice recognised in Vietnam, which are affiliated with 15 distinct religious traditions as defined by the government.² These are Buddhism, Islam, Baha'i, Catholicism, Protestantism, Mormonism, Hoa Hao Buddhism, Cao Dai, Buu Son Ky Huong, Tinh Do Cu Si Phat Hoi, Tu An Hieu Nghia, Phat Duong Nam Tong Minh Su Dao, Minh Ly Dao Tam Tong Mieu, Khmer Brahmanism and Hieu Nghia Ta Lon Buddhism.³ On 1 January 2018, a new Law on Belief and Religion came into effect which critics claim allows increased intrusion into freedom of religion or belief.⁴ The law outlaws groups that do not register with the government, effectively criminalising many peaceful religious practices and activities.⁵

Treatment of religious groups

Recognised religious groups in Vietnam who worship quietly and conform to government policies have a low risk of official interference. Catholic groups – along with Protestants, Muslims, Baha'i and Buddhist groups – are now allowed to provide religious education to adherents.⁶ In September 2016, the Catholic Institute of Vietnam opened in Ho Chi Minh City, becoming the country's first-ever university-level institute of theology.⁷ According to a 2015 report from the UN Special Rapporteur on freedom of religion or belief, the relationship between Vietnam and the Vatican has improved markedly in recent years.⁸ In May 2016, the Vietnamese government granted recognition to the Church of Jesus Christ of Latter-day Saints, while the Popular Council of the Independent Cao Dai Church has also reported declining government repression.⁹ Jehovah's Witnesses also report that the Vietnamese government has granted registration and recognition certificates to many of its congregations and local groups, enabling adherents to worship freely.¹⁰

Reports of repression, violence and harassment of religious activities outside state-approved religious groups are common. The Vietnamese government is suspicious of any organised group that may challenge its authority, and continues to closely monitor and disrupt the activities of unrecognised branches of various religious groups, sometimes violently.¹¹ Reports of harassment from authorities include physical assault, arrest, prosecution, monitoring, travel restrictions, property seizure, and denial of registration,¹² although credible sources claim that more serious acts of

¹ 'Freedom in the World 2019 – Vietnam', Freedom House, 2019, p.4, 20190802161239

² 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.4, 20190625113215

³ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.4, 20190625113215

⁴ 'United States Commission on International Religious Freedom Annual Report 2019', United States Commission on International Religious Freedom (USCIRF), 29 April 2019, p.132, 20190508143726; 'United States Commission on International Religious Freedom Annual Report 2018', US Commission on International Religious Freedom, 25 April 2018, p.126, CIS7B83941863

⁵ 'United States Commission on International Religious Freedom Annual Report 2019', United States Commission on International Religious Freedom (USCIRF), 29 April 2019, p.132, 20190508143726

⁶ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.20, 20190625113215

⁷ '2017 Annual Report', US Commission on International Religious Freedom, April 2017, p.116, CISED50AD3969

⁸ 'Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt – Addendum: Mission to Viet Nam (21 to 31 July 2014)', UN Human Rights Council, 30 January 2015, p.13, CISEC96CF13238

⁹ '2017 Annual Report', US Commission on International Religious Freedom, April 2017, p.116, CISED50AD3969

¹⁰ 'United States Commission on International Religious Freedom Annual Report 2018', US Commission on International Religious Freedom, 25 April 2018, p.124, CIS7B83941863

¹¹ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.25, 20190917095808; 'Human Rights Watch World Report 2019', Human Rights Watch, 17 January 2019, pp.658-659, 20190118091502

¹² 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.1, 20190625113215

violence are generally related to activities such as protesting against land confiscation and anti-government activities, rather than due to a person's religion.¹³

The Vietnamese government closely controls and monitors the activities of Catholics and other Christians. While the Vatican is permitted to select its own bishops and priests, these must be approved by the authorities.¹⁴ There are restrictions on the numbers of students permitted to enrol in Catholic and also in Protestant seminaries, which church leaders say are inadequate to meet demand.¹⁵ According to a 2018 report, Christians have, as a rule, always been denied membership in the party, the state bureaucracy and the security forces, and have not been appointed to leadership positions in schools and universities.¹⁶ According to many Catholic bishops, congregations in remote areas with majority ethnic minority populations face difficulty registering for government recognition, uneven and inconsistent enforcement of national laws, and a lack of accountability on the part of provincial authorities.¹⁷ Catholic leaders state that the most problematic regions are in the Central Highlands (Gia Lai, Dak Lak, Dak Nong, Kon Tum, and Lam Dong provinces), the Northwest Highlands, and Hoa Binh province.¹⁸ In 2017 and 2018 there were reports of harassment of Catholics, particularly Catholics active in political protests¹⁹, by a pro-government group called the Red Flag Association.²⁰ Red Flag groups are organised and often work closely with authorities.²¹ In February 2018, members of the Red Flag Association at a primary school in Nghe An province intimidated and beat Catholic parents at a school meeting.²² In December 2017, the group clashed violently with parishioners in Vinh Diocese, Nghe An province, over the construction of a new chapel.²³ The group reportedly ceased operating in March 2018.²⁴

Catholic leaders have been actively involved in local political issues such as environmental protests. Catholic leaders, particularly in central Vietnam, have helped organise protests calling for stronger environmental protections, and were involved in the widespread June 2018 protests on special economic zones and the cybersecurity law.²⁵ Priests have also assisted parishioners in filing complaints and lawsuits against the government over the 2016 Formosa incident.²⁶ In response, state-run media and pro-government blogs published highly critical material against priests who assisted activists and victims of the Formosa incident, with some priests reportedly pressured to leave their parishes.²⁷ [Also see: [Environmental Protests: Formosa Ha Tinh Steel Corp Toxic Spill](#)]

Particular social groups

Women

¹³ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, p.13, CISED50AD4597

¹⁴ 'The Vatican is making headway in Hanoi. Will Beijing be next?', Catholic Herald, 29 August 2019, 20190917154848; 'Vietnam deal points way for China-Vatican progress', UCA News (UCAN), 8 October 2018, 20190917155709

¹⁵ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.20, 20190625113215

¹⁶ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, pp.8-9, CIS7B83941599

¹⁷ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.17, 20190625113215

¹⁸ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.17, 20190625113215

¹⁹ 'Report on Human Rights in Vietnam 2018-2019', Vietnam Human Rights Network, 10 May 2019, p.25, 20190806115309

²⁰ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.2, 20190625113215;

'International Religious Freedom Report for 2017 - Vietnam', US Department of State, 29 May 2018, p.26, OGD95BE927542

²¹ 'United States Commission on International Religious Freedom Annual Report 2019', United States Commission on International Religious Freedom (USCIRF), 29 April 2019, p.136, 20190508143726

²² 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.22, 20190625113215

²³ 'International Religious Freedom Report for 2017 - Vietnam', US Department of State, 29 May 2018, p.26, OGD95BE927542

²⁴ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.2, 20190625113215

²⁵ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.13, 20190625113215

²⁶ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.13, 20190625113215

²⁷ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.13, 20190625113215

Domestic violence against women in Vietnam is common. Exact statistics are difficult to obtain due to victims' frequent reluctance to approach authorities,²⁸ but according to a 2015 NGO survey, 59 per cent of married women had suffered physical or sexual abuse at least once in their lives, typically from a male partner or member of the family.²⁹ Of approximately 1.4 million divorce cases processed by local courts between 2008 and 2018, about 1 million, or 77 per cent, involved domestic violence.³⁰ Domestic violence against women is most prevalent in rural areas where a range of circumstances exist, such as economic difficulties, family conflicts, addictive illness and a lack of understanding among women of their rights.³¹ Social stigma prevents many survivors from coming forward due to fear of harassment from their spouses or family.³²

Domestic violence is criminalised in Vietnam, and there are avenues of redress available to victims. Vietnamese law criminalises rape – including spousal rape – and prohibits violence or threats against women.³³ Rapists are subject to prison terms of up to 15 years in severe cases.³⁴ Authorities prosecute rape cases but do not release arrest, prosecution, conviction, or punishment statistics.³⁵ Vietnamese law also outlines acts that constitute domestic violence and stipulates punishments, ranging from warnings and probation to imprisonment.³⁶ However, authorities treat domestic violence cases as civil cases unless the victim suffers injuries to more than 11 per cent of their body.³⁷ Police generally seek to initiate a process of reconciliation between the victim and perpetrator for less serious cases of domestic violence,³⁸ which credible sources indicate favours men over women and can leave a victim without access to effective legal remedy,³⁹ but victims and the police can initiate a criminal investigation into more serious incidents.⁴⁰ Authorities, with the help of international and local non-government organisations, train police, lawyers, community advocates and legal system officials in laws related to domestic violence.⁴¹ Victims, or a representative of a victim, are required to lodge a written complaint to the police to initiate proceedings.⁴²

²⁸ 'Vietnam's social mores make it more difficult to fight domestic violence', VNExpress, 20 September 2019, 20190924140401; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.31, 20191213145121

²⁹ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 30, 20190314094839

³⁰ 'Vietnam's social mores make it more difficult to fight domestic violence', VNExpress, 20 September 2019, 20190924140401

³¹ 'Consideration of reports submitted by States parties under article 18 of the Convention: Seventh and eighth periodic reports of States parties due in 2011: Viet Nam', UN Committee on the Elimination of Discrimination against Women, 13 December 2014, pp.67-68, CIS2F827D91319

³² 'Vietnam's social mores make it more difficult to fight domestic violence', VNExpress, 20 September 2019, 20190924140401; 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 30, 20190314094839

³³ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 30, 20190314094839

³⁴ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 30, 20190314094839

³⁵ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 30, 20190314094839

³⁶ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 30, 20190314094839; 'Country Profile - Social Institutions and Gender Index - Viet Nam', Social Institutions and Gender Index (SIGI), 2019, p.4, 20190820172336

³⁷ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 30, 20190314094839

³⁸ 'Country Profile - Social Institutions and Gender Index - Viet Nam', Social Institutions and Gender Index (SIGI), 2019, p.5, 20190820172336; 'Assessment of the situation of women in the criminal justice system in Viet Nam. In support of the Government's efforts towards Effective Gender Equality in the Criminal Justice System', United Nations Office on Drugs and Crime, July 2013, p.19, CIS36DE0BB2142

³⁹ 'Compilation on Viet Nam: Report of the Office of the United Nations High Commissioner for Human Rights', United Nations Human Rights Council, 15 November 2018, p.9, 20190723115431

⁴⁰ 'Assessment of the situation of women in the criminal justice system in Viet Nam. In support of the Government's efforts towards Effective Gender Equality in the Criminal Justice System', United Nations Office on Drugs and Crime, July 2013, p. 19, CIS36DE0BB2142

⁴¹ 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, p.30, OGD95BE927332

⁴² 'Assessment of the situation of women in the criminal justice system in Viet Nam. In support of the Government's efforts towards Effective Gender Equality in the Criminal Justice System', United Nations Office on Drugs and Crime, July 2013, pp.18-19, CIS36DE0BB2142

Support services

The Vietnamese government and NGOs provide support services to address domestic violence. These include crisis centres, hotlines, and 300 “reliable residences” which enable women to seek assistance from another family while local authorities and community leaders attempt to confront the perpetrator to resolve the complaint.⁴³ Domestic violence rapid response teams have been established with the support of the United Nations,⁴⁴ while judicial officers and legal aid centres are available to victims.⁴⁵ By 2013, Vietnam had developed 10 shelters nationwide that provide women and girls with access to health-care services, counselling, education, vocational and life skills training.⁴⁶ The Center for Women and Development, supported by the Women’s Union, operates a nationwide domestic violence hotline, but this is not widely advertised in rural areas.⁴⁷ The Center also runs a shelter in Hanoi, ‘Peace House’; the shelter provides children and women who are affected by domestic violence with counselling services, vocational training, and social programs.⁴⁸ Authorities, with the help of international and local non-government organisations, continue to support workshops and seminars that aim to educate women and men about domestic violence and women’s rights, as well as seeking to highlight the problem through public awareness campaigns.⁴⁹

Forced/early marriage

Forcing or entering into marriage with an underage person is prohibited in Vietnam. The legal minimum age of marriage is 18 for girls and 20 for boys.⁵⁰ However, there are reports that child marriage still occurs in rural areas of Quang Nam Province, with pregnant girls as young as 14 pressured into marriage by family.⁵¹ Approximately 10 per cent of girls under 18 are married.⁵²

LGBTI

Discrimination against LGBTI people remains widespread in Vietnamese society, despite increased government tolerance. Although there are no laws to prohibit discrimination on the basis of sexual orientation or gender identity in Vietnam,⁵³ consensual same-sex sexual conduct is not criminalised.⁵⁴ Although the government still does not officially recognise same-sex marriage, in 2015 Vietnam repealed a ban on such unions.⁵⁵ A revised civil code also contains new provisions legalising transgender rights – including the right to change their sex, access health care and change their

⁴³ ‘Vietnam 2016 Human Rights Report’, US Department of State, 3 March 2017, Section 6, OGD95BE926901

⁴⁴ ‘Viet Nam establishes Rapid Response Forces against domestic violence’, United Nations Office on Drugs and Crime, 1 January 2015, CXBD6A0DE19214

⁴⁵ ‘Access to Justice in the Plural Legal System in Viet Nam: A Case Study of Women Domestic Violence Survivors’, UN Women, 2015, p.57-58, CISEC96CF15250

⁴⁶ ‘Consideration of reports submitted by States parties under article 18 of the Convention: Seventh and eighth periodic reports of States parties due in 2011: Viet Nam’, UN Committee on the Elimination of Discrimination against Women, 13 December 2014, pp.67-68, CIS2F827D91319

⁴⁷ ‘Vietnam 2016 Human Rights Report’, US Department of State, 3 March 2017, Section 6, OGD95BE926901

⁴⁸ ‘Third periodic report submitted by Vietnam under article 40 of the Covenant’, United Nations Human Rights Office of the High Commissioner, 9 January 2018, CIS7B839419944; ‘Social activities of the Center for Women and Development’, Center for Women and Development, n.d. [Accessed 16 October 2018], CIS7B839419862

⁴⁹ ‘Country Report on Human Rights Practices 2018 – Vietnam’, US Department of State, 13 March 2019, p. 31, 20190314094839

⁵⁰ ‘Country Report on Human Rights Practices 2018 – Vietnam’, US Department of State, 13 March 2019, p. 33, 20190314094839

⁵¹ ‘Child marriage remains the norm in central mountains’, Dac Thanh, VNExpress, 21 August 2019, 20190822090141

⁵² ‘Country Profile - Social Institutions and Gender Index - Viet Nam’, Social Institutions and Gender Index (SIGI), 2019, p.1, 20190820172336

⁵³ ‘Freedom in the World 2019 – Vietnam’, Freedom House, 02 August 2019, p.6, 20190802161239

⁵⁴ ‘State-Sponsored Homophobia 2019’, Lucas Ramón Mendos, International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), 20 March 2019, p.189, 20190327100813

⁵⁵ ‘Freedom in the World 2018 – Vietnam’, Freedom House, 5 April 2018, NGED867A684

gender identity on official documents if they have undergone sex re-assignment surgery.⁵⁶ Recently, the Binh Dan Hospital in Saigon, opened a new clinic catering to members of the LGBTI community, making it Vietnam's first medical facility to do so.⁵⁷ Despite this, societal discrimination and stigma against LGBTI people remains widespread and is worst towards transgender people.⁵⁸ Discrimination is most pervasive in schools, health care and the work place, although it also occurs within some families.⁵⁹ Violence against LGBTI people is much less common than other forms of discrimination, such as verbal insults and online abuse,⁶⁰ and a 2016 report said that, unlike other countries, violence is mainly perpetrated by acquaintances rather than strangers.⁶¹ LGBTI people often choose not to report incidents of discrimination or violence to police because they perceive it as commonplace, do not believe it will be adequately resolved or fear embarrassment.⁶²

Vietnam increasingly accepts the rights of LGBTI people. Numerous civil society organisations advocating for LGBTI rights have emerged in recent years.⁶³ While places to meet on a day-to-day basis remain limited it is also known that many Vietnamese LGBTI people remain discreet in expressing their sexuality,⁶⁴ Vietnam's first gay pride rally took place in 2012,⁶⁵ and has become an annual event each August.⁶⁶ Authorities have allowed gay pride marches and gatherings to go ahead despite not being registered.⁶⁷ Nearly 2,000 individuals participated in a pride parade in Ho Chi Minh City in September 2017, while other pride celebrations were held in 35 cities and provinces.⁶⁸ Mainstream Vietnamese media – which is controlled by the government – increasingly promotes the view that being gay is normal.⁶⁹ While Vietnam does not have a 'gay scene' in major cities, young LGBTI people frequently connect through social media platforms such as Facebook.⁷⁰

Political Opinion

Membership of the Vietnamese Communist Party (CPV) remains beneficial for career advancement and to maximise other social and economic opportunities, but is no longer

⁵⁶ 'LGBT rights: Vietnam recognises transgender people, but there's a flaw in its law', Sen Nguyen, South China Morning Post, 21 June 2019, 20190814134558; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.33, 20191213145121

⁵⁷ 'Vietnam's first LGBT-friendly clinic provides relief from illness and prejudice', VNExpress, 29 January 2019, 20190130103506

⁵⁸ 'Freedom in the World 2018 – Vietnam', Freedom House, 5 April 2018, NGE867A684; "Is it because I am LGBT?" Discrimination based on sexual orientation in Viet Nam', UNDP, 21 June 2016, p.14CIS38A80124354; 'Transgender at work. Livelihoods for transgender people in Vietnam', Hoang T-A and Oosterhoff, P, Institute of Development Studies, February 2016, pp. 4, 15, CIS38A80128087

⁵⁹ 'Being LGBT in Asia – Vietnam country report', USAID & UNDP, August 2014, pp.27-31, CX324893; "Is it because I am LGBT?" Discrimination based on sexual orientation in Viet Nam', UNDP, 21 June 2016, p.14CIS38A80124354

⁶⁰ "Is it because I am LGBT?" Discrimination based on sexual orientation in Viet Nam', UNDP, 21 June 2016, p.18, CIS38A80124354

⁶¹ "Is it because I am LGBT?" Discrimination based on sexual orientation in Viet Nam', UNDP, 21 June 2016, p.18, CIS38A80124354

⁶² "Is it because I am LGBT?" Discrimination based on sexual orientation in Viet Nam', UNDP, 21 June 2016, p.97, CIS38A80124354

⁶³ 'Being LGBT in Asia – Vietnam country report', USAID & UNDP, August 2014, p.21, CX324893

⁶⁴ 'Gay Vietnam', Travel Gay Asia, n.d., (accessed 3 July 2017), CISED50AD4725; Gay Hanoi, Travel Gay Asia, n.d., (accessed 3 July 2017), CISED50AD4726; Travel & Resources: HO CHI MINH CITY – SAIGON, Utopia, n.d. (accessed 3 July 2017), CISED50AD4728

⁶⁵ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121

⁶⁶ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121; 'Love in the air at gay pride parade in Ho Chi Minh City', Tuoi Tre Online, 25 September 2017, CXC90406620464

⁶⁷ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.28, 20190917095808

⁶⁸ 'Love in the air at gay pride parade in Ho Chi Minh City', Tuoi Tre Online, 25 September 2017, CXC90406620464

⁶⁹ 'Gay Vietnam', Travel Gay Asia, n.d., (accessed 3 July 2017), CISED50AD4725

⁷⁰ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121

essential for success. Vietnam is a single-party, authoritarian regime.⁷¹ Party membership remains a prerequisite to career advancement for nearly all government and government-linked organisations and businesses.⁷² Recent economic reforms have provided greater opportunities for non-CPV members, and increasingly young Vietnamese no longer see membership of the party as key to economic and social success, particularly with the increasing availability and attractiveness of careers in the private sector.⁷³ The CPV continues to deny membership to individuals whose parents – or the parents of their spouse – worked for the former South Vietnamese regime.⁷⁴ However, according to credible sources, Vietnamese with ties to the former South Vietnamese regime can now gain some positions in government and state-owned enterprises, but generally cannot hold top positions.⁷⁵

Freedom of expression

While “re-education camps” ceased operation in Vietnam in the 1990s, mechanisms still remain for detaining and silencing political dissidents. These include house arrest, administrative detention or prison sentences, along with the regular movement of dissidents throughout the detention network to isolate them from family and support networks and other detainees.⁷⁶

The Vietnamese government suppresses political expression and protest. Amnesty International has identified 128 political prisoners in Vietnam, with many charged under vague provisions of the 2018 penal code such as ‘making, storing, disseminating or propagandizing materials and products that aim to oppose the State of the Socialist Republic of Vietnam’, ‘disrupting national security’ or ‘abusing democratic freedom to violate the interests of the state.’⁷⁷ University authorities have been told by the Ministry of Public Security to expel activists from their universities;⁷⁸ while there have been reports that university students who participated in human rights advocacy have been prevented from graduating.⁷⁹

The government prevents the exit and entry of individuals who openly express anti-government views. Several individuals considered to be political dissidents or activists, or their family members, have been prevented from leaving or returning to Vietnam, or have had passports confiscated or withheld on often vague or unexplained grounds.⁸⁰ In March 2018, at Hanoi Noi Bai airport authorities denied exit permission to a student who was traveling to study overseas due to his involvement in Formosa-related protests.⁸¹ In May 2017, police stopped Polish-Vietnamese activist Phan Chau Thanh from entering Vietnam, while in June 2017, stopped former political prisoner Do Thi

⁷¹ ‘Country Report on Human Rights Practices 2018 – Vietnam’, US Department of State, 13 March 2019, p. 1, 20190314094839

⁷² ‘Country Report on Human Rights Practices 2018 – Vietnam’, US Department of State, 13 March 2019, p. 16, 20190314094839

⁷³ ‘Vietnam’s Divide: Slow Healing, Fewer Prospects for Children of U.S. Allies’, Bloomberg, 24 December 2015, CXBD6A0DE19603; ‘As Vietnam booms, Communist Party struggles to keep up’, Reuters, 17 January 2011, CXCB3E63421361 and ‘Country Reports on Human Rights Practices for 2017 – Vietnam’, 20 April 2018, p. 15, OGD95BE927332

⁷⁴ ‘Vietnam’s Divide: Slow Healing, Fewer Prospects for Children of U.S. Allies’, Bloomberg, 24 December 2015, CXBD6A0DE19603

⁷⁵ ‘Vietnam’s Divide: Slow Healing, Fewer Prospects for Children of U.S. Allies’, Bloomberg, 24 December 2015, CXBD6A0DE19603

⁷⁶ ‘Country Reports on Human Rights Practices 2017 - Vietnam’, US Department of State, 20 April 2018, Section 1(d), OGD95BE927332

⁷⁷ ‘Prisoners of Conscience in Viet Nam’, Amnesty International, 13 May 2019, p.3, 20190514144113

⁷⁸ ‘Country Report on Human Rights Practices 2018 – Vietnam’, US Department of State, 13 March 2019, p. 23, 20190314094839

⁷⁹ ‘Freedom in the World 2018 – Vietnam’, Freedom House, 5 April 2018, NGE867A684; ‘Country Report on Human Rights Practices 2018 – Vietnam’, US Department of State, 13 March 2019, p. 23, 20190314094839

⁸⁰ ‘Country Report on Human Rights Practices 2018 – Vietnam’, US Department of State, 13 March 2019, p. 26, 20190314094839; ‘DFAT Country Information Report Vietnam’, Department of Foreign Affairs and Trade, 13 December 2019, pp. 27, 42, 20191213145121

⁸¹ ‘Country Report on Human Rights Practices 2018 – Vietnam’, US Department of State, 13 March 2019, p. 23, 20190314094839

Minh Hanh from leaving for Austria to visit her ill mother.⁸² The same month, Vietnamese authorities stripped former political prisoner Pham Minh Hoang of his citizenship and deported him to France.⁸³

Protests

Public protests and gatherings are monitored or restricted. The law requires people wishing to gather in a group to apply for a permit from local authorities.⁸⁴ However, in practice, only those arranging publicised gatherings to discuss sensitive matters appear to require permits.⁸⁵ Permits can be denied without explanation, and the government generally does not allow demonstrations seen to be anti-government or political.⁸⁶ Despite legal restrictions and threats of crackdown by the police, Vietnamese citizens continue to express their views through numerous protests.⁸⁷

Activist groups seeking to exercise their freedom of expression or association may experience harassment, surveillance, restrictions on their movement, short-term detention and physical attack. Attacks on rights campaigners have taken place in many regions of Vietnam.⁸⁸ In July 2019, plainclothes agents and government supporters attacked approximately 20 human rights activists and relatives of political prisoners who were attempting to visit a prison in Nghe An province.⁸⁹ In August 2018, security agents brutally beat rights activists Pham Doan Trang, Nguyen Tin, and Nguyen Dang Cao Dai after a raid on a concert in Ho Chi Minh City.⁹⁰ In June and July 2018 in Lam Dong province, unidentified men threw rocks and a handmade incendiary device into the house of a labor activist and former political prisoner, Do Thi Minh Hanh.⁹¹ A June 2017 report highlighted 36 incidents in which men in civilian clothes attacked activists between January 2015 and April 2017, often resulting in serious injuries.⁹² Credible sources state that the use of these plain-clothes 'thugs', many of whom likely work for a government security agency, rose in 2017 and has in some instances allowed the government to be seen to be removed from committing acts of violence.⁹³

Anti-government protests

Anti-government protests are not tolerated by authorities. Political opposition parties are illegal.⁹⁴ Individuals and groups who protest against the Government or openly criticise the Communist Party are likely to attract adverse attention from authorities, experience police intimidation or harassment, or see their protests shut down,⁹⁵ sometimes with the use of physical force.⁹⁶ In June 2018, there was a

⁸² 'Country Policy and Information Note – Vietnam: Opposition to the State', UK Home Office, September 2018, p.17CIS7B839419727

⁸³ 'Human Rights Watch World Report 2018', Human Rights Watch, 18 January 2018, p.628NGED867A63

⁸⁴ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 23, 20190314094839

⁸⁵ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 23, 20190314094839

⁸⁶ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 23, 20190314094839

⁸⁷ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, p.12, CIS7B83941599

⁸⁸ 'No Country for Human Rights Activists: Assaults on Bloggers and Democracy Campaigners in Vietnam', Human Rights Watch, 18 June 2017, p.2, CISED50AD4751

⁸⁹ 'Plainclothes police attack activists and relatives of political prisoners in Nghệ An', Asia News IT, 15 July 2019, 20190820143746

⁹⁰ 'Human Rights Watch World Report 2019', Human Rights Watch (HRW), 17 January 2019, p. 656, 20190118091502

⁹¹ 'Human Rights Watch World Report 2019', Human Rights Watch (HRW), 17 January 2019, p. 656, 20190118091502

⁹² 'No Country for Human Rights Activists: Assaults on Bloggers and Democracy Campaigners in Vietnam', Human Rights Watch, 18 June 2017, p.2, CISED50AD4751

⁹³ 'Australia - Vietnam Human Rights Dialogue - Human Rights Watch Submission - June 2019', Human Rights Watch (HRW), 01 June 2019, p.1, 20190828092550; 'United States Commission on International Religious Freedom Annual Report 2018', US Commission on International Religious Freedom, 25 April 2018, p.123, CIS7B83941863

⁹⁴ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.9, 20190917095808

⁹⁵ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, pp.9-10, 20190917095808;

⁹⁶ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, pp.9-10, 20190917095808; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 27, 20191213145121

string of large demonstrations across Vietnam in protest against a new cybersecurity law and a draft law on special economic zones.⁹⁷ Authorities responded by arresting and imprisoning hundreds of those involved.⁹⁸ For example, in July 2018 a court in southern Vietnam jailed 15 individuals for their involvement in protest activity,⁹⁹ while days earlier 10 people received prison terms of up to three-and-a-half years in central Binh Thuan province.¹⁰⁰ Individual petitioners seeking government action in relation to their land use rights have also been attacked or jailed.¹⁰¹

Online protests

Vietnamese authorities have jailed a number of well-known bloggers in an attempt to curb online criticism of the government. In September 2019, police arrested a pro-democracy activist, Nguyen Quoc Duc Vuong, for Facebook postings which included support for democracy and criticism of government corruption.¹⁰² He was charged under article 117 of the penal code with 'making, storing, disseminating or propagandizing information, materials and products that aim to oppose the State of the Socialist Republic of Vietnam'.¹⁰³ In 2018, Vietnam put on trial at least 12 people for conducting propaganda against the state.¹⁰⁴ Sentences ranged from 4 to 12 years in prison, including for blogger Ho Van Hai (also known as Dr. Ho Hai), and activists Nguyen Dinh Thanh, Bui Hieu Vo, Tran Hoang Phuc, Vu Quang Thuan, Nguyen Van Dien, Nguyen Viet Dung, and Vuong Van Tha.¹⁰⁵ In February 2018 another high-profile blogger, Ho Van Hai, received a four year prison sentence for posts highlighting the faults of Vietnam's Communist government.¹⁰⁶ In June 2017, a court in Khanh Hoa sentenced prominent blogger Nguyen Ngoc Nhu Quynh (also known as Mother Mushroom) to 10 years in prison for the publication of critical online posts and documents.¹⁰⁷ She was released on 17 October 2018 with the remainder of her 10 year prison sentence as reportedly suspended. Following her release Nguyen Ngoc Nhu Quynh went into exile to the United States with her family.¹⁰⁸

Vietnam has established a new 10,000 person cyber unit to tackle dissident views online, while the National Assembly passed a new cyber security law in June 2018. Critics claim the new law gives authorities wide discretion to determine when online expression must be censored and therefore could facilitate further suppression of freedom of speech.¹⁰⁹ Under the law, introduced on 1 January 2019, service providers are required to take down offending content within 24 hours, while internet companies are required to disclose user data to authorities.¹¹⁰ In July 2018, nearly two dozen members of the U.S. Congress reportedly wrote to the heads of Facebook and Google urging them not to comply with the law which they said is in violation of international human rights standards.¹¹¹

Despite online censorship, Vietnam applies fewer controls on the Internet than neighbouring China. Social media platforms such as Facebook are widely used, with some 52 million accounts out

⁹⁷ 'Vietnam: a month of mass protests', Lowy Interpreter (The Interpreter), 27 June 2018, CXBB8A1DA30346

⁹⁸ 'Vietnam: Investigate Police Response to Mass Protests', Human Rights Watch (HRW), 15 June 2018, CXBB8A1DA30048

⁹⁹ 'Vietnamese court imprisons peaceful demonstrators', UCA News (UCAN), 1 August 2018, CXBB8A1DA32816

¹⁰⁰ 'Vietnam jails 10 more for protests over economic zones', Reuters, 23 July 2018, CXBB8A1DA32143

¹⁰¹ 'Vietnam jails activist a second time for "public disorder"', Reuters, 20 September 2016 CX6A26A6E11373; 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, p.22, OGD95BE927332; 'Freedom in the World 2017 – Vietnam', Freedom House, 4 September 2017, NG2A465F593; 'Vietnamese Land-Rights Petitioner Receives 18-Month Prison Term', Radio Free Asia, 29 September 2015, CXBD6A0DE15108

¹⁰² 'Vietnam: New Arrest for Facebook Postings', Human Rights Watch (HRW), 07 October 2019, 20191009100222

¹⁰³ 'Vietnam: New Arrest for Facebook Postings', Human Rights Watch (HRW), 07 October 2019, 20191009100222

¹⁰⁴ 'Human Rights Watch World Report 2019', Human Rights Watch (HRW), 17 January 2019, pp. 655-656, 20190118091502

¹⁰⁵ 'Human Rights Watch World Report 2019', Human Rights Watch (HRW), 17 January 2019, p. 656, 20190118091502

¹⁰⁶ 'Vietnam hands blogger Ho Van Hai four-year Jail term for anti-state propaganda', Radio Free Asia, 1 February 2018, CXBB8A1DA21206

¹⁰⁷ 'Human Rights Watch World Report 2018', Human Rights Watch, 18 January 2018, p.627NGED867A63

¹⁰⁸ 'Vietnamese Blogger Mother Mushroom Released, Exiled to US', 17 October 2018, CXBB8A1DA36966

¹⁰⁹ 'Submission to the Universal Periodic Review of Vietnam', Human Rights Watch, 13 July 2018, CXBB8A1DA31726

¹¹⁰ 'Submission to the Universal Periodic Review of Vietnam', Human Rights Watch, 13 July 2018, CXBB8A1DA31726;

'Vietnam's New Cyber Law Could Hobble Foreign Investors and Limit Basic Freedoms', Centre for Strategic and International Studies (CSIS), 2 July 2018, CXBB8A1DA30601; 'Vietnam's new cyber law curbs dissents and business', Radio France Internationale (RFI), 01 January 2019, 20190102163306

¹¹¹ 'US Lawmakers urge non-compliance with Cybersecurity Law article', Radio Free Asia, 17 July 2018, CXBB8A1DA37007

of a population of about 96 million.¹¹² The government has also, for the most part, not shut down other popular forms of online communication such as Twitter and Gmail and does not block the websites of major international media such as *The New York Times*.¹¹³ Vietnamese authorities can be responsive to online opinion; in February 2018 Danang authorities rescinded guidelines requiring the local press to obtain official approval before publishing content following a social media backlash.¹¹⁴

Environmental Protests: Formosa Ha Tinh Steel Corp Toxic Spill

Local communities protesting about the Formosa Ha Tinh Steel Corporation chemical spill have been accused of deliberately stirring anti-government sentiment. Formosa Steel, the Taiwanese company responsible for the April 2016 spill, in which chemicals leaked into the South China Sea, decimating fish stocks and devastating fishing communities along Vietnam's central coast, agreed to pay \$500 million in damages.¹¹⁵ The disaster provoked large protests against both the company and the government in part due to the heavy impact on the livelihoods of the affected communities.¹¹⁶ Attempts by fishermen to sue Formosa in a provincial court were thrown out.¹¹⁷ Protests were also held in diaspora countries including Australia, where in March 2017 about 300 members of the Vietnamese community in Australia protested outside Victoria's Parliament.¹¹⁸

Authorities have generally not arrested or used unreasonable force against protesters. Large protests demanding the Formosa Ha Tinh Steel Corporation be closed and further compensation provided to assist with the clean-up have generally not resulted in injuries or arrests by state actors.¹¹⁹ However, the government has reportedly cracked down on human rights activists connected to a new civil society organisation, The Alliance of Self-Determined People,¹²⁰ while on 6 February 2018, a Vietnamese court sentenced two other activists to prison terms of 14 years and two years respectively for protesting against Formosa.¹²¹ Some supporters of the pair who attended the court building were beaten and detained in a police station until the trial ended at midday.¹²² On 6 April 2017, hundreds of Catholic protesters marked the one-year anniversary of the waste spill on the streets and beaches of Vinh diocese, and carried black flags with anti-Formosa slogans on them.¹²³ In November 2018, Nguyen Van Hoa was jailed by the People's Court of Ha Tinh in Nghe An province after filming protests outside the Taiwan-owned Formosa Plastics Group steel plant. Held for nine days at the Ha

¹¹² 'Vietnam's New Cyber Law Could Hobble Foreign Investors and Limit Basic Freedoms', Centre for Strategic and International Studies (CSIS), 2 July 2018, CXBB8A1DA30601

¹¹³ 'Vietnam's New Cyber Law Could Hobble Foreign Investors and Limit Basic Freedoms', Centre for Strategic and International Studies (CSIS), 2 July 2018, CXBB8A1DA30601

¹¹⁴ 'Vietnamese City Rescinds Directive Curtailing Press Freedom', Voice of America (VOA), 10 February 2018, CXBB8A1DA22006

¹¹⁵ 'Outrage over fish kill in Vietnam simmers 6 months later', The New York Times, 3 October 2016, CX6A26A6E10573

¹¹⁶ 'Vietnam's dead fish may spawn a stronger culture of dissent', Hoang C, cogitASIA, 30 September 2016, CIS38A80122116

¹¹⁷ 'Vietnam court swamped by fishermen seeking to sue Taiwan firm's steel unit', Reuters, 27 September 2016, CX6A26A6E10576

¹¹⁸ 'Vietnamese communities stage anti-Formosa and pro-democracy protests', TiVi Tuan-san, 07 March 2017, 20191004114557

¹¹⁹ 'Vietnamese rally outside Taiwanese steel plant that spread toxic waste', Reuters, 2 October 2016, CX6A26A6E10045;

'Vietnam's Dead Fish May Spawn a Stronger Culture of Dissent', Chau Hoang, Centre for Strategic & International Studies, 30 September 2016, p.2, CIS38A80122116;

'Formosa Spill Still Roils Public Opinion in Vietnam', Radio Free Asia, 7 December 2016, CX6A26AE14775

¹²⁰ 'Vietnam Cracks Down on Dissenters', Radio Free Asia, 10 November 2016, CX6A26A6E14902

¹²¹ 'More activists sentenced in Vietnam', Voice of America (VOA), 11 February 2018, CXBB8A1DA21834; 'Catholic activist arrested in Vietnam, police beat up protesters', UCA News (UCAN), 23 May 2017, CXC9040668804

¹²² 'Vietnamese environmental activists handed prison terms in Nghe An', Radio Free Asia, 6 February 2018, CXBB8A1DA21459

¹²³ 'Vietnamese Catholics Demonstrate to Mark Anniversary of Formosa Chemical Spill', Radio Free Asia (RFA), 6 April 2017, CXC9040666018

Tinh police station following his arrest, Hoa was hung by his hands and beaten by eight police officers, who also threw water in his face.¹²⁴

State Protection

Institutions providing state protection are prone to corruption, although the Vietnamese government has introduced some reforms. The Law on Anti-Corruption criminalises corrupt practices by public officials,¹²⁵ and successful prosecutions of corrupt officials have occurred.¹²⁶ As there is no separation of powers in Vietnam, the legislature, executive and the judiciary are part of the same party-state system.¹²⁷

Police

Internal security is the responsibility of the Ministry of Public Security. There are police organisations at the provincial, district and commune (local) levels over which people's committees exercise some authority.¹²⁸ There are two core forces: the People's Security Force (An ninh Nhan dan), responsible for national security, and the People's Police Force (Canh sat Nhan dan), which is responsible for social order and public safety.¹²⁹ The People's Police force handles traditional police work such as neighbourhood policing, traffic control, household registration, and the issuing of identification cards.¹³⁰

Police are effective in maintaining public order but have limited capacity in other areas, especially investigations. While the Ministry of Public Security is responsible for internal security and controls the national police; in practice, provincial and local-level police often maintain significant discretion in their activities.¹³¹ People's committees have substantial authority over police forces and prosecutors at the provincial, district and local levels.¹³² Although the Supreme People's Procuracy has authority to investigate security force abuse, police organisations operate with little transparency and limited public oversight.¹³³ Due to a lack of cross-agency coordination within the police, delays in dealing with cases are common.¹³⁴

Police officers sometimes act with impunity. Internal police oversight exists but is subject to political influence.¹³⁵ Police frequently ill-treat or torture suspects to elicit confessions, which has

¹²⁴ 'Jailed Vietnamese Activist Goes on Hunger Strike Over Beatings by Police', Radio Free Asia (RFA), 28 February 2019, 20190305131350

¹²⁵ 'Vietnam Corruption Report', Global Advice Net, September 2017, CISED50AD7684

¹²⁶ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, p.14, CIS7B83941599

¹²⁷ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, p.12, CIS7B83941599

¹²⁸ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.9, 20190917095808; 'Public Insecurity: Deaths in Custody and Police Brutality in Vietnam', Human Rights Watch, 16 September 2014, p.14, CISA447F082797

¹²⁹ 'Public Insecurity: Deaths in Custody and Police Brutality in Vietnam', Human Rights Watch, 16 September 2014, p.14, CISA447F082797

¹³⁰ 'Public Insecurity: Deaths in Custody and Police Brutality in Vietnam', Human Rights Watch, 16 September 2014, pp. 5-8, CISA447F082797

¹³¹ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 7, 20190314094839

¹³² 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 7, 20190314094839

¹³³ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.12, 20190917095808; 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 7, 20190314094839

¹³⁴ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.11, 20190917095808

¹³⁵ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 29, 20190314094839

resulted in deaths in custody,¹³⁶ while excessive force may also be used in responding to protests over evictions, land confiscation, and other social issues.¹³⁷ For example, in January 2019, in Tuy Hoa City, Phu Yen Province a video showing a Vietnamese police officer allegedly kicking a man on the floor of a police station went viral after being published on social media.¹³⁸ In June 2018, police allegedly used excessive force to disperse protestors taking part in nationwide demonstrations against a draft law on long-term leases in special economic zones.¹³⁹ In September 2017, many people were injured when police dispersed protesters in front of the entrance of a Hong Kong-owned textile factory in Hai Duong province.¹⁴⁰ In February 2017, police stopped hundreds of protesters who were marching to present compensation claims for the Formosa Environmental Disaster - witnesses reported seeing police beat and arrest some of the protesters.¹⁴¹

Judiciary

Vietnamese courts operate under government control. Most judges are members of the Communist Party of Vietnam and are screened by local officials for suitability before appointment.¹⁴² The law provides for an independent judiciary and lay assessors.¹⁴³ However, political influence, endemic corruption and inefficiency strongly distort the judicial system and trials of human rights activists consistently fail to meet international standards.¹⁴⁴

Access to legal representation is inadequate. There is a shortage of judges and lawyers, with only around 7,000 lawyers throughout the country.¹⁴⁵ As few as a fifth of defendants can obtain access to legal counsel, including in cases subject to the death penalty.¹⁴⁶ Vietnamese law does not expressly state that defendants have the right to call witnesses and defence lawyers may not have enough time to meet with clients.¹⁴⁷ There are widespread complaints that judges often appear to have made a determination of guilt prior to conducting a trial.¹⁴⁸

Harassment of human rights lawyers occurs. Lawyers are pressured to refuse religious and democracy activists as clients, and in some cases defence lawyers are restricted, harassed, and disbarred from representing these clients.¹⁴⁹

¹³⁶ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.15, 20190917095808; 'Human Rights Watch World Report 2018', Human Rights Watch, 18 January 2018, p.629, NGE0867A63

¹³⁷ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.12, 20190917095808; 'Human Rights Watch World Report 2016: Events of 2015 – Vietnam', 27 January 2016, NGE43874C8

¹³⁸ 'Video of Alleged Police Beating in Vietnam Goes Viral', Radio Free Asia (RFA), 30 January 2019, 20190201173227

¹³⁹ 'Vietnam: Investigate Police Response to Mass Protests', Human Rights Watch (HRW), 15 June 2018, CXBB8A1DA30048

¹⁴⁰ 'Country Policy and Information Note – Vietnam: Opposition to the State', UK Home Office, September 2018, p.18, CIS7B839419727

¹⁴¹ 'Vietnam police stop fishermen marching', Reuters, 14 February 2017, CXC9040661919

¹⁴² 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 11, 20190314094839

¹⁴³ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 11, 20190314094839

¹⁴⁴ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 11, 20190314094839 'Human Rights Watch World Report 2019', Human Rights Watch (HRW), 17 January 2019, p. 657, 20190118091502

¹⁴⁵ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.14, 20190917095808; 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, p. 13, CIS7B83941599

¹⁴⁶ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.14, 20190917095808; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 41, 20191213145121

¹⁴⁷ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 13, 20190314094839

¹⁴⁸ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 11, 20190314094839

¹⁴⁹ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 11, 20190314094839

Corruption

Corruption is widespread throughout the public administration system, despite criminal penalties. Corruption remains a serious problem¹⁵⁰, existing in areas such as the police and the military, in business and banking, and in the allocation of land.¹⁵¹ Transparency International rated the country 117 of 180 countries in public sector corruption in 2018,¹⁵² a slight drop in its ranking from 2017, despite efforts in anti-corruption with the improvement of the anti-corruption legal framework (e.g. the amended Anti-corruption Law approved by the National Assembly in November 2018).¹⁵³

Government leaders acknowledge widespread public discontent with the level of corruption and the extent to which it undermines the efficiency of the state and support for the Communist Party. There have been a number of highly publicised prosecutions of senior public officials in recent years.¹⁵⁴ However, despite these, anti-corruption campaigns are pursued intermittently with varying degrees of seriousness,¹⁵⁵ and credible sources state they can be as much the result of internal Communist Party rivalries or attempts to maintain the party's image as a genuine desire to promote transparency in politics and business.¹⁵⁶ In May 2017, former Ho Chi Minh City Communist Party boss Politburo member Dinh La Thang was dismissed over allegations of corruption and for violations while he was chairman of PetroVietnam from 2009-11; this was only the third time in 30 years that a Politburo member had been dismissed.¹⁵⁷ In January 2018, Thang and a former subordinate, Trinh Xuan Thanh, were sentenced respectively to 13 years and two life sentences; Trinh Xuan Thanh after allegedly having been kidnapped by Vietnamese agents from a Berlin park.¹⁵⁸ In July 2018, a former deputy governor of Vietnam's central bank was jailed for three years for overseeing a dodgy restructuring scheme which lost the state \$600 million.¹⁵⁹

The role of the private sector has steadily grown but deterrents to trade and investment still remain. Persistent high levels of corruption along with an opaque legal system, complex foreign investment laws, an underdeveloped financial system and uncertain rights relating to land ownership and usage are the main deterrents.¹⁶⁰ Corruption is a key concern for business and foreign investors, and is seen as a major impediment to further development. Corruption in Vietnam is driven by a low level of transparency, accountability, and media freedom, as well as low pay for government officials and inadequate systems for holding officials accountable for their actions.¹⁶¹ Companies are likely to

¹⁵⁰ 'Corruption Perceptions Index 2018: Corruption in Vietnam's public sector is still perceived as highly serious', Towards Transparency, 29 January 2019, p.1, 20190326101127

¹⁵¹ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, pp.7, 20, CIS7B83941599; 'Freedom in the World 2018 – Vietnam', Freedom House, 5 April 2018, NGED867A684

¹⁵² 'Corruption Perceptions Index 2018: Corruption in Vietnam's public sector is still perceived as highly serious', Towards Transparency, 29 January 2019, p.1, 20190326101127

¹⁵³ 'Corruption Perceptions Index 2018: Corruption in Vietnam's public sector is still perceived as highly serious', Towards Transparency, 29 January 2019, p.1, 20190326101127

¹⁵⁴ 'Vietnam Communist Party takes aim at corrupt rising stars', Reuters, 26 September 2019, 20190927085651; 'Vietnam jails former deputy labor minister for economic mismanagement', Reuters, 25 September 2019, 20190927090012; 'Ex-chairman of Vietnam's BIDV bank dies in detention', Reuters, 23 July 2019, 20190723102504; 'Stiff sentences bolster Vietnam's anti-graft drive but questions remains over larger reform', Straits Times, The, 23 January 2018, CXBB8A1DA20684; 'Vietnam to move forward with six high-profile graft cases', VietNamNet Bridge, 4 October 2016, CX6A26A6E13892

¹⁵⁵ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, p.33, CIS7B83941599

¹⁵⁶ 'At Vietnam's biggest corruption trial, some skeptical views', Reuters, 10 January 2018, CXBB8A1DA363; 'Berlin kidnapping': Nowhere to run from Vietnam's anti-corruption campaign', Deutsche Welle, 8 January 2018, CXBB8A1DA329; 'Explainer: What's behind Vietnam's corruption crackdown', Reuters, 8 January 2018, CXBB8A1DA278

¹⁵⁷ 'Vietnam sacks top official for PetroVietnam violation', BBC News, 8 May 2017, CXC9040667473 and 'Vietnam's Party chief says 'more will come' after high-profile punishment', VNEexpress, 13 May 2017, CXC9040667994

¹⁵⁸ 'Stiff sentences bolster Vietnam's anti-graft drive but questions remains over larger reform', Straits Times, The, 23 January 2018, CXBB8A1DA20684; 'Vietnamese oil executive kidnapped in Berlin gets second life sentence', Deutsche Welle, 5 February 2018, CXBB8A1DA21363

¹⁵⁹ 'Vietnam jails former central bank governor for three years', Agence France Presse, 2 July 2018, CXBB8A1DA30603

¹⁶⁰ 'BTI 2016 – Vietnam Country Report', Bertelsmann Stiftung, 29 February 2016, pp.28-29, CIS38A8012384

¹⁶¹ 'Investment Climate Statements – Vietnam', US Department of State, 2016, CX6A26A6E9812

experience bribery, political interference and facilitation payments.¹⁶² The practice of giving and receiving bribes is so common that it is understood to be a routine part of doing business.¹⁶³

The banking sector still struggles with non-performing loans and transparency. In recent years, a number of high-profile banking officials have been arrested and convicted of embezzlement, abuse of power, taking bribes and intentionally violating state regulations on economic management.¹⁶⁴ This has been interpreted by some as a sign of the government's commitment to clean up corruption in the banking sector.¹⁶⁵ However, others saw the verdicts as evidence of widespread corruption, poor management and oversight in the banking sector'.¹⁶⁶

Anti-corruption agencies are often ineffective. A number of anti-corruption offices have been established over the last decade.¹⁶⁷ Anti-corruption efforts are, however, generally localised and have a limited overall impact on corruption.¹⁶⁸ Punitive measures range from fines to capital punishment, depending on the severity of the corruption case.¹⁶⁹ Some prominent party functionaries, government officials, and, more recently, top executives of state conglomerates have been prosecuted.¹⁷⁰ However, this is motivated in large part by the desire for good publicity and patronage continues to be a significant problem.¹⁷¹

Gangs and Loan Sharks

Loan sharks charging illegal rates of interest are a widespread problem in Vietnam, but authorities have demonstrated a willingness to tackle their activities. Authorities have had difficulty prosecuting loan sharks for charging illegal rates of interest – above 150% of the base rate set by the State Bank of Vietnam – as these are rarely documented on loan papers.¹⁷² A lack of resources, legal loopholes and inadequate implementation of laws also remain problems in tackling loan sharks;¹⁷³ however, credible sources assess that individuals targeted for unpaid debts are able to obtain protection from the police, who are active at the provincial, district and local levels and are subject to government authority.¹⁷⁴ According to the Ministry of Public Security, during 2018 police units and localities dealt with more than 600 illegal moneylending or 'black credit' cases.¹⁷⁵ For example, in 2018, police from southern Binh Thuan Province set up special units to crack down on and increase awareness of illegal loan sharks.¹⁷⁶ In other parts of Vietnam, particularly Ho Chi Minh City, authorities have embarked on some high profile crackdowns on gang activity – including gangs

¹⁶² 'Business Corruption in Vietnam', GAN [Global Advice Net] Integrity Solutions Business Anti-Corruption Portal, 2015, CISEC96CF14407

¹⁶³ 'Vietnam targets families of public officials in anti-corruption drive', Luong, D, VnExpress, Vietnam, 22 August 2016, CIS38A80122505; 'Vietnam Corruption Report', Global Advice Net, September 2017, CISED50AD7684

¹⁶⁴ 'BTI 2016 – Vietnam Country Report', Bertelsmann Stiftung, 29 February 2016, p.19, CIS38A8012384

¹⁶⁵ 'BTI 2016 – Vietnam Country Report', Bertelsmann Stiftung, 29 February 2016, p.19, CIS38A8012384

¹⁶⁶ 'BTI 2016 – Vietnam Country Report', Bertelsmann Stiftung, 29 February 2016, p.19, CIS38A8012384

¹⁶⁷ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, p.33, CIS7B83941599

¹⁶⁸ 'Investment Climate Statements – Vietnam', US Department of State, 2016, CX6A26A6E9812

¹⁶⁹ 'Vietnam Corruption Report', Global Advice Net, September 2017, CISED50AD7684

¹⁷⁰ 'Freedom in the World 2018 – Vietnam', Freedom House, 5 April 2018, NGED867A684; 'Stiff sentences bolster Vietnam's anti-graft drive but questions remains over larger reform', Straits Times, The, 23 January 2018, CXBB8A1DA20684; 'Vietnamese oil executive kidnapped in Berlin gets second life sentence', Deutsche Welle, 5 February 2018, CXBB8A1DA21363

¹⁷¹ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, p.14, CIS7B83941599

¹⁷² 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.24, 20190917095808; "Black credit" besieges workers, students before Lunar New Year', VietNamNet Bridge, 29 January 2016, CX6A26A6E9780

¹⁷³ 'NA approves delay to Penal Code 2015', Viet Nam News, 1 July 2016 CX6A26A6E12697; 'Loan sharks feed off poor, naive workers', Viet Nam News, 11 September 2015 CXBD6A0DE18811; Ives, M & Nguyen, N S, 'Vietnam's gamble: Whether or not to legalise betting', Al Jazeera, 27 January 2016, CX6A26A6E13872

¹⁷⁴ 'Upper Tribunal (Immigration And Asylum Chamber) Appeal Number: AA/08316/2014', Government of the United Kingdom and Northern Ireland, 1 April 2016, CIS38A80124972

¹⁷⁵ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.24, 20190917095808

¹⁷⁶ 'Specialist police unit set up to target loan sharks in Binh Thuan', VietNamNet Bridge, 8 August 2018, CIS7B839419866

involved in loan sharking – that yielded nearly 7,000 arrests in the second half of 2016.¹⁷⁷ For example, in May 2018, police in Sa Dec City accosted a suspected loan shark, Nguyen Van Thu at a car wash and seized notebooks with records of his loans - more than 400 deposit contracts and identity documents and 3,000 flyers and 700 leaflets for loans.¹⁷⁸ Six people linked with Thu were also arrested - all have admitted to lending money to students and small traders at interest rates of up to 20 per cent a month.¹⁷⁹ In 2016, Vietnam, along with the rest of the Association of Southeast Asian Nations (ASEAN), made financial inclusion one of their top priorities – including the ability of people to access loans and legitimate forms of credit.¹⁸⁰ Authorities try to encourage people in need of money to use credible loan sources like the Capital Aid Fund for Employment of the Poor – a non-profit microfinance institution – but the amounts available through these sources can be insufficient.¹⁸¹

Organised criminal networks are a continuing problem in Vietnam, but authorities have made increased efforts to tackle them. Credible sources indicate that organised gangs operate a range of illicit operations including illegal moneylending and gambling, extortion, prostitution, humantrafficking, and the production, supply, distribution and import/export of illicit drugs.¹⁸² These criminal networks are mainly based in the major cities of Ho Chi Minh City and Hanoi as well as in the country's northern provinces.¹⁸³ In addition to controlling local operations, some of these organisations also operate internationally and have networks that reach throughout Southeast Asia and beyond.¹⁸⁴

Police corruption may hinder internal relocation for a person fleeing a criminal gang.

Corruption occurs at every level of the police and bribery is widespread.¹⁸⁵ Police at the village level are aware of who lives in their area and who is registered there, and an academic source cited by a UK Home Office fact-finding team states that members of criminal gangs could find out the location of a person attempting to flee a gang by persuading police to provide the relevant information.¹⁸⁶

Authorities are active in tackling groups involved in people trafficking but are hampered by inadequate coordination and training of officials. In recent years Vietnamese authorities have demonstrated increased efforts to eliminate people trafficking - including enacting penal code amendments, establishing a new task force to increase law enforcement efforts in vulnerable border areas, and initiating an assessment of the implementation of its national action plan by identifying more victims, expanding anti-trafficking training and awareness campaigns for officials, vulnerable communities and law enforcement.¹⁸⁷ However, efforts have been impeded by a lack of government coordination and unfamiliarity among some provincial officials with anti-trafficking law and victim protection,¹⁸⁸ and in 2019 the US State Department assessed that the government decreased law enforcement efforts, as well as efforts to protect victims.¹⁸⁹ The Ministry of Labour, Invalids and Social

¹⁷⁷ 'HCM City cracks down on criminal gangs, thieves', Viet Nam News, 22 October 2016, CX6A26A6E13224; '14 arrested for extorting "protection fee" from sex workers in HCMC', Thanh Nien News, 16 January 2016, CX6A26A6E13879; 'Cops in Vietnam continue to crack down on gangs of smugglers, robbers', Thanh Nien News, 19 August 2014, CX1B9ECAB12445; 'Vietnamese court sentences six to death for drug trafficking', Voice of Vietnam (VOV News), 7 June 2014, CX322895

¹⁷⁸ 'Loan sharks cause suffering in Mekong Delta, central provinces', VietNamNet Bridge, 15 May 2018, CIS7B839419864

¹⁷⁹ 'Loan sharks cause suffering in Mekong Delta, central provinces', VietNamNet Bridge, 15 May 2018, CIS7B839419864

¹⁸⁰ 'How to scale up financial inclusion in ASEAN countries', The World Bank, 2 March 2016, CIS38A80124973

¹⁸¹ 'Loan sharks cleaning up ahead of Tet holiday', VietNamNet Bridge, 16 January 2017, CXC9040669853

¹⁸² 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 16, 20191213145121; 'Vietnamese court sentences six to death for drug trafficking', Voice of Vietnam (VOV News), 7 June 2014 CX322895

¹⁸³ 'Vietnam 2019 Crime & Safety Report: Ho Chi Minh City', Overseas Security Advisory Council (OSAC), 10 April 2019, 20190821085929; 'Vietnam 2015 Crime and Safety Report: Hanoi', 18 February 2015, US Department of State, Bureau of Diplomatic Security, Overseas Security Advisory Council (OSAC) 2015, p.5, CISEC96CF13669; 'Cops in Vietnam continue to crack down on gangs of smugglers, robbers', Thanh Nien News, 19 August 2014 CX1B9ECAB12445

¹⁸⁴ 'Loan sharks feed off poor, naive workers', Viet Nam News, 11 September 2015 CXBD6A0DE18811; 'Southern Vietnamese cut deals with loan sharks at exorbitant rates', Tuoi Tre Online, 23 February 2016, CX6A26A6E9775

¹⁸⁵ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.58, 20190917095808; 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 29, 20190314094839

¹⁸⁶ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.25, 20190917095808

¹⁸⁷ 'Trafficking in Persons Report 2019', United States Department of State, 20 June 2019, p.498, 20190621103235; '2017 Trafficking in Persons Report – Vietnam', US Department of State, 28 June 2018, p. 454, OGD95BE927701

¹⁸⁸ 'Trafficking in Persons Report 2019', United States Department of State, 20 June 2019, p.498, 20190621103235; '2017 Trafficking in Persons Report – Vietnam', US Department of State, 28 June 2018, p.454, OGD95BE927701

¹⁸⁹ 'Trafficking in Persons Report 2019', United States Department of State, 20 June 2019, pp.498-499, 20190621103235

Affairs provides protection and reintegration support; operating 400 social protection centres through local authorities for trafficking victims.¹⁹⁰

Social infrastructure

Vietnam has experienced rapid economic growth over the past 30 years, transforming itself into a lower middle-income country. Vietnam's Gross Domestic Product (GDP) is estimated to have increased by 7.1 per cent in 2018.¹⁹¹ Economic growth has been equitable, leading to a dramatic reduction in poverty and improved social outcomes.¹⁹² For example, the extreme poverty rate has declined to below 3 per cent.¹⁹³ The unemployment rate has averaged 2.35 per cent from 1998 until 2018, with a record low of 1.81 per cent in the fourth quarter of 2012.¹⁹⁴ The UNDP's Human Development Index ranked Vietnam 116 out of 189 countries in 2018, placing it in the 'medium human development' category.¹⁹⁵

Vietnam has an expanding if still limited social welfare system, while traditional social roles mean that families provide support for the elderly and sick. Vietnam's social welfare net has expanded in recent years, well beyond the anti-poverty program started in the 1990s.¹⁹⁶ New programs have included assistance of 2.16 million VND (AUD \$119) a year and a free health insurance card for all elderly people from the age of 80 onwards, the provision of assistance to single elderly people with limited incomes and no children; and assistance to disabled people, including victims of Agent Orange.¹⁹⁷ However, inequalities in the provision of social welfare exist.¹⁹⁸ Vietnam's social insurance has also not achieved universal coverage despite a voluntary social insurance policy having been in force since 2008.¹⁹⁹ In Vietnam, grown children typically provide care and support to elderly or sick parents.²⁰⁰

Asylum seekers and returnees

Treatment of failed asylum seekers

Most individuals who depart Vietnam illegally, for the purpose of seeking asylum, are likely to be able to return to Vietnam without facing harm. Information suggests that returnees who have applied for asylum are not treated any differently to other returnees.²⁰¹ While Article 120 of the Criminal Code 2015 prohibits 'organising, coercing, instigating illegal emigration for the purpose of

¹⁹⁰ 'Country Policy and Information Note – Vietnam: Opposition to the State', UK Home Office, September 2018, p.18, CIS7B839419727

¹⁹¹ 'The World Bank in Vietnam - Overview - Context', The World Bank, 24 April 2019, 20191010134550

¹⁹² 'The World Bank in Vietnam', The World Bank, 5 October 2018, p.1, 20190326130544

¹⁹³ 'The World Bank in Vietnam - Overview - Context', The World Bank, 24 April 2019, 20191010134550

¹⁹⁴ 'Vietnam Unemployment Rate', Trading Economic Forecast, 2019, 20190326131253

¹⁹⁵ 'Human Development Indices and Indicators - 2018 Statistical Update', UNDP, 01 January 2018, p.23, CIS7B839419962

¹⁹⁶ 'Social Relations, Regional Variation, and Economic Inequality in Contemporary Vietnam: A View from Two Vietnamese Rural Communities', Luong, H V in P Taylor (ed), Connected and Disconnected in Viet Nam: Remaking Social Relations in a Post-socialist Nation, Australian National University Press, ACT, Vietnam Series, 2016, p.66, CIS38A8012636

¹⁹⁷ 'Social Relations, Regional Variation, and Economic Inequality in Contemporary Vietnam: A View from Two Vietnamese Rural Communities', Luong, H V in P Taylor (ed), Connected and Disconnected in Viet Nam: Remaking Social Relations in a Post-socialist Nation, Australian National University Press, ACT, Vietnam Series, 2016, p.66, CIS38A8012636

¹⁹⁸ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, p.25, CIS7B83941599

¹⁹⁹ 'Social Welfare in Vietnam: 30 Years in Reform on and Outlook until 2030', Anh, D N, Vietnam Social Sciences Review, 8 July 2016, p.22, CIS38A80122817

²⁰⁰ 'Elderly care centres: dutiful to parents or not?', VietNamNet Bridge, 21 October 2016, CX6A26A6E16960 and 'Vietnamese Cultural Profile – older people', Southern Migrant and Refugee Centre, May 2010, p.2, CISDCDCAAB2010

²⁰¹ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, pp. 43, 44, 20191213145121

opposing the people's government',²⁰² there are no reported cases of this provision being used against asylum seekers.²⁰³ The government of Vietnam distinguishes between victims and perpetrators of people smuggling and as such views individuals who paid money to organisers of people smuggling operations as victims of people smuggling, not criminally liable.²⁰⁴

Individuals who depart Vietnam illegally may be subject to fines upon return or briefly detained and interviewed. Under Article 347 of the Criminal Code 2015 individuals may be fined between VND 5 million and VND 50 million (approximately AUD302-3028) or face a penalty of 6 to 36 months' imprisonment for leaving Vietnam illegally.²⁰⁵ Individuals may be fined between VND 10 million and VND 50 million for leaving Vietnam using a false passport.²⁰⁶ There are also cases of individuals being detained for short periods of time and interviewed for the purpose of people smuggling investigations.²⁰⁷

Activists who return to Vietnam may face monitoring and, in some cases, imprisonment.

Activists who return to Vietnam after seeking asylum overseas may face monitoring, with high-level activists facing more monitoring than low-level activists.²⁰⁸ People of particular interest to authorities may be required to have regular chats or 'catch ups' with officials.²⁰⁹ In January 2019, a Radio Free Asia blogger, Truong Duy Nhat, went missing in Thailand amid fears he had been abducted by Vietnamese agents. He later resurfaced in a Hanoi prison and authorities laid official charges in September 2019.²¹⁰

Montagnard asylum seekers

Montagnard (ethnic minority) asylum seekers who are returned to Vietnam may face detention, beatings and close monitoring by police. Credible sources report that Vietnam has pressured Cambodia and Thailand to forcibly return Montagnard asylum seekers, and that those returned may have been detained and questioned for up to several days and closely monitored by police.²¹¹ The government has also reportedly exerted pressure on the family members of minorities who flee to neighbouring countries.²¹² A 2015 submission referred to an individual who 'was detained by authorities for 12 days after his return and beaten' and of a group of 36 Montagnards who were held overnight by police and released the next day.²¹³ A group of Montagnards returned from Cambodia in 2017 claimed that they were subject to ongoing surveillance, as well as restrictions on their ability to move freely; forced confessions admitting their error in fleeing Vietnam and filmed for subsequent

²⁰² 'Criminal Code, No.100/2015/QH13', The National Assembly. Socialist Republic of Viet Nam, 27 November 2015, CISEC96CF110167

²⁰³ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 43, 20191213145121

²⁰⁴ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 44, 20191213145121

²⁰⁵ 'Criminal Code, No.100/2015/QH13', The National Assembly. Socialist Republic of Viet Nam, 27 November 2015, CISEC96CF110167

²⁰⁶ 'Criminal Code, No.100/2015/QH13', The National Assembly, Socialist Republic of Viet Nam, 27 November 2015, CISEC96CF110167

²⁰⁷ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 43, 20191213145121

²⁰⁸ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.31, 20190917095808

²⁰⁹ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.31, 20190917095808

²¹⁰ '10 Most Censored Countries', Committee to Protect Journalists (CPJ), New York, 10 September 2019, 20190910171006;

'Unholy alliance'? Southeast Asian authorities accused of trading exiled activists', Reuters, 21 June 2019, 20190624112000;

'RFA Blogger Formally Indicted in Vietnam for 'Abuse of Power'', Radio Free Asia (RFA), 17 September 2019, 20190918084723

²¹¹ 'Country Report on Human Rights Practices 2018 - Vietnam', US Department of State, 13 March 2019, pp.35-36, 20190314094839

²¹² 'Freedom in the World 2019 – Vietnam', Freedom House, 2019, p.6, 20190802161239

²¹³ 'Submission to the Department of Foreign Affairs and Trade: Australia - Viet Nam Human Rights Dialogue Civil Society Consultation', Amnesty International, 31 July 2015, p.7, CISEC96CF13142

broadcast on television were also alleged.²¹⁴ In August 2018, 85 Montagnards were jailed in Thailand after being arrested during raids in Nonthaburi province.²¹⁵ Thai immigration officials have been silent about the plans for the detained Montagnards.²¹⁶ A spokesperson from the Montagnards Assistance Project has said that the chances of finding a country to take them in were “very low”.²¹⁷ In June 2019, Cambodia returned four Montagnards to Vietnam after one asked to return to be with his family, and the others were refused refugee status.²¹⁸

Suspected people smugglers

Individuals who are suspected of people smuggling activities are likely to be detained and prosecuted on return to Vietnam. Information indicates individuals suspected of people smuggling may be investigated, arrested and held in long-term detention.²¹⁹ This is consistent with Article 348 of the Criminal Code 2015 which seeks to discourage people trafficking.²²⁰ It is also consistent with a number of reports from 2016 that detail instances of individuals who have been prosecuted and detained for up to 3 years for organising people smuggling ventures in 2015.²²¹

Relocating or leaving the country

Residence laws are applied inconsistently by local police. Under the Vietnamese Constitution, all citizens, including migrants, have equal rights, including freedom of movement and residence.²²² However residency laws are not applied consistently, due to lack of guidance and differing interpretations of the law, which causes confusion.²²³ A 2013 law explicitly recognises the right of local authorities to set their own policies regarding registration, and some cities have tightened the requirements for obtaining permanent status.²²⁴

Internal relocation in Vietnam is closely monitored by authorities. While relocation is common in Vietnam, with large scale urbanisation occurring in recent decades, under the Household Registration System local police in Vietnam often require citizens to register when staying in or moving to any location outside of their own homes.²²⁵ Moving without permission can hamper individuals seeking

²¹⁴ ‘Returned Montagnards facing intimidation, spying in Vietnam’, Cambodia Daily, 3 May 2017, CXC9040666726; Cambodia. Protect Montagnards refugees, Human Rights Watch, 12 September 2017, CXC90406621215

²¹⁵ ‘Persecuted in Hanoi, locked up in Bangkok – the Montagnards, Vietnam’s forgotten Christians’, South China Morning Post, 4 November 2018, CXBB8A1DA37926

²¹⁶ ‘Persecuted in Hanoi, locked up in Bangkok – the Montagnards, Vietnam’s forgotten Christians’, South China Morning Post, 4 November 2018, CXBB8A1DA37926

²¹⁷ ‘Persecuted in Hanoi, locked up in Bangkok – the Montagnards, Vietnam’s forgotten Christians’, South China Morning Post, 4 November 2018, CXBB8A1DA37926

²¹⁸ ‘Montagnards’ Deportation Sparks Fears about Safety’, Voice of America (VOA), 30 June 2019, 20190702113623

²¹⁹ ‘Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019’, UK Home Office, 09 September 2019, p.19, 20190917095808; ‘DFAT Country Information Report Vietnam’, Department of Foreign Affairs and Trade, 13 December 2019, p. 44, 20191213145121

²²⁰ ‘Vietnamese asylum seekers forcibly returned by Australia face jail’, The Guardian, 24 May 2016, CX6A26A6E4619; ‘Vietnam: Drop Charges Against Boat Returnees’, Human Rights Watch 2016, 24 May 2016, CX6A26A6E12344; ‘Criminal Code, No.100/2015/QH13’, The National Assembly. Socialist Republic of Viet Nam, 27 November 2015, CISEC96CF110167

²²¹ ‘Vietnamese asylum seekers forcibly returned by Australia face jail’, The Guardian, 24 May 2016, CX6A26A6E4619; ‘Vietnam: Drop Charges Against Boat Returnees’, Human Rights Watch 2016, 24 May 2016, CX6A26A6E12344; ‘Vietnam jails four asylum seekers returned by Australia’, Reuters, 27 May 2016, CX6A26A6E4618

²²² ‘Migration, Resettlement and Climate Change in Viet Nam’, United Nations Viet Nam, March 2014, pp.13-14, CISA447F083168

²²³ ‘Migration, Resettlement and Climate Change in Viet Nam’, United Nations Viet Nam, March 2014, p.14, CISA447F083168

²²⁴ ‘Vietnam’s Household Registration System’, World Bank Group & Vietnam Academy of Social Sciences, June 2016, p.x, CIS38A80121252

²²⁵ ‘Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019’, UK Home Office, 09 September 2019, pp.15-16, 20190917095808; ‘No more household registration books: a move to reduce administrative burden’, Vietnam Law and Legal Forum, 25 January 2018, CXBB8A1DA37045; ‘DFAT Country Information Report Vietnam’, Department of Foreign Affairs and Trade, 13 December 2019, p. 42, 20191213145121

legal residence permits, public education, and health-care benefits.²²⁶ Due to the level of official scrutiny and monitoring in Vietnam, there are few options for people wishing to relocate internally in order to seek protection from state authorities.²²⁷

Movement across Vietnam's borders is closely monitored and broad limitations have been placed upon the right to freedom of movement. The Immigration Department of the Ministry of Public Security (MPS) is responsible for identifying and recording travellers who pass through international airports, including Vietnamese nationals.²²⁸ The MPS has total discretion to prohibit Vietnamese citizens from leaving or entering the country on the grounds of 'safeguarding national security and social order and safety'.²²⁹ The Vietnamese government has also imposed limitations on the movement of some activists and religious leaders, including those outspoken in their criticism of the government and political dissidents amnestied with probation or under house arrest.²³⁰ Dozens of individuals have been prevented from traveling overseas or entering the country, had their passports withheld on vague charges or have been refused a passport without clear explanation.²³¹ For example, authorities continue to monitor and selectively restrict the movement of the following activists and religious leaders: Nguyen Dan Que, Pham Chi Dung, Pham Ba Hai, Nguyen Hong Quang, Thich Khong Tanh, Le Cong Cau, and Duong Thi Tan.²³² Vietnamese authorities have also routinely physically prevented political activists and family members of political prisoners from meeting with foreign diplomats or from traveling abroad.²³³

²²⁶ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p.26, 20190314094839

²²⁷ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 42, 20191213145121

²²⁸ 'Review of Vietnamese Migration Abroad, Consular Department – Ministry of Foreign Affairs of Vietnam', May 2012, p.11, CIS961F9402609

²²⁹ 'Q & A on the Right to Freedom of Movement in Vietnam', Civil Rights Defenders, 14 September 2015, pp.2 & 4, CISEC96CF15116

²³⁰ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p.25, 20190314094839

²³¹ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p.25, 20190314094839

²³² 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p.25, 20190314094839

²³³ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.16, 20190917095808; 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p.25, 20190314094839; 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, pp.25 & 9, OGD95BE927332; 'Vietnam blocks Catholic priest, sister of labor activist from leaving abroad', Vietnam Human Rights Defenders, 27 June 2017, CXC9040669873



Australian Government
Department of Home Affairs

Common Claims

Vietnam

Country of Origin Information Services Section (COISS)

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Religion

The 2018 *Law on Religion and Belief* has had a significant impact on how religious groups can practice their faith. On 1 January 2018, a new *Law on Belief and Religion* came into effect.¹ The law outlaws groups that do not register with the government, effectively criminalising many peaceful religious practices and activities.² All religious groups and most individual clergy members are required to join a party-controlled supervisory body and obtain permission for most activities.³ However, while the law places restrictions on new and unregistered groups⁴, many established groups with formal recognition see the law as an improvement, reducing the waiting period to apply for recognition from 23 to 5 years, and registering religious organisations as legal entities with the right to open bank accounts among other privileges.⁵ Some faith groups report that the 2018 law has hardened official attitudes, with authorities denying permission for activities and practices which had previously been permitted.⁶ For example, local authorities in Dak Lak Province banned a pastor from visiting sick church members in their homes, something he had previously been able to do.⁷

The degree to which Vietnamese people can practice their faith freely widely varies.

Implementation of the *Law on Religion and Belief* varies significantly across provinces.⁸ Registration procedures can be complicated and burdensome with long waiting periods in some areas.⁹ The government recognises 38 religious organisations and one dharma practice, which are affiliated with 15 distinct religious traditions.¹⁰ These are Buddhism, Islam, Baha'i, Catholicism, Protestantism, Mormonism, Hoa Hao Buddhism, Cao Dai, Buu Son Ky Huong, Tinh Do Cu Si Phat Hoi, Tu An Hieu Nghia, Phat Duong Nam Tong Minh Su Dao, Minh Ly Dao Tam Tong Mieu, Khmer Brahmanism and Hieu Nghia Ta Lon Buddhism.¹¹

Recognised religious groups in Vietnam who worship quietly and conform to government policies have a low risk of official interference. Catholic groups – along with Protestants, Muslims, Baha'i and Buddhist groups – are now allowed to provide religious education to adherents.¹² In September 2016, the Catholic Institute of Vietnam opened in Ho Chi Minh City, becoming the country's first-ever university-level institute of theology.¹³ According to a 2015 report from the UN Special Rapporteur on freedom of religion or belief, the relationship between Vietnam and the Vatican has improved markedly in recent years.¹⁴ In May 2016, the Vietnamese government granted recognition to the Church of Jesus Christ of Latter-day Saints, while the Popular Council of the

¹ 'Country Update: An Assessment of Vietnam's Law on Belief and Religion', United States Commission on International Religious Freedom (USCIRF), 21 November 2019, p.1, 20191122090923; 'United States Commission on International Religious Freedom Annual Report 2019', United States Commission on International Religious Freedom (USCIRF), 29 April 2019, p.132, 20190508143726

² 'United States Commission on International Religious Freedom Annual Report 2019', United States Commission on International Religious Freedom (USCIRF), 29 April 2019, p.132, 20190508143726

³ 'Freedom in the World 2019 – Vietnam', Freedom House, 2019, p.4, 20190802161239

⁴ 'Country Update: An Assessment of Vietnam's Law on Belief and Religion', United States Commission on International Religious Freedom (USCIRF), 21 November 2019, p.3, 20191122090923

⁵ 'Country Update: An Assessment of Vietnam's Law on Belief and Religion', United States Commission on International Religious Freedom (USCIRF), 21 November 2019, p.1, 20191122090923

⁶ 'Country Update: An Assessment of Vietnam's Law on Belief and Religion', United States Commission on International Religious Freedom (USCIRF), 21 November 2019, p.3, 20191122090923

⁷ 'Country Update: An Assessment of Vietnam's Law on Belief and Religion', United States Commission on International Religious Freedom (USCIRF), 21 November 2019, p.3, 20191122090923

⁸ 'Country Update: An Assessment of Vietnam's Law on Belief and Religion', United States Commission on International Religious Freedom (USCIRF), 21 November 2019, pp.1,3, 20191122090923

⁹ 'Country Update: An Assessment of Vietnam's Law on Belief and Religion', United States Commission on International Religious Freedom (USCIRF), 21 November 2019, p.1, 20191122090923

¹⁰ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.4, 20190625113215

¹¹ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.4, 20190625113215

¹² 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.20, 20190625113215

¹³ '2017 Annual Report', US Commission on International Religious Freedom, April 2017, p.116, CISED50AD3969

¹⁴ 'Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt – Addendum: Mission to Viet Nam (21 to 31 July 2014)', UN Human Rights Council, 30 January 2015, p.13, CISEC96CF13238

Independent Cao Dai Church has also reported declining government repression.¹⁵ Jehovah's Witnesses also report that the Vietnamese government has granted registration and recognition certificates to many of its congregations and local groups, enabling adherents to worship freely.¹⁶

Reports of repression, violence and harassment of religious activities outside state-approved religious groups are common. The Vietnamese government is suspicious of any organised group that may challenge its authority, and continues to closely monitor and disrupt the activities of unrecognised branches of various religious groups, sometimes violently.¹⁷ Reports of harassment from authorities include physical assault, arrest, prosecution, monitoring, travel restrictions, property seizure, and denial of registration,¹⁸ although credible sources claim that more serious acts of violence are generally related to activities such as protesting against land confiscation and anti-government activities, rather than due to a person's religion.¹⁹

Christians

The Vietnamese government closely controls and monitors the activities of Catholics and other Christians. While the Vatican is permitted to select its own bishops and priests, these must be approved by the authorities.²⁰ There are restrictions on the numbers of students permitted to enrol in Catholic and also in Protestant seminaries, which church leaders say are inadequate to meet demand.²¹ According to a 2018 report, Christians have, as a rule, always been denied membership in the party, the state bureaucracy and the security forces, and have not been appointed to leadership positions in schools and universities.²² According to many Catholic bishops, congregations in remote areas with majority ethnic minority populations face difficulty registering for government recognition, uneven and inconsistent enforcement of national laws, and a lack of accountability on the part of provincial authorities.²³ Catholic leaders state that the most problematic regions are in the Central Highlands (Gia Lai, Dak Lak, Dak Nong, Kon Tum, and Lam Dong provinces), the Northwest Highlands, and Hoa Binh province.²⁴ In 2017 and 2018 there were reports of harassment of Catholics, particularly Catholics active in political protests²⁵, by a pro-government group called the Red Flag Association.²⁶ Red Flag groups are organised and often work closely with authorities.²⁷ In February 2018, members of the Red Flag Association at a primary school in Nghe An province intimidated and beat Catholic parents at a school meeting.²⁸ In December 2017, the group clashed violently with parishioners in Vinh Diocese, Nghe An province, over the construction of a new chapel.²⁹ The group reportedly ceased operating in March 2018.³⁰

Catholic leaders have been actively involved in local political issues such as environmental protests. Catholic leaders, particularly in central Vietnam, have helped organise protests calling for

¹⁵ '2017 Annual Report', US Commission on International Religious Freedom, April 2017, p.116, CISED50AD3969

¹⁶ 'United States Commission on International Religious Freedom Annual Report 2018', US Commission on International Religious Freedom, 25 April 2018, p.124, CIS7B83941863

¹⁷ 'World Report 2020. Events of 2019', Human Rights Watch (HRW), 14 January 2020, p.638, 20200115082903; 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.25, 20190917095808

¹⁸ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.1, 20190625113215

¹⁹ 'DFAT Country Information Report – Vietnam', Department of Foreign Affairs and Trade, 21 June 2017, p.13, CISED50AD4597

²⁰ 'The Vatican is making headway in Hanoi. Will Beijing be next?', Catholic Herald, 29 August 2019, 20190917154848; 'Vietnam deal points way for China-Vatican progress', UCA News (UCAN), 8 October 2018, 20190917155709

²¹ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.20, 20190625113215

²² 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, pp.8-9, CIS7B83941599

²³ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.17, 20190625113215

²⁴ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.17, 20190625113215

²⁵ 'Report on Human Rights in Vietnam 2018-2019', Vietnam Human Rights Network, 10 May 2019, p.25, 20190806115309

²⁶ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.2, 20190625113215;

'International Religious Freedom Report for 2017 - Vietnam', US Department of State, 29 May 2018, p.26, OGD95BE927542

²⁷ 'United States Commission on International Religious Freedom Annual Report 2019', United States Commission on International Religious Freedom (USCIRF), 29 April 2019, p.136, 20190508143726

²⁸ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.22, 20190625113215

²⁹ 'International Religious Freedom Report for 2017 - Vietnam', US Department of State, 29 May 2018, p.26, OGD95BE927542

³⁰ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.2, 20190625113215

stronger environmental protections, and were involved in the widespread June 2018 protests on special economic zones and the cybersecurity law.³¹ Priests have also assisted parishioners in filing complaints and lawsuits against the government over the 2016 Formosa incident.³² In response, state-run media and pro-government blogs published highly critical material against priests who assisted activists and victims of the Formosa incident, with some priests reportedly pressured to leave their parishes.³³ [Also see: [Environmental Protests: Formosa Ha Tinh Steel Corp Toxic Spill](#)]

Particular social groups

Women

Domestic violence against women in Vietnam is common. Exact statistics are difficult to obtain due to victims' frequent reluctance to approach authorities,³⁴ but according to a 2015 NGO survey, 59 per cent of married women had suffered physical or sexual abuse at least once in their lives, typically from a male partner or member of the family.³⁵ Of approximately 1.4 million divorce cases processed by local courts between 2008 and 2018, about 1 million, or 77 per cent, involved domestic violence.³⁶ Domestic violence against women is most prevalent in rural areas where a range of circumstances exist, such as economic difficulties, family conflicts, addictive illness and a lack of understanding among women of their rights.³⁷ Social stigma prevents many survivors from coming forward due to fear of harassment from their spouses or family.³⁸

Domestic violence is criminalised in Vietnam, and there are avenues of redress available to victims. Vietnamese law criminalises rape – including spousal rape – and prohibits violence or threats against women.³⁹ Rapists are subject to prison terms of up to 15 years in severe cases.⁴⁰ Authorities prosecute rape cases but do not release arrest, prosecution, conviction, or punishment statistics.⁴¹ Vietnamese law also outlines acts that constitute domestic violence and stipulates punishments, ranging from warnings and probation to imprisonment.⁴² However, authorities treat domestic violence cases as civil cases unless the victim suffers injuries to more than 11 per cent of their body.⁴³ Police generally seek to initiate a process of reconciliation between the victim and perpetrator for less serious cases of domestic violence,⁴⁴ which credible sources indicate favours men

³¹ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.13, 20190625113215

³² 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.13, 20190625113215

³³ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.13, 20190625113215

³⁴ 'Vietnam's social mores make it more difficult to fight domestic violence', VNExpress, 20 September 2019, 20190924140401; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.31, 20191213145121

³⁵ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 30, 20190314094839

³⁶ 'Vietnam's social mores make it more difficult to fight domestic violence', VNExpress, 20 September 2019, 20190924140401

³⁷ 'Consideration of reports submitted by States parties under article 18 of the Convention: Seventh and eighth periodic reports of States parties due in 2011: Viet Nam', UN Committee on the Elimination of Discrimination against Women, 13 December 2014, pp.67-68, CIS2F827D91319

³⁸ 'Vietnam's social mores make it more difficult to fight domestic violence', VNExpress, 20 September 2019, 20190924140401; 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 30, 20190314094839

³⁹ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 30, 20190314094839

⁴⁰ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 30, 20190314094839

⁴¹ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 30, 20190314094839

⁴² 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 30, 20190314094839; 'Country Profile - Social Institutions and Gender Index - Viet Nam', Social Institutions and Gender Index (SIGI), 2019, p.4, 20190820172336

⁴³ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 30, 20190314094839

⁴⁴ 'Country Profile - Social Institutions and Gender Index - Viet Nam', Social Institutions and Gender Index (SIGI), 2019, p.5, 20190820172336; 'Assessment of the situation of women in the criminal justice system in Viet Nam. In support of the

over women and can leave a victim without access to effective legal remedy,⁴⁵ but victims and the police can initiate a criminal investigation into more serious incidents.⁴⁶ Authorities, with the help of international and local non-government organisations, train police, lawyers, community advocates and legal system officials in laws related to domestic violence.⁴⁷ Victims, or a representative of a victim, are required to lodge a written complaint to the police to initiate proceedings.⁴⁸

Support services

The Vietnamese government and NGOs provide support services to address domestic violence. These include crisis centres, hotlines, and 300 “reliable residences” which enable women to seek assistance from another family while local authorities and community leaders attempt to confront the perpetrator to resolve the complaint.⁴⁹ Domestic violence rapid response teams have been established with the support of the United Nations,⁵⁰ while judicial officers and legal aid centres are available to victims.⁵¹ By 2013, Vietnam had developed 10 shelters nationwide that provide women and girls with access to health-care services, counselling, education, vocational and life skills training.⁵² The Center for Women and Development, supported by the Women’s Union, operates a nationwide domestic violence hotline, but this is not widely advertised in rural areas.⁵³ The Center also runs a shelter in Hanoi, ‘Peace House’; the shelter provides children and women who are affected by domestic violence with counselling services, vocational training, and social programs.⁵⁴ Authorities, with the help of international and local non-government organisations, continue to support workshops and seminars that aim to educate women and men about domestic violence and women’s rights, as well as seeking to highlight the problem through public awareness campaigns.⁵⁵

Forced/early marriage

Forcing or entering into marriage with an underage person is prohibited in Vietnam. The legal minimum age of marriage is 18 for girls and 20 for boys.⁵⁶ However, there are reports that child

Government’s efforts towards Effective Gender Equality in the Criminal Justice System’, United Nations Office on Drugs and Crime, July 2013, p.19, CIS36DE0BB2142

⁴⁵ ‘Compilation on Viet Nam: Report of the Office of the United Nations High Commissioner for Human Rights’, United Nations Human Rights Council, 15 November 2018, p.9, 20190723115431

⁴⁶ ‘Assessment of the situation of women in the criminal justice system in Viet Nam. In support of the Government’s efforts towards Effective Gender Equality in the Criminal Justice System’, United Nations Office on Drugs and Crime, July 2013, p. 19, CIS36DE0BB2142

⁴⁷ ‘Country Reports on Human Rights Practices for 2017 – Vietnam’, 20 April 2018, p.30, OGD95BE927332

⁴⁸ ‘Assessment of the situation of women in the criminal justice system in Viet Nam. In support of the Government’s efforts towards Effective Gender Equality in the Criminal Justice System’, United Nations Office on Drugs and Crime, July 2013, pp.18-19, CIS36DE0BB2142

⁴⁹ ‘Vietnam 2016 Human Rights Report’, US Department of State, 3 March 2017, Section 6, OGD95BE926901

⁵⁰ ‘Viet Nam establishes Rapid Response Forces against domestic violence’, United Nations Office on Drugs and Crime, 1 January 2015, CXBD6A0DE19214

⁵¹ ‘Access to Justice in the Plural Legal System in Viet Nam: A Case Study of Women Domestic Violence Survivors’, UN Women, 2015, p.57-58, CISEC96CF15250

⁵² ‘Consideration of reports submitted by States parties under article 18 of the Convention: Seventh and eighth periodic reports of States parties due in 2011: Viet Nam’, UN Committee on the Elimination of Discrimination against Women, 13 December 2014, pp.67-68, CIS2F827D91319

⁵³ ‘Vietnam 2016 Human Rights Report’, US Department of State, 3 March 2017, Section 6, OGD95BE926901

⁵⁴ ‘Third periodic report submitted by Vietnam under article 40 of the Covenant’, United Nations Human Rights Office of the High Commissioner, 9 January 2018, CIS7B839419944; ‘Social activities of the Center for Women and Development’, Center for Women and Development, n.d. [Accessed 16 October 2018], CIS7B839419862

⁵⁵ ‘Country Report on Human Rights Practices 2018 – Vietnam’, US Department of State, 13 March 2019, p. 31, 20190314094839

⁵⁶ ‘Country Report on Human Rights Practices 2018 – Vietnam’, US Department of State, 13 March 2019, p. 33, 20190314094839

marriage still occurs in rural areas of Quang Nam Province, with pregnant girls as young as 14 pressured into marriage by family.⁵⁷ Approximately 10 per cent of girls under 18 are married.⁵⁸

LGBTI

Same-sex relationships are legal in Vietnam. In recent years the government has amended legislation to greater recognise LGBTI rights. In 2013, Vietnam removed consensual same-sex relationships from the country's list of forbidden relationships.⁵⁹ In 2015, the government repealed a ban on same-sex marriage.⁶⁰ However, while same-sex sexual conduct is legal, there are no laws to prohibit discrimination on the basis of sexual orientation or gender identity.⁶¹ Also, while same-sex marriage is not banned, same-sex marriages are not officially recognised.⁶² The government has introduced targeted medical services - in January 2019, the Binh Dan Hospital in Saigon opened Vietnam's first clinic catering specifically to members of the LGBTI community.⁶³

Transgender people who have undergone sex re-assignment surgery can register their new status. Article 37 of the revised *Civil Code*, which came into effect in 2017, contains new provisions legalising transgender rights – including the right to change their sex, access health care and change their gender identity on official documents if they have undergone sex re-assignment surgery.⁶⁴ Advocates have criticised the requirement for sex re-assignment surgery as not all transgender people wish to undergo surgery, and the surgery is expensive and not covered under the national health insurance scheme for transgender people.⁶⁵

Discrimination against LGBTI people remains widespread in Vietnamese society, despite increased government tolerance. Societal discrimination and stigma against LGBTI people remains widespread and is worst towards transgender people.⁶⁶ Discrimination is most pervasive in schools, health care and the work place, although it also occurs within some families.⁶⁷ Many Vietnamese believe same-sex attraction is a diagnosable mental health condition.⁶⁸ Violence against LGBTI people is much less common than other forms of discrimination, such as verbal insults and online abuse.⁶⁹ LGBTI people often choose not to report incidents of discrimination or violence to police

⁵⁷ 'Child marriage remains the norm in central mountains', Dac Thanh, VNExpress, 21 August 2019, 20190822090141

⁵⁸ 'Country Profile - Social Institutions and Gender Index - Viet Nam', Social Institutions and Gender Index (SIGI), 2019, p.1, 20190820172336

⁵⁹ 'My Teacher Said I Had a Disease': Barriers to the Right to Education for LGBT Youth in Vietnam', Human Rights Watch, 12 February 2020, p.1, 20200214091242

⁶⁰ 'My Teacher Said I Had a Disease': Barriers to the Right to Education for LGBT Youth in Vietnam', Human Rights Watch, 12 February 2020, p.1, 20200214091242; 'Freedom in the World 2018 – Vietnam', Freedom House, 5 April 2018, NGED867A684

⁶¹ 'Freedom in the World 2019 – Vietnam', Freedom House, 02 August 2019, p.6, 20190802161239

⁶² 'My Teacher Said I Had a Disease': Barriers to the Right to Education for LGBT Youth in Vietnam', Human Rights Watch, 12 February 2020, p.1, 20200214091242; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121

⁶³ 'Vietnam's first LGBT-friendly clinic provides relief from illness and prejudice', VNExpress, 29 January 2019, 20190130103506

⁶⁴ 'LGBT rights: Vietnam recognises transgender people, but there's a flaw in its law', Sen Nguyen, South China Morning Post, 21 June 2019, 20190814134558; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.33, 20191213145121

⁶⁵ 'My Teacher Said I Had a Disease': Barriers to the Right to Education for LGBT Youth in Vietnam', Human Rights Watch, 12 February 2020, p.1, 20200214091242; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.33, 20191213145121

⁶⁶ 'Freedom in the World 2018 – Vietnam', Freedom House, 5 April 2018, NGED867A684; 'Is it because I am LGBT?' Discrimination based on sexual orientation in Viet Nam', UNDP, 21 June 2016, p.14CIS38A80124354; 'Transgender at work. Livelihoods for transgender people in Vietnam', Hoang T-A and Oosterhoff, P, Institute of Development Studies, February 2016, pp. 4, 15, CIS38A80128087

⁶⁷ 'My Teacher Said I Had a Disease': Barriers to the Right to Education for LGBT Youth in Vietnam', Human Rights Watch, 12 February 2020, p.1, 20200214091242; 'Being LGBT in Asia – Vietnam country report', USAID & UNDP, August 2014, pp.27-31, CX324893; 'Is it because I am LGBT?' Discrimination based on sexual orientation in Viet Nam', UNDP, 21 June 2016, p.14, CIS38A80124354

⁶⁸ 'My Teacher Said I Had a Disease': Barriers to the Right to Education for LGBT Youth in Vietnam', Human Rights Watch, 12 February 2020, p.2, 20200214091242

⁶⁹ 'Is it because I am LGBT?' Discrimination based on sexual orientation in Viet Nam', UNDP, 21 June 2016, p.18, CIS38A80124354

because they perceive it as commonplace, do not believe it will be adequately resolved or fear embarrassment.⁷⁰

Vietnam increasingly accepts the rights of LGBTI people. The government does not consider LGBTI issues to be politically sensitive.⁷¹ Numerous civil society organisations advocating for LGBTI rights have emerged in recent years.⁷² Vietnam's first gay pride rally took place in 2012,⁷³ and has become an annual event.⁷⁴ Authorities have allowed gay pride marches and gatherings to go ahead despite not being registered.⁷⁵ In 2019 numerous pride parades and events were held throughout the country.⁷⁶ Mainstream Vietnamese media – which is controlled by the government – increasingly promotes the view that being gay is normal.⁷⁷ LGBT-friendly spaces, including coffee shops and art spaces, exist in Hanoi and Ho Chi Minh City.⁷⁸ However, places to meet on a day-to-day basis remain limited and many Vietnamese LGBTI people remain discreet in expressing their sexuality.⁷⁹ Information and support networks are limited at the provincial level.⁸⁰

Political Opinion

Membership of the Vietnamese Communist Party (CPV) remains beneficial for career advancement and to maximise other social and economic opportunities, but is no longer essential for success. Vietnam is a single-party, authoritarian regime.⁸¹ Party membership remains a prerequisite to career advancement for nearly all government and government-linked organisations and businesses.⁸² Recent economic reforms have provided greater opportunities for non-CPV members, and increasingly young Vietnamese no longer see membership of the party as key to economic and social success, particularly with the increasing availability and attractiveness of careers in the private sector.⁸³ The CPV continues to deny membership to individuals whose parents – or the parents of their spouse – worked for the former South Vietnamese regime.⁸⁴ However, according to

⁷⁰ "Is it because I am LGBT?" Discrimination based on sexual orientation in Viet Nam', UNDP, 21 June 2016, p.97, CIS38A80124354

⁷¹ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121

⁷² 'Being LGBT in Asia – Vietnam country report', USAID & UNDP, August 2014, p.21, CX324893

⁷³ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121

⁷⁴ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121; 'Love in the air at gay pride parade in Ho Chi Minh City', Tuoi Tre Online, 25 September 2017, CXC90406620464

⁷⁵ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.28, 20190917095808

⁷⁶ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121; 'LGBT members join pride parade in Ho Chi Minh City', Tuoi Tre Online, 15 September 2019, 20200227102119

⁷⁷ 'Gay Vietnam', Travel Gay Asia, n.d., (accessed 3 July 2017), CISED50AD4725

⁷⁸ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121

⁷⁹ 'Gay Vietnam', Travel Gay Asia, n.d., (accessed 3 July 2017), CISED50AD4725; Gay Hanoi, Travel Gay Asia, n.d., (accessed 3 July 2017), CISED50AD4726; Travel & Resources: HO CHI MINH CITY – SAIGON, Utopia, n.d. (accessed 3 July 2017), CISED50AD4728

⁸⁰ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121

⁸¹ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 1, 20190314094839

⁸² 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 16, 20190314094839

⁸³ 'Vietnam's Divide: Slow Healing, Fewer Prospects for Children of U.S. Allies', Bloomberg, 24 December 2015, CXBD6A0DE19603; 'As Vietnam booms, Communist Party struggles to keep up', Reuters, 17 January 2011, CXCB3E63421361; 'Country Reports on Human Rights Practices for 2017 – Vietnam', US Department of State, 20 April 2018, p.15, OGD95BE927332

⁸⁴ 'Vietnam's Divide: Slow Healing, Fewer Prospects for Children of U.S. Allies', Bloomberg, 24 December 2015, CXBD6A0DE19603

credible sources, Vietnamese with ties to the former South Vietnamese regime can now gain some positions in government and state-owned enterprises, but generally cannot hold top positions.⁸⁵

Freedom of expression

While ‘re-education camps’ ceased operation in Vietnam in the 1990s, mechanisms still remain for detaining and silencing political dissidents. Mechanisms to suppress and silence include house arrest, administrative detention or prison sentences, along with the regular movement of dissidents throughout the detention network to isolate them from family and support networks and other detainees.⁸⁶ Police routinely detain or place activists under house arrest to prevent them from participating in meetings and protests, or to attend trials of fellow activists.⁸⁷

The Vietnamese government suppresses political expression and protest. Authorities arrested at least 23 people on speech-related grounds in 2019.⁸⁸ Amnesty International has identified 128 political prisoners in Vietnam, with many charged under vague provisions of the 2018 penal code such as ‘making, storing, disseminating or propagandizing materials and products that aim to oppose the State of the Socialist Republic of Vietnam’, ‘disrupting national security’ or ‘abusing democratic freedom to violate the interests of the state.’⁸⁹ In 2019 authorities harassed an independent publisher, Liberal Publishing House, by confiscating books, questioning at least 100 people, searching homes and detaining and torturing a person who helped deliver books.⁹⁰ University authorities have been told by the Ministry of Public Security to expel activists from their universities;⁹¹ while there have been reports that university students who participated in human rights advocacy have been prevented from graduating.⁹²

The government prevents the exit and entry of individuals who openly express anti-government views. Several individuals considered to be political dissidents or activists, or their family members, have been prevented from leaving or returning to Vietnam, or have had passports confiscated or withheld on often vague or unexplained grounds.⁹³ In March 2019, police stopped Bui Kim Phuong, wife of political prisoner Nguyen Bac Truyen, from leaving Vietnam for Singapore.⁹⁴ In June 2019, police barred environmental activist Cao Vinh Thinh from travelling to Thailand.⁹⁵ In March 2018, at Hanoi Noi Bai airport authorities denied exit permission to a student who was traveling to study overseas due to his involvement in Formosa-related protests.⁹⁶ In May 2017, police stopped Polish-Vietnamese activist Phan Chau Thanh from entering Vietnam, while in June 2017, stopped former political prisoner Do Thi Minh Hanh from leaving for Austria to visit her ill mother.⁹⁷ The same month, Vietnamese authorities stripped former political prisoner Pham Minh Hoang of his citizenship and deported him to France.⁹⁸

⁸⁵ ‘Vietnam’s Divide: Slow Healing, Fewer Prospects for Children of U.S. Allies’, Bloomberg, 24 December 2015, CXBD6A0DE19603

⁸⁶ ‘Human Rights in Asia-Pacific: Review of 2019’, Amnesty International, 29 January 2020, pp.65-66, 20200130115738

⁸⁷ ‘World Report 2020. Events of 2019’, Human Rights Watch (HRW), 14 January 2020, p.636, 20200115082903

⁸⁸ ‘Human Rights in Asia-Pacific: Review of 2019’, Amnesty International, 29 January 2020, p.65, 20200130115738

⁸⁹ ‘Prisoners of Conscience in Viet Nam’, Amnesty International, 13 May 2019, p.3, 20190514144113

⁹⁰ ‘Human Rights in Asia-Pacific: Review of 2019’, Amnesty International, 29 January 2020, p.65, 20200130115738

⁹¹ ‘Country Report on Human Rights Practices 2018 – Vietnam’, US Department of State, 13 March 2019, p. 23, 20190314094839

⁹² ‘Freedom in the World 2018 – Vietnam’, Freedom House, 5 April 2018, NGE0867A684; ‘Country Report on Human Rights Practices 2018 – Vietnam’, US Department of State, 13 March 2019, p. 23, 20190314094839

⁹³ ‘Country Report on Human Rights Practices 2018 – Vietnam’, US Department of State, 13 March 2019, p. 26, 20190314094839; ‘DFAT Country Information Report Vietnam’, Department of Foreign Affairs and Trade, 13 December 2019, pp. 27, 42, 20191213145121

⁹⁴ ‘World Report 2020. Events of 2019’, Human Rights Watch (HRW), 14 January 2020, p.636, 20200115082903

⁹⁵ ‘World Report 2020. Events of 2019’, Human Rights Watch (HRW), 14 January 2020, p.636, 20200115082903

⁹⁶ ‘Country Report on Human Rights Practices 2018 – Vietnam’, US Department of State, 13 March 2019, p. 23, 20190314094839

⁹⁷ ‘Country Policy and Information Note – Vietnam: Opposition to the State’, UK Home Office, September 2018, p.17CIS7B839419727

⁹⁸ ‘Human Rights Watch World Report 2018’, Human Rights Watch, 18 January 2018, p.628NGED867A63

Protests

Public protests and gatherings are monitored or restricted. The law requires people wishing to gather in a group to apply for a permit from local authorities.⁹⁹ However, in practice, only those arranging publicised gatherings to discuss sensitive matters appear to require permits.¹⁰⁰ Permits can be denied without explanation, and the government generally does not allow demonstrations seen to be anti-government or political.¹⁰¹ Despite legal restrictions and threats of crackdown by the police, Vietnamese citizens continue to express their views through numerous protests.¹⁰²

Activist groups seeking to exercise their freedom of expression or association may experience harassment, surveillance, restrictions on their movement, short-term detention and physical attack. Attacks on rights campaigners have taken place in many regions of Vietnam.¹⁰³ In July 2019, plainclothes agents and government supporters attacked approximately 20 human rights activists and relatives of political prisoners who were attempting to visit a prison in Nghe An province.¹⁰⁴ In January 2019, unidentified men abducted anti-corruption campaigner Ha Van Nam and drove him around in a van while beating him, before dropping him outside a hospital with two broken ribs.¹⁰⁵ In August 2018, security agents brutally beat rights activists Pham Doan Trang, Nguyen Tin, and Nguyen Dang Cao Dai after a raid on a concert in Ho Chi Minh City.¹⁰⁶ In June and July 2018 in Lam Dong province, unidentified men threw rocks and a handmade incendiary device into the house of a labor activist and former political prisoner, Do Thi Minh Hanh.¹⁰⁷ A June 2017 report highlighted 36 incidents in which men in civilian clothes attacked activists between January 2015 and April 2017, often resulting in serious injuries.¹⁰⁸ Credible sources state that the use of these plain-clothes 'thugs', many of whom likely work for a government security agency, rose in 2017 and has in some instances allowed the government to be seen to be removed from committing acts of violence.¹⁰⁹

Anti-government protests

Anti-government protests are not tolerated by authorities. Political opposition parties are illegal.¹¹⁰ Individuals and groups who protest against the Government or openly criticise the Communist Party are likely to attract adverse attention from authorities, experience police intimidation or harassment, or see their protests shut down,¹¹¹ sometimes with the use of physical force.¹¹² In June

⁹⁹ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 23, 20190314094839

¹⁰⁰ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 23, 20190314094839

¹⁰¹ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 23, 20190314094839

¹⁰² 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, p. 12, CIS7B83941599

¹⁰³ 'World Report 2020. Events of 2019', Human Rights Watch (HRW), 14 January 2020, pp.635-636, 20200115082903; 'No Country for Human Rights Activists: Assaults on Bloggers and Democracy Campaigners in Vietnam', Human Rights Watch, 18 June 2017, p.2, CISED50AD4751

¹⁰⁴ 'World Report 2020. Events of 2019', Human Rights Watch (HRW), 14 January 2020, p.636, 20200115082903; 'Plainclothes police attack activists and relatives of political prisoners in Nghệ An', Asia News IT, 15 July 2019, 20190820143746

¹⁰⁵ 'World Report 2020. Events of 2019', Human Rights Watch (HRW), 14 January 2020, pp.635-636, 20200115082903

¹⁰⁶ 'Human Rights Watch World Report 2019', Human Rights Watch (HRW), 17 January 2019, p. 656, 20190118091502

¹⁰⁷ 'Human Rights Watch World Report 2019', Human Rights Watch (HRW), 17 January 2019, p. 656, 20190118091502

¹⁰⁸ 'No Country for Human Rights Activists: Assaults on Bloggers and Democracy Campaigners in Vietnam', Human Rights Watch, 18 June 2017, p.2, CISED50AD4751

¹⁰⁹ 'World Report 2020. Events of 2019', Human Rights Watch (HRW), 14 January 2020, p.635, 20200115082903; 'Australia - Vietnam Human Rights Dialogue - Human Rights Watch Submission - June 2019', Human Rights Watch (HRW), 01 June 2019, p.1, 20190828092550; 'United States Commission on International Religious Freedom Annual Report 2018', US Commission on International Religious Freedom, 25 April 2018, p.123, CIS7B83941863

¹¹⁰ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.9, 20190917095808

¹¹¹ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, pp.9-10, 20190917095808;

¹¹² 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, pp.9-10, 20190917095808; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 27, 20191213145121

2018, there was a string of large demonstrations across Vietnam in protest against a new cybersecurity law and a draft law on special economic zones.¹¹³ Authorities responded by arresting and imprisoning hundreds of those involved.¹¹⁴ For example, in July 2018 a court in southern Vietnam jailed 15 individuals for their involvement in protest activity,¹¹⁵ while days earlier 10 people received prison terms of up to three-and-a-half years in central Binh Thuan province.¹¹⁶ Individual petitioners seeking government action in relation to their land use rights have also been attacked or jailed.¹¹⁷

Online protests

Vietnamese authorities have jailed a number of well-known bloggers in an attempt to curb online criticism of the government. In 2019, Vietnam put on trial at least 14 online activists for 'making, storing, disseminating or propagandizing information, materials and products that aim to oppose the State of the Socialist Republic of Vietnam.'¹¹⁸ Sentences ranged from five to nine years in prison.¹¹⁹ For example, in September 2019, police arrested pro-democracy activist Nguyen Quoc Duc Vuong for Facebook postings which included support for democracy and criticism of government corruption.¹²⁰ Similarly, in 2018 Vietnam put on trial at least 12 people for conducting propaganda against the state,¹²¹ with sentences ranging from 4 to 12 years in prison, including for blogger Ho Van Hai (also known as Dr. Ho Hai), and activists Nguyen Dinh Thanh, Bui Hieu Vo, Tran Hoang Phuc, Vu Quang Thuan, Nguyen Van Dien, Nguyen Viet Dung, and Vuong Van Tha.¹²²

A new cyber security law went into force in January 2019, giving the government greater surveillance and censorship powers. Under the new cyber security law, introduced on 1 January 2019, service providers are required to take down offending content within 24 hours, while internet companies are required to disclose user data to authorities.¹²³ The law prohibits people from 'distorting history, denying revolutionary achievements, destroying the national solidarity block' and 'providing false information, causing confusion amongst the Citizens, [and] causing harm to socioeconomic activities.'¹²⁴ Both Google and Facebook have taken down content and removed accounts at the request of the government.¹²⁵ For example, in January 2019 Google removed 5,000 YouTube videos authorities claimed were slanderous and defamatory of Vietnamese leaders.¹²⁶ The government employs a 10,000-strong military unit known as 'Force 47' to monitor online media content and influence public opinion online.¹²⁷

Despite online censorship, Vietnam applies fewer controls on the Internet than neighbouring China. Social media platforms such as Facebook are widely used, with some 52 million accounts out of a population of about 96 million.¹²⁸ The government has also, for the most part, not shut down other

¹¹³ 'Vietnam: a month of mass protests', Lowy Interpreter (The Interpreter), 27 June 2018, CXBB8A1DA30346

¹¹⁴ 'Vietnam: Investigate Police Response to Mass Protests', Human Rights Watch (HRW), 15 June 2018, CXBB8A1DA30048

¹¹⁵ 'Vietnamese court imprisons peaceful demonstrators', UCA News (UCAN), 1 August 2018, CXBB8A1DA32816

¹¹⁶ 'Vietnam jails 10 more for protests over economic zones', Reuters, 23 July 2018, CXBB8A1DA32143

¹¹⁷ 'Vietnam jails activist a second time for "public disorder"', Reuters, 20 September 2016 CX6A26A6E11373; 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, p.22, OGD95BE927332; 'Freedom in the World 2017 – Vietnam', Freedom House, 4 September 2017, NG2A465F593; 'Vietnamese Land-Rights Petitioner Receives 18-Month Prison Term', Radio Free Asia, 29 September 2015, CXBD6A0DE15108

¹¹⁸ 'World Report 2020. Events of 2019', Human Rights Watch (HRW), 14 January 2020, p.635, 20200115082903

¹¹⁹ 'World Report 2020. Events of 2019', Human Rights Watch (HRW), 14 January 2020, p.635, 20200115082903

¹²⁰ 'Vietnam: New Arrest for Facebook Postings', Human Rights Watch (HRW), 07 October 2019, 20191009100222

¹²¹ 'Human Rights Watch World Report 2019', Human Rights Watch (HRW), 17 January 2019, pp. 655-656, 20190118091502

¹²² 'Human Rights Watch World Report 2019', Human Rights Watch (HRW), 17 January 2019, p. 656, 20190118091502

¹²³ 'Submission to the Universal Periodic Review of Vietnam', Human Rights Watch, 13 July 2018, CXBB8A1DA31726;

'Vietnam's New Cyber Law Could Hobble Foreign Investors and Limit Basic Freedoms', Centre for Strategic and International Studies (CSIS), 2 July 2018, CXBB8A1DA30601; 'Vietnam's new cyber law curbs dissents and business', Radio France Internationale (RFI), 01 January 2019, 20190102163306

¹²⁴ 'Human Rights in Asia-Pacific: Review of 2019', Amnesty International, 29 January 2020, p.66, 20200130115738

¹²⁵ 'Freedom on the Net 2019 - Vietnam', Freedom House, 05 November 2019, p.12, 20191106101136

¹²⁶ 'Freedom on the Net 2019 - Vietnam', Freedom House, 05 November 2019, p.9, 20191106101136; 'US Lawmakers urge non-compliance with Cybersecurity Law article', Radio Free Asia, 17 July 2018, CXBB8A1DA37007

¹²⁷ 'Freedom on the Net 2019 - Vietnam', Freedom House, 05 November 2019, p.12, 20191106101136

¹²⁸ 'Vietnam's New Cyber Law Could Hobble Foreign Investors and Limit Basic Freedoms', Centre for Strategic and International Studies (CSIS), 2 July 2018, CXBB8A1DA30601

popular forms of online communication such as Twitter and Gmail and does not block the websites of major international media such as *The New York Times*, although access to sites such as Human Rights Watch, Radio Free Asia and BBC Vietnamese is unstable and unpredictable.¹²⁹ Further, websites critical of the government are generally inaccessible and sites promoting religious groups are blocked to a significant degree.¹³⁰ Vietnamese authorities can be responsive to online opinion; in February 2018 Danang authorities rescinded guidelines requiring the local press to obtain official approval before publishing content following a social media backlash.¹³¹

Environmental Protests: Formosa Ha Tinh Steel Corp Toxic Spill

Local communities protesting about the Formosa Ha Tinh Steel Corporation chemical spill have been accused of deliberately stirring anti-government sentiment. Formosa Steel, the Taiwanese company responsible for the April 2016 spill, in which chemicals leaked into the South China Sea, decimating fish stocks and devastating fishing communities along Vietnam's central coast, agreed to pay \$500 million in damages.¹³² The disaster provoked large protests against both the company and the government in part due to the heavy impact on the livelihoods of the affected communities.¹³³ Attempts by fishermen to sue Formosa in a provincial court were thrown out.¹³⁴ Protests were also held in diaspora countries including Australia, where in March 2017 about 300 members of the Vietnamese community in Australia protested outside Victoria's Parliament.¹³⁵

Authorities have generally not arrested or used unreasonable force against protesters. Large protests demanding the Formosa Ha Tinh Steel Corporation be closed and further compensation provided to assist with the clean-up have generally not resulted in injuries or arrests by state actors.¹³⁶ However, the government has reportedly cracked down on human rights activists connected to a new civil society organisation, The Alliance of Self-Determined People,¹³⁷ while on 6 February 2018, a Vietnamese court sentenced two other activists to prison terms of 14 years and two years respectively for protesting against Formosa.¹³⁸ Some supporters of the pair who attended the court building were beaten and detained in a police station until the trial ended at midday.¹³⁹ On 6 April 2017, hundreds of Catholic protesters marked the one-year anniversary of the waste spill on the streets and beaches of Vinh diocese, and carried black flags with anti-Formosa slogans on them.¹⁴⁰ In November 2018, Nguyen Van Hoa was jailed by the People's Court of Ha Tinh in Nghe An province after filming protests outside the Taiwan-owned Formosa Plastics Group steel plant. Held for nine days at the Ha

¹²⁹ 'Freedom on the Net 2019 - Vietnam', Freedom House, 05 November 2019, p.7, 20191106101136; 'Vietnam's New Cyber Law Could Hobble Foreign Investors and Limit Basic Freedoms', Centre for Strategic and International Studies (CSIS), 2 July 2018, CXBB8A1DA30601

¹³⁰ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 29, 20191213145121; 'Freedom on the Net 2019 - Vietnam', Freedom House, 05 November 2019, p.7, 20191106101136

¹³¹ 'Vietnamese City Rescinds Directive Curtailing Press Freedom', Voice of America (VOA), 10 February 2018, CXBB8A1DA22006

¹³² 'Outrage over fish kill in Vietnam simmers 6 months later', The New York Times, 3 October 2016, CX6A26A6E10573

¹³³ 'Vietnam's dead fish may spawn a stronger culture of dissent', Hoang C, cogitASIA, 30 September 2016, CIS38A80122116

¹³⁴ 'Vietnam court swamped by fishermen seeking to sue Taiwan firm's steel unit', Reuters, 27 September 2016, CX6A26A6E10576

¹³⁵ 'Vietnamese communities stage anti-Formosa and pro-democracy protests', TiVi Tuan-san, 07 March 2017, 20191004114557

¹³⁶ 'Vietnamese rally outside Taiwanese steel plant that spread toxic waste', Reuters, 2 October 2016, CX6A26A6E10045; 'Vietnam's Dead Fish May Spawn a Stronger Culture of Dissent', Chau Hoang, Centre for Strategic & International Studies, 30 September 2016, p.2, CIS38A80122116;

'Formosa Spill Still Roils Public Opinion in Vietnam', Radio Free Asia, 7 December 2016, CX6A26AE14775

¹³⁷ 'Vietnam Cracks Down on Dissenters', Radio Free Asia, 10 November 2016, CX6A26A6E14902

¹³⁸ 'More activists sentenced in Vietnam', Voice of America (VOA), 11 February 2018, CXBB8A1DA21834; 'Catholic activist arrested in Vietnam, police beat up protesters', UCA News (UCAN), 23 May 2017, CXC9040668804

¹³⁹ 'Vietnamese environmental activists handed prison terms in Nghe An', Radio Free Asia, 6 February 2018, CXBB8A1DA21459

¹⁴⁰ 'Vietnamese Catholics Demonstrate to Mark Anniversary of Formosa Chemical Spill', Radio Free Asia (RFA), 6 April 2017, CXC9040666018

Tinh police station following his arrest, Hoa was hung by his hands and beaten by eight police officers, who also threw water in his face.¹⁴¹

State Protection

Institutions providing state protection are prone to corruption, although the Vietnamese government has introduced some reforms. The Law on Anti-Corruption criminalises corrupt practices by public officials,¹⁴² and successful prosecutions of corrupt officials have occurred.¹⁴³ As there is no separation of powers in Vietnam, the legislature, executive and the judiciary are part of the same party-state system.¹⁴⁴

Police

Internal security is the responsibility of the Ministry of Public Security. There are police organisations at the provincial, district and commune (local) levels over which people's committees exercise some authority.¹⁴⁵ There are two core forces: the People's Security Force (An ninh Nhan dan), responsible for national security, and the People's Police Force (Canh sat Nhan dan), which is responsible for social order and public safety.¹⁴⁶ The People's Police force handles traditional police work such as neighbourhood policing, traffic control, household registration, and the issuing of identification cards.¹⁴⁷

Police are effective in maintaining public order but have limited capacity in other areas, especially investigations. While the Ministry of Public Security is responsible for internal security and controls the national police; in practice, provincial and local-level police often maintain significant discretion in their activities.¹⁴⁸ People's committees have substantial authority over police forces and prosecutors at the provincial, district and local levels.¹⁴⁹ Although the Supreme People's Procuracy has authority to investigate security force abuse, police organisations operate with little transparency and limited public oversight.¹⁵⁰ Due to a lack of cross-agency coordination within the police, delays in dealing with cases are common.¹⁵¹

Police officers sometimes act with impunity. Internal police oversight exists but is subject to political influence.¹⁵² Police frequently ill-treat or torture suspects to elicit confessions, which has

¹⁴¹ 'Jailed Vietnamese Activist Goes on Hunger Strike Over Beatings by Police', Radio Free Asia (RFA), 28 February 2019, 20190305131350

¹⁴² 'Vietnam Corruption Report', Global Advice Net, September 2017, CISED50AD7684

¹⁴³ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, p.14, CIS7B83941599

¹⁴⁴ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, p.12, CIS7B83941599

¹⁴⁵ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.9, 20190917095808; 'Public Insecurity: Deaths in Custody and Police Brutality in Vietnam', Human Rights Watch, 16 September 2014, p.14, CISA447F082797

¹⁴⁶ 'Public Insecurity: Deaths in Custody and Police Brutality in Vietnam', Human Rights Watch, 16 September 2014, p.14, CISA447F082797

¹⁴⁷ 'Public Insecurity: Deaths in Custody and Police Brutality in Vietnam', Human Rights Watch, 16 September 2014, pp. 5-8, CISA447F082797

¹⁴⁸ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 7, 20190314094839

¹⁴⁹ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 7, 20190314094839

¹⁵⁰ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.12, 20190917095808; 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 7, 20190314094839

¹⁵¹ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.11, 20190917095808

¹⁵² 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 29, 20190314094839

resulted in deaths in custody¹⁵³ - at least 11 people died in custody in 2019.¹⁵⁴ Excessive force is used in responding to protests over evictions, land confiscation, and other social issues.¹⁵⁵ For example, in January 2019, in Tuy Hoa City, Phu Yen Province a video showing a Vietnamese police officer allegedly kicking a man on the floor of a police station went viral after being published on social media.¹⁵⁶ In June 2018, police allegedly used excessive force to disperse protestors taking part in nationwide demonstrations against a draft law on long-term leases in special economic zones.¹⁵⁷ In September 2017, many people were injured when police dispersed protestors in front of the entrance of a Hong Kong-owned textile factory in Hai Duong province.¹⁵⁸ In February 2017, police stopped hundreds of protestors who were marching to present compensation claims for the Formosa Environmental Disaster - witnesses reported seeing police beat and arrest some of the protestors.¹⁵⁹

Judiciary

Vietnamese courts operate under government control. Most judges are members of the Communist Party of Vietnam and are screened by local officials for suitability before appointment.¹⁶⁰ The law provides for an independent judiciary and lay assessors.¹⁶¹ However, political influence, endemic corruption and inefficiency strongly distort the judicial system and trials of human rights activists consistently fail to meet international standards.¹⁶²

Access to legal representation is inadequate. There is a shortage of judges and lawyers, with only around 7,000 lawyers throughout the country.¹⁶³ As few as a fifth of defendants can obtain access to legal counsel, including in cases subject to the death penalty.¹⁶⁴ Vietnamese law does not expressly state that defendants have the right to call witnesses and defence lawyers may not have enough time to meet with clients.¹⁶⁵ There are widespread complaints that judges often appear to have made a determination of guilt prior to conducting a trial.¹⁶⁶

Harassment of human rights lawyers occurs. Lawyers are pressured to refuse religious and democracy activists as clients, and in some cases defence lawyers are restricted, harassed, and disbarred from representing these clients.¹⁶⁷

¹⁵³ 'Human Rights in Asia-Pacific: Review of 2019', Amnesty International, 29 January 2020, p.66, 20200130115738; 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.15, 20190917095808

¹⁵⁴ 'Human Rights in Asia-Pacific: Review of 2019', Amnesty International, 29 January 2020, p.66, 20200130115738

¹⁵⁵ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.12, 20190917095808; 'Human Rights Watch World Report 2016: Events of 2015 – Vietnam', 27 January 2016, NGE43874C8

¹⁵⁶ 'Video of Alleged Police Beating in Vietnam Goes Viral', Radio Free Asia (RFA), 30 January 2019, 20190201173227

¹⁵⁷ 'Vietnam: Investigate Police Response to Mass Protests', Human Rights Watch (HRW), 15 June 2018, CXBB8A1DA30048

¹⁵⁸ 'Country Policy and Information Note – Vietnam: Opposition to the State', UK Home Office, September 2018, p.18, CIS7B839419727

¹⁵⁹ 'Vietnam police stop fishermen marching', Reuters, 14 February 2017, CXC9040661919

¹⁶⁰ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 11, 20190314094839

¹⁶¹ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 11, 20190314094839

¹⁶² 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 11, 20190314094839

¹⁶³ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.14, 20190917095808; 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, p. 13, CIS7B83941599

¹⁶⁴ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.14, 20190917095808; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 41, 20191213145121

¹⁶⁵ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 13, 20190314094839

¹⁶⁶ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 11, 20190314094839

¹⁶⁷ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 11, 20190314094839

Corruption

Corruption is widespread throughout the public administration system, despite criminal penalties. Corruption remains a serious problem¹⁶⁸, existing in areas such as the police and the military, in business and banking, and in the allocation of land.¹⁶⁹ Transparency International rated the country 96 of 180 countries in public sector corruption in 2019,¹⁷⁰ an improvement on its 2018 ranking of 117.¹⁷¹ Towards Transparency attributes the improvement to the government's efforts in improving and enforcing anticorruption policy and legislation, especially enhancing the investigation, prosecution and trial of a number of grand corruption cases.¹⁷²

Government leaders acknowledge widespread public discontent with the level of corruption and the extent to which it undermines the efficiency of the state and support for the Communist Party. There have been a number of highly publicised prosecutions of senior public officials in recent years.¹⁷³ However, despite these, anti-corruption campaigns are pursued intermittently with varying degrees of seriousness,¹⁷⁴ and credible sources state they can be as much the result of internal Communist Party rivalries or attempts to maintain the party's image as a genuine desire to promote transparency in politics and business.¹⁷⁵ In May 2017, former Ho Chi Minh City Communist Party boss Politburo member Dinh La Thang was dismissed over allegations of corruption and for violations while he was chairman of PetroVietnam from 2009-11; this was only the third time in 30 years that a Politburo member had been dismissed.¹⁷⁶ In January 2018, Thang and a former subordinate, Trinh Xuan Thanh, were sentenced respectively to 13 years and two life sentences; Trinh Xuan Thanh after allegedly having been kidnapped by Vietnamese agents from a Berlin park.¹⁷⁷ In July 2018, a former deputy governor of Vietnam's central bank was jailed for three years for overseeing a dodgy restructuring scheme which lost the state \$600 million.¹⁷⁸

The role of the private sector has steadily grown but deterrents to trade and investment still remain. Persistent high levels of corruption along with an opaque legal system, complex foreign investment laws, an underdeveloped financial system and uncertain rights relating to land ownership and usage are the main deterrents.¹⁷⁹ Corruption is a key concern for business and foreign investors, and is seen as a major impediment to further development. Corruption in Vietnam is driven by a low level of transparency, accountability, and media freedom, as well as low pay for government officials and inadequate systems for holding officials accountable for their actions.¹⁸⁰ Companies are likely to

¹⁶⁸ 'Vietnam: CPI 2019 score is up but corruption remains serious', Towards Transparency, 23 January 2020, p.1, 20200228125554

¹⁶⁹ 'Freedom in the World 2019 – Vietnam', Freedom House, 2019, p.3, 20190802161239; 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, pp.7, 20, CIS7B83941599

¹⁷⁰ 'Corruption Perceptions Index 2019', Transparency International, 23 January 2020, p.2, 20200205081007

¹⁷¹ 'Corruption Perceptions Index 2018: Corruption in Vietnam's public sector is still perceived as highly serious', Towards Transparency, 29 January 2019, p.1, 20190326101127

¹⁷² 'Vietnam: CPI 2019 score is up but corruption remains serious', Towards Transparency, 23 January 2020, p.1, 20200228125554

¹⁷³ 'Vietnam Communist Party takes aim at corrupt rising stars', Reuters, 26 September 2019, 20190927085651; 'Vietnam jails former deputy labor minister for economic mismanagement', Reuters, 25 September 2019, 20190927090012; 'Ex-chairman of Vietnam's BIDV bank dies in detention', Reuters, 23 July 2019, 20190723102504; 'Stiff sentences bolster Vietnam's anti-graft drive but questions remains over larger reform', Straits Times, The, 23 January 2018, CXBB8A1DA20684; 'Vietnam to move forward with six high-profile graft cases', VietNamNet Bridge, 4 October 2016, CX6A26A6E13892

¹⁷⁴ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, p.33, CIS7B83941599

¹⁷⁵ 'At Vietnam's biggest corruption trial, some skeptical views', Reuters, 10 January 2018, CXBB8A1DA363; 'Berlin kidnapping: Nowhere to run from Vietnam's anti-corruption campaign', Deutsche Welle, 8 January 2018, CXBB8A1DA329; 'Explainer: What's behind Vietnam's corruption crackdown', Reuters, 8 January 2018, CXBB8A1DA278

¹⁷⁶ 'Vietnam sacks top official for PetroVietnam violation', BBC News, 8 May 2017, CXC9040667473 and 'Vietnam's Party chief says 'more will come' after high-profile punishment', VNExpress, 13 May 2017, CXC9040667994

¹⁷⁷ 'Stiff sentences bolster Vietnam's anti-graft drive but questions remains over larger reform', Straits Times, The, 23 January 2018, CXBB8A1DA20684; 'Vietnamese oil executive kidnapped in Berlin gets second life sentence', Deutsche Welle, 5 February 2018, CXBB8A1DA21363

¹⁷⁸ 'Vietnam jails former central bank governor for three years', Agence France Presse, 2 July 2018, CXBB8A1DA30603

¹⁷⁹ 'Vietnam - 2019 Article IV Consultation - Press Release: Staff Report; and Statement by the Executive Director for Vietnam', July 2019, International Monetary Fund (IMF), pp.20,66, 20200228131355

¹⁸⁰ '2019 Investment Climate Statements: Vietnam', United States Department of State, 11 July 2019, 20200228115047

experience bribery, political interference and facilitation payments.¹⁸¹ The practice of giving and receiving bribes is so common that it is understood to be a routine part of doing business.¹⁸²

Anti-corruption agencies are often ineffective. A number of anti-corruption offices have been established over the last decade.¹⁸³ Anti-corruption efforts are, however, generally localised and have a limited overall impact on corruption.¹⁸⁴ Punitive measures range from fines to capital punishment, depending on the severity of the corruption case.¹⁸⁵ Some prominent party functionaries, government officials, and, more recently, top executives of state conglomerates have been prosecuted.¹⁸⁶ However, this is motivated in large part by the desire for good publicity and patronage continues to be a significant problem.¹⁸⁷

Gangs and Loan Sharks

Loan sharks charging illegal rates of interest are a widespread problem in Vietnam, but authorities have demonstrated a willingness to tackle their activities. Authorities have had difficulty prosecuting loan sharks for charging illegal rates of interest – above 150% of the base rate set by the State Bank of Vietnam – as these are rarely documented on loan papers.¹⁸⁸ A lack of resources, legal loopholes and inadequate implementation of laws also remain problems in tackling loan sharks;¹⁸⁹ however, credible sources assess that individuals targeted for unpaid debts are able to obtain protection from the police, who are active at the provincial, district and local levels and are subject to government authority.¹⁹⁰ According to the Ministry of Public Security, during 2018 police units and localities dealt with more than 600 illegal moneylending or ‘black credit’ cases.¹⁹¹ For example, in 2018, police from southern Binh Thuan Province set up special units to crack down on and increase awareness of illegal loan sharks.¹⁹² In other parts of Vietnam, particularly Ho Chi Minh City, authorities have embarked on some high profile crackdowns on gang activity – including gangs involved in loan sharking – that yielded nearly 7,000 arrests in the second half of 2016.¹⁹³ For example, in May 2018, police in Sa Dec City accosted a suspected loan shark, Nguyen Van Thu at a car wash and seized notebooks with records of his loans - more than 400 deposit contracts and identity documents and 3,000 flyers and 700 leaflets for loans.¹⁹⁴ Six people linked with Thu were also arrested - all have admitted to lending money to students and small traders at interest rates of up to

¹⁸¹ ‘Business Corruption in Vietnam’, GAN [Global Advice Net] Integrity Solutions Business Anti-Corruption Portal, 2015, CISEC96CF14407

¹⁸² ‘Vietnam targets families of public officials in anti-corruption drive’, Luong, D, VnExpress, Vietnam, 22 August 2016, CIS38A80122505; ‘Vietnam Corruption Report’, Global Advice Net, September 2017, CISED50AD7684

¹⁸³ ‘BTI 2018 Country Report Vietnam’, Bertelsmann Stiftung, 22 March 2018, p.33, CIS7B83941599

¹⁸⁴ ‘Investment Climate Statements – Vietnam’, US Department of State, 2016, CX6A26A6E9812

¹⁸⁵ ‘Vietnam Corruption Report’, Global Advice Net, September 2017, CISED50AD7684

¹⁸⁶ ‘Freedom in the World 2018 – Vietnam’, Freedom House, 5 April 2018, NGE867A684; ‘Stiff sentences bolster Vietnam’s anti-graft drive but questions remains over larger reform’, Straits Times, The, 23 January 2018, CXBB8A1DA20684;

‘Vietnamese oil executive kidnapped in Berlin gets second life sentence’, Deutsche Welle, 5 February 2018, CXBB8A1DA21363

¹⁸⁷ ‘BTI 2018 Country Report Vietnam’, Bertelsmann Stiftung, 22 March 2018, p.14, CIS7B83941599

¹⁸⁸ ‘Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019’, UK Home Office, 09 September 2019, p.24, 20190917095808; ‘“Black credit” besieges workers, students before Lunar New Year’, VietNamNet Bridge, 29 January 2016, CX6A26A6E9780

¹⁸⁹ ‘NA approves delay to Penal Code 2015’, Viet Nam News, 1 July 2016 CX6A26A6E12697; ‘Loan sharks feed off poor, naive workers’, Viet Nam News, 11 September 2015 CXBD6A0DE18811; Ives, M & Nguyen, N S, ‘Vietnam’s gamble: Whether or not to legalise betting’, Al Jazeera, 27 January 2016, CX6A26A6E13872

¹⁹⁰ ‘Upper Tribunal (Immigration And Asylum Chamber) Appeal Number: AA/08316/2014’, Government of the United Kingdom and Northern Ireland, 1 April 2016, CIS38A80124972

¹⁹¹ ‘Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019’, UK Home Office, 09 September 2019, p.24, 20190917095808

¹⁹² ‘Specialist police unit set up to target loan sharks in Binh Thuan’, VietNamNet Bridge, 8 August 2018, CIS7B839419866

¹⁹³ ‘HCM City cracks down on criminal gangs, thieves’, Viet Nam News, 22 October 2016, CX6A26A6E13224; ‘14 arrested for extorting “protection fee” from sex workers in HCMC’, Thanh Nien News, 16 January 2016, CX6A26A6E13879; ‘Cops in Vietnam continue to crack down on gangs of smugglers, robbers’, Thanh Nien News, 19 August 2014, CX1B9ECAB12445;

‘Vietnamese court sentences six to death for drug trafficking’, Voice of Vietnam (VOV News), 7 June 2014, CX322895

¹⁹⁴ ‘Loan sharks cause suffering in Mekong Delta, central provinces’, VietNamNet Bridge, 15 May 2018, CIS7B839419864

20 per cent a month.¹⁹⁵ In 2016, Vietnam, along with the rest of the Association of Southeast Asian Nations (ASEAN), made financial inclusion one of their top priorities – including the ability of people to access loans and legitimate forms of credit.¹⁹⁶ Authorities try to encourage people in need of money to use credible loan sources like the Capital Aid Fund for Employment of the Poor – a non-profit microfinance institution – but the amounts available through these sources can be insufficient.¹⁹⁷

Organised criminal networks are a continuing problem in Vietnam, but authorities have made increased efforts to tackle them. Credible sources indicate that organised gangs operate a range of illicit operations including illegal moneylending and gambling, extortion, prostitution, human trafficking, and the production, supply, distribution and import/export of illicit drugs.¹⁹⁸ These criminal networks are mainly based in the major cities of Ho Chi Minh City and Hanoi as well as in the country's northern provinces.¹⁹⁹ In addition to controlling local operations, some of these organisations also operate internationally and have networks that reach throughout Southeast Asia and beyond.²⁰⁰

Police corruption may hinder internal relocation for a person fleeing a criminal gang.

Corruption occurs at every level of the police and bribery is widespread.²⁰¹ Police at the village level are aware of who lives in their area and who is registered there, and an academic source cited by a UK Home Office fact-finding team states that members of criminal gangs could find out the location of a person attempting to flee a gang by persuading police to provide the relevant information.²⁰²

Authorities are active in tackling groups involved in people trafficking but are hampered by inadequate coordination and training of officials. In recent years Vietnamese authorities have demonstrated increased efforts to eliminate people trafficking - including enacting penal code amendments, establishing a new task force to increase law enforcement efforts in vulnerable border areas, and initiating an assessment of the implementation of its national action plan by identifying more victims, expanding anti-trafficking training and awareness campaigns for officials, vulnerable communities and law enforcement.²⁰³ However, efforts have been impeded by a lack of government coordination and unfamiliarity among some provincial officials with anti-trafficking law and victim protection,²⁰⁴ and in 2019 the US State Department assessed that the government decreased law enforcement efforts, as well as efforts to protect victims.²⁰⁵ The Ministry of Labour, Invalids and Social Affairs provides protection and reintegration support; operating 400 social protection centres through local authorities for trafficking victims.²⁰⁶

¹⁹⁵ 'Loan sharks cause suffering in Mekong Delta, central provinces', VietNamNet Bridge, 15 May 2018, CIS7B839419864

¹⁹⁶ 'How to scale up financial inclusion in ASEAN countries', The World Bank, 2 March 2016, CIS38A80124973

¹⁹⁷ 'Loan sharks cleaning up ahead of Tet holiday', VietNamNet Bridge, 16 January 2017, CXC9040669853

¹⁹⁸ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 16, 20191213145121; 'Vietnamese court sentences six to death for drug trafficking', Voice of Vietnam (VOV News), 7 June 2014 CX322895

¹⁹⁹ 'Vietnam 2019 Crime & Safety Report: Ho Chi Minh City', Overseas Security Advisory Council (OSAC), 10 April 2019, 20190821085929; 'Vietnam 2015 Crime and Safety Report: Hanoi', 18 February 2015, US Department of State, Bureau of Diplomatic Security, Overseas Security Advisory Council (OSAC) 2015, p.5, CISEC96CF13669; 'Cops in Vietnam continue to crack down on gangs of smugglers, robbers', Thanh Nien News, 19 August 2014 CX1B9ECAB12445

²⁰⁰ 'Loan sharks feed off poor, naive workers', Viet Nam News, 11 September 2015 CXBD6A0DE18811; 'Southern Vietnamese cut deals with loan sharks at exorbitant rates', Tuoi Tre Online, 23 February 2016, CX6A26A6E9775

²⁰¹ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.58, 20190917095808; 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 29, 20190314094839

²⁰² 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.25, 20190917095808

²⁰³ 'Trafficking in Persons Report 2019', United States Department of State, 20 June 2019, p.498, 20190621103235; '2017 Trafficking in Persons Report – Vietnam', US Department of State, 28 June 2018, p. 454, OGD95BE927701

²⁰⁴ 'Trafficking in Persons Report 2019', United States Department of State, 20 June 2019, p.498, 20190621103235; '2017 Trafficking in Persons Report – Vietnam', US Department of State, 28 June 2018, p.454, OGD95BE927701

²⁰⁵ 'Trafficking in Persons Report 2019', United States Department of State, 20 June 2019, pp.498-499, 20190621103235

²⁰⁶ 'Country Policy and Information Note – Vietnam: Opposition to the State', UK Home Office, September 2018, p.18, CIS7B839419727

Social infrastructure

Vietnam has experienced rapid economic growth over the past 30 years, transforming itself into a lower middle-income country. Vietnam's Gross Domestic Product (GDP) is estimated to have increased by 7.1 per cent in 2018.²⁰⁷ Economic growth has been equitable, leading to a dramatic reduction in poverty and improved social outcomes.²⁰⁸ For example, the extreme poverty rate has declined to below 3 per cent.²⁰⁹ The unemployment rate has averaged 2.35 per cent from 1998 until 2018, with a record low of 1.81 per cent in the fourth quarter of 2012.²¹⁰ The UNDP's Human Development Index ranked Vietnam 116 out of 189 countries in 2018, placing it in the 'medium human development' category.²¹¹

Vietnam has an expanding if still limited social welfare system, while traditional social roles mean that families provide support for the elderly and sick. Vietnam's social welfare net has expanded in recent years, well beyond the anti-poverty program started in the 1990s.²¹² New programs have included assistance of 2.16 million VND (AUD \$119) a year and a free health insurance card for all elderly people from the age of 80 onwards, the provision of assistance to single elderly people with limited incomes and no children; and assistance to disabled people, including victims of Agent Orange.²¹³ However, inequalities in the provision of social welfare exist.²¹⁴ Vietnam's social insurance has also not achieved universal coverage despite a voluntary social insurance policy having been in force since 2008.²¹⁵ In Vietnam, grown children typically provide care and support to elderly or sick parents.²¹⁶

Asylum seekers and returnees

Treatment of failed asylum seekers

Most individuals who depart Vietnam illegally, for the purpose of seeking asylum, are likely to be able to return to Vietnam without facing harm. Information suggests that returnees who have applied for asylum are not treated any differently to other returnees.²¹⁷ While Article 120 of the Criminal Code 2015 prohibits 'organising, coercing, instigating illegal emigration for the purpose of opposing the people's government',²¹⁸ there are no reported cases of this provision being used against asylum seekers.²¹⁹ The government of Vietnam distinguishes between victims and

²⁰⁷ 'The World Bank in Vietnam - Overview - Context', The World Bank, 24 April 2019, 20191010134550

²⁰⁸ 'The World Bank in Vietnam', The World Bank, 5 October 2018, p.1, 20190326130544

²⁰⁹ 'The World Bank in Vietnam - Overview - Context', The World Bank, 24 April 2019, 20191010134550

²¹⁰ 'Vietnam Unemployment Rate', Trading Economic Forecast, 2019, 20190326131253

²¹¹ 'Human Development Indices and Indicators - 2018 Statistical Update', UNDP, 01 January 2018, p.23, CIS7B839419962

²¹² 'Social Relations, Regional Variation, and Economic Inequality in Contemporary Vietnam: A View from Two Vietnamese Rural Communities', Luong, H V in P Taylor (ed), Connected and Disconnected in Viet Nam: Remaking Social Relations in a Post-socialist Nation, Australian National University Press, ACT, Vietnam Series, 2016, p.66, CIS38A8012636

²¹³ 'Social Relations, Regional Variation, and Economic Inequality in Contemporary Vietnam: A View from Two Vietnamese Rural Communities', Luong, H V in P Taylor (ed), Connected and Disconnected in Viet Nam: Remaking Social Relations in a Post-socialist Nation, Australian National University Press, ACT, Vietnam Series, 2016, p.66, CIS38A8012636

²¹⁴ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, p.25, CIS7B83941599

²¹⁵ 'Social Welfare in Vietnam: 30 Years in Reform on and Outlook until 2030', Anh, D N, Vietnam Social Sciences Review, 8 July 2016, p.22, CIS38A80122817

²¹⁶ 'Elderly care centres: dutiful to parents or not?', VietNamNet Bridge, 21 October 2016, CX6A26A6E16960 and 'Vietnamese Cultural Profile – older people', Southern Migrant and Refugee Centre, May 2010, p.2, CISDCDCAAB2010

²¹⁷ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, pp. 43, 44, 20191213145121

²¹⁸ 'Criminal Code, No.100/2015/QH13', The National Assembly. Socialist Republic of Viet Nam, 27 November 2015, CISEC96CF110167

²¹⁹ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 43, 20191213145121

perpetrators of people smuggling and as such views individuals who paid money to organisers of people smuggling operations as victims of people smuggling, not criminally liable.²²⁰

Individuals who depart Vietnam illegally may be subject to fines upon return or briefly detained and interviewed. Under Article 347 of the Criminal Code 2015 individuals may be fined between VND 5 million and VND 50 million (approximately AUD302-3028) or face a penalty of 6 to 36 months' imprisonment for leaving Vietnam illegally.²²¹ Individuals may be fined between VND 10 million and VND 50 million for leaving Vietnam using a false passport.²²² There are also cases of individuals being detained for short periods of time and interviewed for the purpose of people smuggling investigations.²²³

Activists who return to Vietnam may face monitoring and, in some cases, imprisonment.

Activists who return to Vietnam after seeking asylum overseas may face monitoring, with high-level activists facing more monitoring than low-level activists.²²⁴ People of particular interest to authorities may be required to have regular chats or 'catch ups' with officials.²²⁵ In January 2019, a Radio Free Asia blogger, Truong Duy Nhat, went missing in Thailand amid fears he had been abducted by Vietnamese agents. He later resurfaced in a Hanoi prison and authorities laid official charges in September 2019.²²⁶

Montagnard asylum seekers

Montagnard (ethnic minority) asylum seekers who are returned to Vietnam may face detention, beatings and close monitoring by police. Credible sources report that Vietnam has pressured Cambodia and Thailand to forcibly return Montagnard asylum seekers, and that those returned may have been detained and questioned for up to several days and closely monitored by police.²²⁷ The government has also reportedly exerted pressure on the family members of minorities who flee to neighbouring countries.²²⁸ A 2015 submission referred to an individual who 'was detained by authorities for 12 days after his return and beaten' and of a group of 36 Montagnards who were held overnight by police and released the next day.²²⁹ A group of Montagnards returned from Cambodia in 2017 claimed that they were subject to ongoing surveillance, as well as restrictions on their ability to move freely; forced confessions admitting their error in fleeing Vietnam and filmed for subsequent broadcast on television were also alleged.²³⁰ In August 2018, 85 Montagnards were jailed in Thailand after being arrested during raids in Nonthaburi province.²³¹ Thai immigration officials have been silent

²²⁰ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 44, 20191213145121

²²¹ 'Criminal Code, No.100/2015/QH13', The National Assembly, Socialist Republic of Viet Nam, 27 November 2015, CISEC96CF110167

²²² 'Criminal Code, No.100/2015/QH13', The National Assembly, Socialist Republic of Viet Nam, 27 November 2015, CISEC96CF110167

²²³ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 43, 20191213145121

²²⁴ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.31, 20190917095808

²²⁵ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.31, 20190917095808

²²⁶ '10 Most Censored Countries', Committee to Protect Journalists (CPJ), New York, 10 September 2019, 20190910171006;

'Unholy alliance'? Southeast Asian authorities accused of trading exiled activists', Reuters, 21 June 2019, 20190624112000;

'RFA Blogger Formally Indicted in Vietnam for 'Abuse of Power'', Radio Free Asia (RFA), 17 September 2019, 20190918084723

²²⁷ 'Country Report on Human Rights Practices 2018 - Vietnam', US Department of State, 13 March 2019, pp.35-36, 20190314094839

²²⁸ 'Freedom in the World 2019 - Vietnam', Freedom House, 2019, p.6, 20190802161239

²²⁹ 'Submission to the Department of Foreign Affairs and Trade: Australia - Viet Nam Human Rights Dialogue Civil Society Consultation', Amnesty International, 31 July 2015, p.7, CISEC96CF13142

²³⁰ 'Returned Montagnards facing intimidation, spying in Vietnam', Cambodia Daily, 3 May 2017, CXC9040666726; Cambodia. Protect Montagnards refugees, Human Rights Watch, 12 September 2017, CXC90406621215

²³¹ 'Persecuted in Hanoi, locked up in Bangkok - the Montagnards, Vietnam's forgotten Christians', South China Morning Post, 4 November 2018, CXBB8A1DA37926

about the plans for the detained Montagnards.²³² A spokesperson from the Montagnards Assistance Project has said that the chances of finding a country to take them in were “very low”.²³³ In June 2019, Cambodia returned four Montagnards to Vietnam after one asked to return to be with his family, and the others were refused refugee status.²³⁴

Suspected people smugglers

Individuals who are suspected of people smuggling activities are likely to be detained and prosecuted on return to Vietnam. Information indicates individuals suspected of people smuggling may be investigated, arrested and held in long-term detention.²³⁵ This is consistent with Article 348 of the Criminal Code 2015 which seeks to discourage people trafficking.²³⁶ It is also consistent with a number of reports from 2016 that detail instances of individuals who have been prosecuted and detained for up to 3 years for organising people smuggling ventures in 2015.²³⁷

Relocating or leaving the country

Residence laws are applied inconsistently by local police. Under the Vietnamese Constitution, all citizens, including migrants, have equal rights, including freedom of movement and residence.²³⁸ However residency laws are not applied consistently, due to lack of guidance and differing interpretations of the law, which causes confusion.²³⁹ A 2013 law explicitly recognises the right of local authorities to set their own policies regarding registration, and some cities have tightened the requirements for obtaining permanent status.²⁴⁰

Internal relocation in Vietnam is closely monitored by authorities. While relocation is common in Vietnam, with large scale urbanisation occurring in recent decades, under the Household Registration System local police in Vietnam often require citizens to register when staying in or moving to any location outside of their own homes.²⁴¹ Moving without permission can hamper individuals seeking legal residence permits, public education, and health-care benefits.²⁴² Due to the level of official

²³² 'Persecuted in Hanoi, locked up in Bangkok – the Montagnards, Vietnam's forgotten Christians', South China Morning Post, 4 November 2018, CXBB8A1DA37926

²³³ 'Persecuted in Hanoi, locked up in Bangkok – the Montagnards, Vietnam's forgotten Christians', South China Morning Post, 4 November 2018, CXBB8A1DA37926

²³⁴ 'Montagnards' Deportation Sparks Fears about Safety', Voice of America (VOA), 30 June 2019, 20190702113623

²³⁵ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.19, 20190917095808; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 44, 20191213145121

²³⁶ 'Vietnamese asylum seekers forcibly returned by Australia face jail', The Guardian, 24 May 2016, CX6A26A6E4619;

'Vietnam: Drop Charges Against Boat Returnees', Human Rights Watch 2016, 24 May 2016, , CX6A26A6E12344; 'Criminal Code, No.100/2015/QH13', The National Assembly. Socialist Republic of Viet Nam, 27 November 2015, CISEC96CF110167

²³⁷ 'Vietnamese asylum seekers forcibly returned by Australia face jail', The Guardian, 24 May 2016, CX6A26A6E4619;

'Vietnam: Drop Charges Against Boat Returnees', Human Rights Watch 2016, 24 May 2016, CX6A26A6E12344; 'Vietnam jails four asylum seekers returned by Australia', Reuters, 27 May 2016, CX6A26A6E4618

²³⁸ 'Migration, Resettlement and Climate Change in Viet Nam', United Nations Viet Nam, March 2014, pp.13-14, CISA447F083168

²³⁹ 'Migration, Resettlement and Climate Change in Viet Nam', United Nations Viet Nam, March 2014, p.14, CISA447F083168

²⁴⁰ 'Vietnam's Household Registration System', World Bank Group & Vietnam Academy of Social Sciences, June 2016, p.x, CIS38A80121252

²⁴¹ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, pp.15-16, 20190917095808; 'No more household registration books: a move to reduce administrative burden', Vietnam Law and Legal Forum, 25 January 2018, CXBB8A1DA37045; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 42, 20191213145121

²⁴² 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p.26, 20190314094839

scrutiny and monitoring in Vietnam, there are few options for people wishing to relocate internally in order to seek protection from state authorities.²⁴³

Movement across Vietnam's borders is closely monitored and broad limitations have been placed upon the right to freedom of movement. The Immigration Department of the Ministry of Public Security (MPS) is responsible for identifying and recording travellers who pass through international airports, including Vietnamese nationals.²⁴⁴ The MPS has total discretion to prohibit Vietnamese citizens from leaving or entering the country on the grounds of 'safeguarding national security and social order and safety'.²⁴⁵ The Vietnamese government has also imposed limitations on the movement of some activists and religious leaders, including those outspoken in their criticism of the government and political dissidents amnestied with probation or under house arrest.²⁴⁶ Dozens of individuals have been prevented from traveling overseas or entering the country, had their passports withheld on vague charges or have been refused a passport without clear explanation.²⁴⁷ Vietnamese authorities have also routinely physically prevented political activists and family members of political prisoners from meeting with foreign diplomats or from traveling abroad.²⁴⁸

²⁴³ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 42, 20191213145121

²⁴⁴ 'Review of Vietnamese Migration Abroad, Consular Department – Ministry of Foreign Affairs of Vietnam', May 2012, p.11, CIS961F9402609

²⁴⁵ 'Q & A on the Right to Freedom of Movement in Vietnam', Civil Rights Defenders, 14 September 2015, pp.2 & 4, CISEC96CF15116

²⁴⁶ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p.25, 20190314094839

²⁴⁷ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p.25, 20190314094839

²⁴⁸ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.16, 20190917095808; 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p.25, 20190314094839; 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, pp.25 & 9, OGD95BE927332; 'Vietnam blocks Catholic priest, sister of labor activist from leaving abroad', Vietnam Human Rights Defenders, 27 June 2017, CXC9040669873



Australian Government
Department of Home Affairs

Common Claims

Vietnam

Country of Origin Information Services Section (COISS)

Effective from 2 July 2020

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Religion

Religious freedoms in Vietnam remain restricted. On 1 January 2018, a new *Law on Belief and Religion* came into effect.¹ The law requires all religious groups and most individual clergy members to join a party-controlled supervisory body and obtain permission for most activities.² Some faith groups report that the 2018 law has hardened official attitudes, with authorities denying permission for activities and practices which had previously been permitted.³ For example, in 2018, local authorities in Dak Lak Province banned a pastor from visiting sick church members in their homes, something he had previously been able to do.⁴

The 2018 *Law on Religion and Belief* has had a positive impact for some established groups. While the law places restrictions on new and unregistered groups⁵, many established groups with formal recognition see the law as an improvement, reducing the waiting period to apply for recognition from 23 to 5 years, and registering religious organisations as legal entities with the right to open bank accounts among other privileges.⁶

The degree to which Vietnamese people can practice their faith freely widely varies. Implementation of the *Law on Religion and Belief* varies significantly across provinces.⁷ Religious groups in urban, economically developed areas are generally able to exercise their religion or belief freely and openly.⁸ While members of officially recognised groups are able to practise their faith without significant interference, those associated with independent organisations are less able to do so.⁹

Recognised religious groups in Vietnam who worship quietly and conform to government policies have a low risk of official interference. The government recognises 38 religious organisations and one dharma practice, which are affiliated with 15 distinct religious traditions.¹⁰ These are Buddhism, Islam, Baha'i, Catholicism, Protestantism, Church of Jesus Christ, Hoa Hao Buddhism, Cao Dai, Buu Son Ky Huong, Tinh Do Cu Si Phat Hoi, Tu An Hieu Nghia, Phat Duong Nam Tong Minh Su Dao, Minh Ly Dao Tam Tong Mieu, Khmer Brahmanism, and Hieu Nghia Ta Lon Buddhism.¹¹ Catholic groups – along with Protestants, Muslims, Baha'i and Buddhist groups – are allowed to provide religious education to adherents.¹²

Reports of repression, violence and harassment of religious activities outside state-approved religious groups are common. The Vietnamese government is suspicious of any organised group

¹ 'Country Update: An Assessment of Vietnam's Law on Belief and Religion', United States Commission on International Religious Freedom (USCIRF), 21 November 2019, p.1, 20191122090923

² 'Freedom in the World 2020 - Vietnam', Freedom House, 2020, p.6, 20200514114358

³ 'Country Update: An Assessment of Vietnam's Law on Belief and Religion', United States Commission on International Religious Freedom (USCIRF), 21 November 2019, p.3, 20191122090923

⁴ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, pp.20-21, 20191213145121; 'Country Update: An Assessment of Vietnam's Law on Belief and Religion', United States Commission on International Religious Freedom (USCIRF), 21 November 2019, p.3, 20191122090923

⁵ 'Country Update: An Assessment of Vietnam's Law on Belief and Religion', United States Commission on International Religious Freedom (USCIRF), 21 November 2019, p.3, 20191122090923

⁶ 'Country Update: An Assessment of Vietnam's Law on Belief and Religion', United States Commission on International Religious Freedom (USCIRF), 21 November 2019, p.1, 20191122090923

⁷ 'Country Update: An Assessment of Vietnam's Law on Belief and Religion', United States Commission on International Religious Freedom (USCIRF), 21 November 2019, pp.1,3, 20191122090923

⁸ 'USCIRF 2020 Annual Report', United States Commission on International Religious Freedom (USCIRF), 28 April 2020, p.47, 20200429103634

⁹ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.4, 20200612161552; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.20, 20191213145121

¹⁰ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.4, 20200612161552

¹¹ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.4, 20200612161552

¹² '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.20, 20200612161552

that may challenge its authority, and continues to closely monitor and disrupt the activities of unrecognised branches of various religious groups, sometimes violently.¹³ Religious groups report most harassment is committed by local or provincial authorities.¹⁴ Reports of harassment include physical assault, arrest, prosecution, monitoring, travel restrictions, property seizure, and denial of registration.¹⁵ Religious followers who engage in political activism are more likely to face harassment.¹⁶ A local human rights group, the Vietnam Human Rights Network, claims that police agents are trained to infiltrate Buddhist temples and other religious institutions both in Vietnam and abroad, including the United States and Australia, to cause disruption.¹⁷

Christians

Christians may face barriers in education and employment. Christians employed in state institutions may face career and political barriers.¹⁸ Christians have, as a rule, been denied membership in the party, the state bureaucracy and the security forces, and have not been appointed to leadership positions in schools and universities.¹⁹ Furthermore, there are restrictions on the numbers of students permitted to enrol in Catholic and also in Protestant seminaries, which church leaders say are inadequate to meet demand.²⁰

Catholics

The Vietnamese government monitors and controls the activities of Catholics. Catholics make up approximately 7.4 per cent of the population.²¹ While the Vatican is permitted to select its own bishops and priests, these must be approved by the authorities.²² Government officials have highlighted the expanding opportunities of charitable and social work by the Catholic Church.²³ In May 2019, police in Nghe An province arrested Catholic activist Nguyen Nang Tinh on charges of 'making, storing, and spreading information, materials, and items for the purpose of opposing the State'. He was sentenced to 11 years in prison in November 2019.²⁴ In April 2019, authorities in Lai Chau Province denied a Catholic community permission to celebrate Easter Mass, stating that some members of the community were recent converts who were not properly registered.²⁵

Catholics in remote areas often face difficulty registering with provincial authorities. According to many Catholic bishops, congregations in remote areas with majority ethnic minority populations face difficulty registering with provincial authorities due to an inconsistent application of national

¹³ 'World Report 2020. Events of 2019', Human Rights Watch (HRW), 14 January 2020, p.638, 20200115082903; 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.25, 20190917095808

¹⁴ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.1, 20200612161552

¹⁵ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.1, 20200612161552

¹⁶ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, pp.22, 23, 24, 20191213145121

¹⁷ 'Report on Human Rights in Vietnam 2019-2020', Vietnam Human Rights Network, 14 May 2020, p.53, 20200521115120

¹⁸ 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, p.24, 20200429143402

¹⁹ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, pp.8-9, CIS7B83941599

²⁰ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.20, 20190625113215

²¹ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.2, 20200612161552

²² 'The Vatican is making headway in Hanoi. Will Beijing be next?', Catholic Herald, 29 August 2019, 20190917154848;

'Vietnam deal points way for China-Vatican progress', UCA News (UCAN), 8 October 2018, 20190917155709

²³ 'HCM City honours exemplary Catholics in charity work', Viet Nam News Agency, 28 August 2018, 20190118120109

²⁴ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.9, 20200612161552

²⁵ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.11, 20200612161552

laws.²⁶ Catholic leaders state that the most problematic regions are in the Central Highlands (Gia Lai, Dak Lak, Dak Nong, Kon Tum, and Lam Dong provinces), the Northwest Highlands, and Hoa Binh province.²⁷ Bishops also report that authorities in remote areas have prevented or disrupted Catholic services by blocking parishioners' access to unregistered home churches or threatening the hosts of such gatherings.²⁸

Reports vary on the status of the Red Flag Association, a pro-government group which harassed Catholics in 2017 and 2018. In 2017 and 2018 there were reports of harassment of Catholics, particularly Catholics active in political protests²⁹, by a pro-government group called the Red Flag Association.³⁰ Red Flag groups were highly organised and often worked closely with authorities.³¹ In February 2018, members of the Red Flag Association at a primary school in Nghe An province intimidated and beat Catholic parents at a school meeting.³² In December 2017, the group clashed violently with parishioners in Vinh Diocese, Nghe An province, over the construction of a new chapel.³³ According to the United States Committee on International Religious Freedom April 2020 report, there were no reports of attacks by Red Flag Associations in 2019.³⁴ However, in June 2020 the US State Department said that reports of harassment of Catholics by Red Flag groups continued, although the group reportedly disbanded in March 2018.³⁵

Catholic leaders have been actively involved in local political issues such as environmental protests. Catholic leaders, particularly in central Vietnam, have helped organise protests calling for stronger environmental protections, and were involved in the widespread June 2018 protests on special economic zones and the cybersecurity law.³⁶ Priests have also assisted parishioners in filing complaints and lawsuits against the government over the 2016 Formosa incident.³⁷ In response, state-run media and pro-government blogs published highly critical material against priests who assisted activists and victims of the Formosa incident, with some priests reportedly pressured to leave their parishes.³⁸ [Also see: [Environmental Protests: Formosa Ha Tinh Steel Corp Toxic Spill](#)]

Protestants

The Vietnamese government controls and monitors the activities of Protestants. The government has recognised nine Protestant organisations, leaving more than 70 groups illegal.³⁹ In August 2019, the People's Court of Gia Lai Province sentenced a Degar Protestant, Rah Lan Hip, to seven years in prison for 'undermining the unity policy' by sharing multiple posts about Degar

²⁶ ['2019 Report on International Religious Freedom - Vietnam'](#), United States Department of State, 10 June 2020, p.14, 20200612161552

²⁷ ['2019 Report on International Religious Freedom - Vietnam'](#), United States Department of State, 10 June 2020, p.14, 20200612161552

²⁸ ['2019 Report on International Religious Freedom - Vietnam'](#), United States Department of State, 10 June 2020, p.11, 20200612161552

²⁹ ['Report on Human Rights in Vietnam 2018-2019'](#), Vietnam Human Rights Network, 10 May 2019, p.25, 20190806115309

³⁰ ['DFAT Country Information Report Vietnam'](#), Department of Foreign Affairs and Trade, 13 December 2019, p.23, 20191213145121; ['Vietnam 2018 International Religious Freedom Report'](#), US Department of State, 21 June 2019, p.2, 20190625113215; ['International Religious Freedom Report for 2017 - Vietnam'](#), US Department of State, 29 May 2018, p.26, OGD95BE927542

³¹ ['DFAT Country Information Report Vietnam'](#), Department of Foreign Affairs and Trade, 13 December 2019, p.23, 20191213145121; ['United States Commission on International Religious Freedom Annual Report 2019'](#), United States Commission on International Religious Freedom (USCIRF), 29 April 2019, p.136, 20190508143726

³² ['Vietnam 2018 International Religious Freedom Report'](#), US Department of State, 21 June 2019, p.22, 20190625113215

³³ ['DFAT Country Information Report Vietnam'](#), Department of Foreign Affairs and Trade, 13 December 2019, p.23, 20191213145121; ['International Religious Freedom Report for 2017 - Vietnam'](#), US Department of State, 29 May 2018, p.26, OGD95BE927542

³⁴ ['USCIRF 2020 Annual Report'](#), United States Commission on International Religious Freedom (USCIRF), 28 April 2020, p.47, 20200429103634

³⁵ ['2019 Report on International Religious Freedom - Vietnam'](#), United States Department of State, 10 June 2020, p.11, 20200612161552

³⁶ ['Vietnam 2018 International Religious Freedom Report'](#), US Department of State, 21 June 2019, p.13, 20190625113215

³⁷ ['Vietnam 2018 International Religious Freedom Report'](#), US Department of State, 21 June 2019, p.13, 20190625113215

³⁸ ['Vietnam 2018 International Religious Freedom Report'](#), US Department of State, 21 June 2019, p.13, 20190625113215

³⁹ ['Report on Human Rights in Vietnam 2019-2020'](#), Vietnam Human Rights Network, 14 May 2020, p.53, 20200521115120

Protestantism on his Facebook account.⁴⁰ The government considers Degar Christianity to be not a religious group, but a separatist political movement.⁴¹

Particular social groups

Women

Domestic violence against women in Vietnam is common. Exact statistics are difficult to obtain due to victims' frequent reluctance to approach authorities,⁴² but in November 2019 the Women's Union reported that at least 58 per cent of married women were worried about domestic violence on a daily basis and 87 per cent did not seek help.⁴³ Of approximately 1.4 million divorce cases processed by local courts between 2008 and 2018, about 1 million, or 77 per cent, involved domestic violence.⁴⁴ Domestic violence against women is most prevalent in rural areas where a range of circumstances, such as economic difficulties, family conflicts, addictive illness and a lack of understanding among women of their rights exacerbate the problem.⁴⁵ Social stigma prevents many survivors from coming forward due to fear of harassment from their spouses or family.⁴⁶

Domestic violence is criminalised in Vietnam, and there are avenues of redress available to victims. Vietnamese law criminalises rape – including spousal rape – and prohibits violence or threats against women.⁴⁷ Rapists are subject to prison terms of up to 15 years in severe cases.⁴⁸ Authorities prosecute rape cases but do not release arrest, prosecution, conviction, or punishment statistics.⁴⁹ Vietnamese law also outlines acts that constitute domestic violence and stipulates punishments, ranging from warnings and probation to imprisonment⁵⁰, although the authorities treat domestic violence cases as civil cases unless the victim suffers injuries to more than 11 per cent of their body.⁵¹ Police generally seek to initiate a process of reconciliation between the victim and perpetrator for less serious cases of domestic violence,⁵² which credible sources indicate favours men

⁴⁰ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.9, 20200612161552

⁴¹ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.9, 20200612161552

⁴² 'Vietnam's social mores make it more difficult to fight domestic violence', VNExpress, 20 September 2019, 20190924140401; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.31, 20191213145121

⁴³ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.29, 20200312104733

⁴⁴ 'Vietnam's social mores make it more difficult to fight domestic violence', VNExpress, 20 September 2019, 20190924140401

⁴⁵ 'Consideration of reports submitted by States parties under article 18 of the Convention: Seventh and eighth periodic reports of States parties due in 2011: Viet Nam', UN Committee on the Elimination of Discrimination against Women, 13 December 2014, pp.67-68, CIS2F827D91319

⁴⁶ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.29, 20200312104733; 'Vietnam's social mores make it more difficult to fight domestic violence', VNExpress, 20 September 2019, 20190924140401

⁴⁷ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.28, 20200312104733

⁴⁸ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, pp.28-29, 20200312104733

⁴⁹ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.29, 20200312104733

⁵⁰ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.29, 20200312104733; 'Country Profile - Social Institutions and Gender Index - Viet Nam', Social Institutions and Gender Index (SIGI), 2019, p.4, 20190820172336

⁵¹ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.29, 20200312104733

⁵² 'Country Profile - Social Institutions and Gender Index - Viet Nam', Social Institutions and Gender Index (SIGI), 2019, p.5, 20190820172336; 'Assessment of the situation of women in the criminal justice system in Viet Nam. In support of the Government's efforts towards Effective Gender Equality in the Criminal Justice System', United Nations Office on Drugs and Crime, July 2013, p.19, CIS36DE0BB2142

over women and can leave a victim without access to effective legal remedy,⁵³ but victims and the police can initiate a criminal investigation into more serious incidents.⁵⁴ Authorities, with the help of international and local non-government organisations, train police, lawyers, community advocates and legal system officials in laws related to domestic violence.⁵⁵

Support services

The Vietnamese government and NGOs provide support services to address domestic violence. Support services include crisis centres, hotlines, and “trusted addresses” which enable women to seek assistance from another family.⁵⁶ Trusted households receive training from the Women’s Union to provide victims with legal counsel, clothing, first aid, medicine, and telephone cards.⁵⁷ Domestic violence rapid response teams have been established with the support of the United Nations,⁵⁸ while judicial officers and legal aid centres are available to victims.⁵⁹ By 2013, Vietnam had developed 10 shelters nationwide that provide women and girls with access to health-care services, counselling, education, vocational and life skills training.⁶⁰ The Center for Women and Development, supported by the Women’s Union, operates a nationwide domestic violence hotline, but this is not widely advertised in rural areas.⁶¹ The Center also runs three shelters for female victims of domestic violence and trafficking – two in Hanoi known as ‘Peace House’, and one in Can Tho.⁶² ‘Peace House’ provides children and women who are affected by domestic violence with counselling services, vocational training, and social programs.⁶³ Authorities, with the help of international and local non-government organisations, continue to support workshops and seminars that aim to educate women and men about domestic violence and women’s rights, as well as seeking to highlight the problem through public awareness campaigns.⁶⁴

Forced/early marriage

⁵³ ‘Compilation on Viet Nam: Report of the Office of the United Nations High Commissioner for Human Rights’, United Nations Human Rights Council, 15 November 2018, p.9, 20190723115431

⁵⁴ ‘Freedom in the World 2020 - Vietnam’, Freedom House, 2020, p.9, 20200514114358; ‘Assessment of the situation of women in the criminal justice system in Viet Nam. In support of the Government’s efforts towards Effective Gender Equality in the Criminal Justice System’, United Nations Office on Drugs and Crime, July 2013, p. 19, CIS36DE0BB2142

⁵⁵ ‘Country Reports on Human Rights Practices for 2019 – Vietnam’, United States Department of State, 11 March 2020, p.29, 20200312104733

⁵⁶ ‘DFAT Country Information Report Vietnam’, Department of Foreign Affairs and Trade, 13 December 2019, pp.31-32, 20191213145121

⁵⁷ ‘DFAT Country Information Report Vietnam’, Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121

⁵⁸ ‘Viet Nam establishes Rapid Response Forces against domestic violence’, United Nations Office on Drugs and Crime, 1 January 2015, CXBD6A0DE19214

⁵⁹ ‘Access to Justice in the Plural Legal System in Viet Nam: A Case Study of Women Domestic Violence Survivors’, UN Women, 2015, p.57-58, CISEC96CF15250

⁶⁰ ‘Consideration of reports submitted by States parties under article 18 of the Convention: Seventh and eighth periodic reports of States parties due in 2011: Viet Nam’, UN Committee on the Elimination of Discrimination against Women, 13 December 2014, pp.67-68, CIS2F827D91319

⁶¹ ‘DFAT Country Information Report Vietnam’, Department of Foreign Affairs and Trade, 13 December 2019, p.31, 20191213145121

⁶² ‘DFAT Country Information Report Vietnam’, Department of Foreign Affairs and Trade, 13 December 2019, p.31, 20191213145121

⁶³ ‘Third periodic report submitted by Vietnam under article 40 of the Covenant’, United Nations Human Rights Office of the High Commissioner, 9 January 2018, CIS7B839419944; ‘Social activities of the Center for Women and Development’, Center for Women and Development, n.d, [Accessed 16 October 2018], CIS7B839419862

⁶⁴ ‘Country Reports on Human Rights Practices for 2019 – Vietnam’, United States Department of State, 11 March 2020, p.29, 20200312104733

Forcing or entering into marriage with an underage person is prohibited in Vietnam. The legal minimum age of marriage is 18 for girls and 20 for boys.⁶⁵ However, there are reports that child marriage still occurs in rural areas of Quang Nam Province, with pregnant girls as young as 14 pressured into marriage by family.⁶⁶ Approximately 10-11 per cent of girls under 18 are married.⁶⁷

LGBTI

Same-sex relationships are legal in Vietnam. In recent years the government has amended legislation to greater recognise LGBTI rights. In 2013, Vietnam removed consensual same-sex relationships from the country's list of forbidden relationships.⁶⁸ In 2015, the government repealed a ban on same-sex marriage.⁶⁹ In addition to legal rights, the government has introduced targeted medical services; for example, in January 2019, the Binh Dan Hospital in Saigon opened Vietnam's first clinic catering specifically to members of the LGBTI community.⁷⁰ However, while same-sex sexual conduct is legal, there are no laws to prohibit discrimination on the basis of sexual orientation or gender identity.⁷¹ Also, while same-sex marriage is not banned, same-sex marriages are not officially recognised.⁷²

Transgender people who have undergone sex re-assignment surgery can register their new status. Article 37 of the revised *Civil Code*, which came into effect in 2017, contains new provisions legalising transgender rights – including the right to change their sex, access health care and change their gender identity on official documents if they have undergone sex re-assignment surgery.⁷³ Advocates have criticised the requirement for sex re-assignment surgery as not all transgender people wish to undergo surgery, and the surgery is expensive and not covered under the national health insurance scheme for transgender people.⁷⁴

Vietnam increasingly accepts the rights of LGBTI people. The government does not consider LGBTI issues to be politically sensitive.⁷⁵ Numerous civil society organisations advocating for LGBTI rights have emerged in recent years.⁷⁶ Vietnam's first gay pride rally took place in 2012,⁷⁷ and has become an annual event.⁷⁸ Authorities have allowed gay pride marches and gatherings to go ahead

⁶⁵ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.32, 20200312104733

⁶⁶ 'Child marriage remains the norm in central mountains', Dac Thanh, VNExpress, 21 August 2019, 20190822090141

⁶⁷ 'Country Profile - Social Institutions and Gender Index - Viet Nam', Social Institutions and Gender Index (SIGI), 2019, p.1, 20190820172336; 'Viet Nam - Child Marriage', Girls Not Brides, n.d., accessed 16 June 2020, 20200616170159

⁶⁸ 'My Teacher Said I Had a Disease': Barriers to the Right to Education for LGBT Youth in Vietnam', Human Rights Watch, 12 February 2020, p.1, 20200214091242

⁶⁹ 'My Teacher Said I Had a Disease': Barriers to the Right to Education for LGBT Youth in Vietnam', Human Rights Watch, 12 February 2020, p.1, 20200214091242; 'Freedom in the World 2018 – Vietnam', Freedom House, 5 April 2018, NGE0867A684

⁷⁰ 'Vietnam's first LGBT-friendly clinic provides relief from illness and prejudice', VNExpress, 29 January 2019, 20190130103506

⁷¹ 'Freedom in the World 2019 – Vietnam', Freedom House, 02 August 2019, p.6, 20190802161239

⁷² 'My Teacher Said I Had a Disease': Barriers to the Right to Education for LGBT Youth in Vietnam', Human Rights Watch, 12 February 2020, p.1, 20200214091242; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121

⁷³ 'LGBT rights: Vietnam recognises transgender people, but there's a flaw in its law', Sen Nguyen, South China Morning Post, 21 June 2019, 20190814134558; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.33, 20191213145121

⁷⁴ 'My Teacher Said I Had a Disease': Barriers to the Right to Education for LGBT Youth in Vietnam', Human Rights Watch, 12 February 2020, p.1, 20200214091242; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.33, 20191213145121

⁷⁵ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121

⁷⁶ 'Being LGBT in Asia – Vietnam country report', USAID & UNDP, August 2014, p.21, CX324893

⁷⁷ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121

⁷⁸ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121; 'Love in the air at gay pride parade in Ho Chi Minh City', Tuoi Tre Online, 25 September 2017, CXC90406620464

despite not being registered.⁷⁹ In 2019 numerous pride parades and events were held throughout the country.⁸⁰ Mainstream Vietnamese media – which is controlled by the government – increasingly promotes the view that being gay is normal.⁸¹ LGBT-friendly spaces, including coffee shops and art spaces, exist in Hanoi and Ho Chi Minh City.⁸² However, places to meet on a day-to-day basis remain limited and many Vietnamese LGBTI people remain discreet in expressing their sexuality.⁸³ Information and support networks are limited at the provincial level.⁸⁴

Despite increased tolerance by the government, discrimination against LGBTI people remains widespread in Vietnamese society. Societal discrimination and stigma against LGBTI people remains widespread and is worst towards transgender people.⁸⁵ Discrimination is most pervasive in schools, health care and the work place, although it also occurs within some families.⁸⁶ The belief that same-sex attraction is a diagnosable, treatable, and curable mental health condition is common.⁸⁷ Violence against LGBTI people is much less common than other forms of discrimination, such as verbal insults and online abuse.⁸⁸ LGBTI people often choose not to report incidents of discrimination or violence to police because they perceive it as commonplace, do not believe it will be adequately resolved or fear embarrassment.⁸⁹

Political Opinion

Membership of the Vietnamese Communist Party (CPV) remains beneficial for career advancement and to maximise other social and economic opportunities, but is no longer essential for success. Vietnam is a single-party, authoritarian regime.⁹⁰ Party membership remains a prerequisite to career advancement for nearly all government and government-linked organisations and businesses, with leadership positions and opportunities for promotion reserved for those who can demonstrate their political loyalty.⁹¹ Recent economic reforms have provided greater opportunities for non-CPV members, and increasingly young Vietnamese no longer see membership of the party as key to economic and social success, particularly with the increasing availability and attractiveness of

⁷⁹ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.28, 20190917095808

⁸⁰ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121; 'LGBT members join pride parade in Ho Chi Minh City', Tuoi Tre Online, 15 September 2019, 20200227102119

⁸¹ 'Gay Vietnam', Travel Gay Asia, n.d., accessed 3 July 2017, CISED50AD4725

⁸² 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121

⁸³ 'Gay Vietnam', Travel Gay Asia, n.d., (accessed 3 July 2017), CISED50AD4725; 'Gay Hanoi', Travel Gay Asia, n.d., (accessed 3 July 2017), CISED50AD4726; 'Travel & Resources: HO CHI MINH CITY – SAIGON', Utopia, n.d. (accessed 3 July 2017), CISED50AD4728

⁸⁴ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121

⁸⁵ 'Freedom in the World 2020 - Vietnam', Freedom House, 2020, p.9, 20200514114358; 'Is it because I am LGBT?' Discrimination based on sexual orientation in Viet Nam', UNDP, 21 June 2016, p.14, CIS38A80124354; 'Transgender at work. Livelihoods for transgender people in Vietnam', Hoang T-A and Oosterhoff, P, Institute of Development Studies, February 2016, pp.4, 15, CIS38A80128087

⁸⁶ 'My Teacher Said I Had a Disease': Barriers to the Right to Education for LGBT Youth in Vietnam', Human Rights Watch, 12 February 2020, p.1, 20200214091242; 'Being LGBT in Asia – Vietnam country report', USAID & UNDP, August 2014, pp.27-31, CX324893; 'Is it because I am LGBT?' Discrimination based on sexual orientation in Viet Nam', UNDP, 21 June 2016, p.14, CIS38A80124354

⁸⁷ 'My Teacher Said I Had a Disease': Barriers to the Right to Education for LGBT Youth in Vietnam', Human Rights Watch, 12 February 2020, pp.2, 13-14, 20200214091242

⁸⁸ 'Is it because I am LGBT?' Discrimination based on sexual orientation in Viet Nam', UNDP, 21 June 2016, p.18, CIS38A80124354

⁸⁹ 'Is it because I am LGBT?' Discrimination based on sexual orientation in Viet Nam', UNDP, 21 June 2016, p.97, CIS38A80124354

⁹⁰ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.1, 20200312104733

⁹¹ 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, p.24, 20200429143402

careers in the private sector.⁹² The CPV continues to deny membership to individuals whose parents – or the parents of their spouse – worked for the former South Vietnamese regime.⁹³

Freedom of expression

While ‘re-education camps’ ceased operation in Vietnam in the 1990s, mechanisms still remain for detaining and silencing political dissidents. Mechanisms to suppress and silence include house arrest, administrative detention or prison sentences, along with the regular movement of dissidents throughout the detention network to isolate them from family and support networks and other detainees.⁹⁴ Police routinely detain or place activists under house arrest to prevent them from participating in meetings and protests, or to attend trials of fellow activists.⁹⁵

The Vietnamese government suppresses political expression and protest. Authorities arrested at least 23 people on speech-related grounds in 2019.⁹⁶ Defend the Defenders, a local human rights organisation, has identified 242 current prisoners of conscience.⁹⁷ Those arrested include bloggers, lawyers, unionists, land rights activists, political dissidents, and followers of non-registered minority religions, with many charged under vague provisions of the 2015 penal code (which took effect in 2018) such as ‘making, storing, disseminating or propagandizing materials and products that aim to oppose the State of the Socialist Republic of Vietnam’, ‘disrupting national security’ or ‘abusing democratic freedom to violate the interests of the state.’⁹⁸ The Government has used specific laws to curb dissent, such as Article 109 of the Penal Code (“overthrowing the State”), Article 117 (“conducting propaganda against the State”) and Article 113 (“abusing rights to democracy and freedom to infringe upon the interests of the State”), all of which in practice take precedence over constitutionally enshrined rights. These offences carry penalties of prison sentences of six months to 20 years, life imprisonment or capital punishment.⁹⁹ DFAT is not aware of any recent cases of the death penalty being applied for political activities.¹⁰⁰ University authorities have been told by the Ministry of Public Security to expel activists from their universities;¹⁰¹ while there have been reports that university students who participated in human rights advocacy have been prevented from graduating.¹⁰²

The government has harassed independent publishers and journalists. In 2019 authorities harassed an independent publisher, Liberal Publishing House, by confiscating books, questioning at least 100 people, searching homes and detaining and torturing a person who helped deliver books.¹⁰³

⁹² ‘DFAT Country Information Report Vietnam’, Department of Foreign Affairs and Trade, 13 December 2019, p.25, 20191213145121; ‘Vietnam’s Divide: Slow Healing, Fewer Prospects for Children of U.S. Allies’, Bloomberg, 24 December 2015, CXBD6A0DE19603

⁹³ ‘Report on Human Rights in Vietnam 2019-2020’, Vietnam Human Rights Network, 14 May 2020, pp.66-67, 20200521115120; ‘Vietnam’s Divide: Slow Healing, Fewer Prospects for Children of U.S. Allies’, Bloomberg, 24 December 2015, CXBD6A0DE19603

⁹⁴ ‘Human Rights in Asia-Pacific: Review of 2019’, Amnesty International, 29 January 2020, pp.65-66, 20200130115738

⁹⁵ ‘World Report 2020. Events of 2019’, Human Rights Watch (HRW), 14 January 2020, p.636, 20200115082903

⁹⁶ ‘Human Rights in Asia-Pacific: Review of 2019’, Amnesty International, 29 January 2020, p.65, 20200130115738

⁹⁷ ‘Defend the Defenders’ Latest Statistics: Vietnam Holds 242 Prisoners of Conscience’, vietnamhumanrightsdefenders (Defend the Defenders), 01 April 2020, 20200403092023

⁹⁸ ‘Defend the Defenders’ Latest Statistics: Vietnam Holds 242 Prisoners of Conscience’, vietnamhumanrightsdefenders (Defend the Defenders), 01 April 2020, 20200403092023; ‘Prisoners of Conscience in Viet Nam’, Amnesty International, 13 May 2019, p.3, 20190514144113

⁹⁹ ‘DFAT Country Information Report Vietnam’, Department of Foreign Affairs and Trade, 13 December 2019, p.25, 20191213145121

¹⁰⁰ ‘DFAT Country Information Report Vietnam’, Department of Foreign Affairs and Trade, 13 December 2019, p.36, 20191213145121

¹⁰¹ ‘Country Reports on Human Rights Practices for 2019 – Vietnam’, United States Department of State, 11 March 2020, p.22, 20200312104733

¹⁰² ‘Country Reports on Human Rights Practices for 2019 – Vietnam’, United States Department of State, 11 March 2020, p.22, 20200312104733; ‘Freedom in the World 2019 - Vietnam’, Freedom House, 02 August 2019, 20190802161239

¹⁰³ ‘Human Rights in Asia-Pacific: Review of 2019’, Amnesty International, 29 January 2020, p.65, 20200130115738

Since November 2019, authorities have also arrested four members of the Independent Journalists Association of Vietnam.¹⁰⁴

The government prevents the exit and entry of individuals who openly express anti-government views. Several individuals considered to be political dissidents or activists, or their family members, have been prevented from leaving or returning to Vietnam, or have had passports confiscated or withheld on often vague or unexplained grounds.¹⁰⁵ In March 2019, police stopped Bui Kim Phuong, wife of political prisoner Nguyen Bac Truyen, from leaving Vietnam for Singapore.¹⁰⁶ In June 2019, police barred environmental activist Cao Vinh Thinh from travelling to Thailand.¹⁰⁷ In March 2018, at Hanoi Noi Bai airport authorities denied exit permission to a student who was traveling to study overseas due to his involvement in Formosa-related protests.¹⁰⁸ In May 2017, police stopped Polish-Vietnamese activist Phan Chau Thanh from entering Vietnam, while in June 2017, the authorities stopped former political prisoner Do Thi Minh Hanh from leaving for Austria to visit her ill mother.¹⁰⁹ The same month, Vietnamese authorities stripped former political prisoner Pham Minh Hoang of his citizenship and deported him to France.¹¹⁰

Pro-democracy activists

The government considers opposition pro-democracy groups such as Viet Tan to be terrorist organisations. As political opposition parties are illegal within Vietnam,¹¹¹ opposition parties are typically based overseas to avoid harassment, arrest and detention.¹¹² The Vietnam Reform Revolutionary Party (or Viet Tan) is a US-based opposition group with an active branch in Australia that advocates for democracy in Vietnam.¹¹³ In 2016, the government declared that Viet Tan was a terrorist organisation and that anyone involved with the group would be considered to be an accomplice in terrorism.¹¹⁴ Other foreign-based opposition groups including the Brotherhood for Democracy, who campaign for human rights and democracy in Vietnam¹¹⁵ and who are reported to have links to Viet Tan, have been accused of activities aimed at overthrowing the government.¹¹⁶ In November 2019, Chau Van Kham, a Vietnamese/Australian dual citizen and a member of Viet Tan, was sentenced to twelve years' imprisonment after being convicted of 'engaging in terrorist activities to oppose the government' (Article 113.2 of the Penal Code)¹¹⁷ and in March 2020 lost his appeal

¹⁰⁴ 'Vietnam: Crackdown on Peaceful Dissent Intensifies', Human Rights Watch, 19 June 2020, 20200623141201; 'Arrests, Suspension of Vietnam Media Signal Crackdown', Voice of America (VOA), 18 June 2020, 20200619091437

¹⁰⁵ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.25, 20200312104733; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.42, 20191213145121

¹⁰⁶ 'World Report 2020. Events of 2019', Human Rights Watch (HRW), 14 January 2020, p.636, 20200115082903

¹⁰⁷ 'World Report 2020. Events of 2019', Human Rights Watch (HRW), 14 January 2020, p.636, 20200115082903

¹⁰⁸ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 23, 20190314094839

¹⁰⁹ 'Country Policy and Information Note – Vietnam: Opposition to the State', UK Home Office, September 2018, p.17, CIS7B839419727

¹¹⁰ 'Human Rights Watch World Report 2018', Human Rights Watch, 18 January 2018, p.628, NGED867A63

¹¹¹ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.9, 20190917095808

¹¹² 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.9, 20190917095808; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.25, 20191213145121

¹¹³ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.25, 20191213145121

¹¹⁴ 'Vietnam declares San Jose-based Viet Tan a terrorist group', Associated Press (AP), 07 October 2016, CX6A26A6E11016

¹¹⁵ 'Vietnam: Drop Charges Against Rights Campaigner', Human Rights Watch (HRW), 10 September 2018, CXBB8A1DA35489

¹¹⁶ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.25, 20191213145121

¹¹⁷ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.26, 20191213145121

against his 12-year prison sentence for 'financing terrorism'.¹¹⁸ Chau Van Kham entered Vietnam on a false identity and was arrested in Ho Chi Minh City whilst meeting with a member of the Brotherhood for Democracy.¹¹⁹

Protests

Public protests and gatherings are monitored or restricted. The law requires people wishing to gather in a group to apply for a permit from local authorities.¹²⁰ However, in practice, only those arranging publicised gatherings to discuss sensitive matters appear to require permits.¹²¹ Permits can be denied without explanation, and the government generally does not allow demonstrations seen to be anti-government or political.¹²² Despite legal restrictions and threats of crackdown by the police, Vietnamese citizens continue to express their views through numerous protests.¹²³

Activist groups seeking to exercise their freedom of expression or association may experience harassment, surveillance, restrictions on their movement, short-term detention and physical attack. Attacks on rights campaigners have taken place in many regions of Vietnam.¹²⁴ In July 2019, plainclothes agents and government supporters attacked approximately 20 human rights activists and relatives of political prisoners who were attempting to visit a prison in Nghe An province.¹²⁵ In January 2019, unidentified men abducted anti-corruption campaigner Ha Van Nam and drove him around in a van while beating him, before dropping him outside a hospital with two broken ribs.¹²⁶ In August 2018, security agents brutally beat rights activists Pham Doan Trang, Nguyen Tin, and Nguyen Dang Cao Dai after a raid on a concert in Ho Chi Minh City.¹²⁷ In June and July 2018 in Lam Dong province, unidentified men threw rocks and a handmade incendiary device into the house of a labor activist and former political prisoner, Do Thi Minh Hanh.¹²⁸ A June 2017 report highlighted 36 incidents in which men in civilian clothes attacked activists between January 2015 and April 2017, often resulting in serious injuries.¹²⁹ Credible sources state that the use of these plain-clothes 'thugs', many of whom likely work for a government security agency, rose in 2017 and has in some instances allowed the government to be seen to be removed from committing acts of violence.¹³⁰

¹¹⁸ 'Effectively a death sentence': Australian retiree imprisoned in Vietnam loses final appeal, Special Broadcasting Service (SBS), 03 March 2020, 20200303091219

¹¹⁹ 'Jailed Australian democracy activist has 'disappeared' inside Vietnam's prison system', Ben Doherty, The Guardian, 07 June 2020, 20200609094102; 'Effectively a death sentence': Australian retiree imprisoned in Vietnam loses final appeal, Special Broadcasting Service (SBS), 03 March 2020, 20200303091219

¹²⁰ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.22, 20200312104733

¹²¹ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.22, 20200312104733

¹²² 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.22, 20200312104733

¹²³ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.8, 20191213145121

¹²⁴ 'World Report 2020. Events of 2019', Human Rights Watch (HRW), 14 January 2020, pp.635-636, 20200115082903; 'No Country for Human Rights Activists: Assaults on Bloggers and Democracy Campaigners in Vietnam', Human Rights Watch, 18 June 2017, p.2, CISED50AD4751

¹²⁵ 'World Report 2020. Events of 2019', Human Rights Watch (HRW), 14 January 2020, p.636, 20200115082903; 'Plainclothes police attack activists and relatives of political prisoners in Nghệ An', Asia News IT, 15 July 2019, 20190820143746

¹²⁶ 'World Report 2020. Events of 2019', Human Rights Watch (HRW), 14 January 2020, pp.635-636, 20200115082903

¹²⁷ 'Human Rights Watch World Report 2019', Human Rights Watch (HRW), 17 January 2019, p. 656, 20190118091502

¹²⁸ 'Human Rights Watch World Report 2019', Human Rights Watch (HRW), 17 January 2019, p. 656, 20190118091502

¹²⁹ 'No Country for Human Rights Activists: Assaults on Bloggers and Democracy Campaigners in Vietnam', Human Rights Watch, 18 June 2017, p.2, CISED50AD4751

¹³⁰ 'World Report 2020. Events of 2019', Human Rights Watch (HRW), 14 January 2020, p.635, 20200115082903; 'Australia - Vietnam Human Rights Dialogue - Human Rights Watch Submission - June 2019', Human Rights Watch (HRW), 01 June 2019, p.1, 20190828092550; 'United States Commission on International Religious Freedom Annual Report 2018', US Commission on International Religious Freedom, 25 April 2018, p.123, CIS7B83941863

Anti-government protests

Anti-government protests are not tolerated by authorities. Individuals and groups who protest against the Government or openly criticise the Communist Party are likely to attract adverse attention from authorities, experience police intimidation or harassment, or see their protests shut down, sometimes with the use of physical force.¹³¹ In June 2018, there was a string of large demonstrations across Vietnam in protest against a new cybersecurity law and a draft law on special economic zones.¹³² Authorities responded by arresting and imprisoning hundreds of those involved.¹³³ For example, in July 2018 a court in southern Vietnam jailed 15 individuals for their involvement in protest activity,¹³⁴ while days earlier 10 people received prison terms of up to three-and-a-half years in central Binh Thuan province.¹³⁵ Individual petitioners seeking government action in relation to their land use rights have also been attacked or jailed.¹³⁶

Online protests

Vietnamese authorities have jailed a number of well-known bloggers in an attempt to curb online criticism of the government. In 2019, Vietnam put on trial at least 14 online activists for 'making, storing, disseminating or propagandizing information, materials and products that aim to oppose the State of the Socialist Republic of Vietnam.'¹³⁷ Sentences ranged from five to nine years in prison.¹³⁸ In September 2019, police arrested pro-democracy activist Nguyen Quoc Duc Vuong for Facebook postings which included support for democracy and criticism of government corruption.¹³⁹ Similarly, in 2018 Vietnam put on trial at least 12 people, including blogger Ho Van Hai, for conducting propaganda against the state,¹⁴⁰ with sentences ranging from 4 to 12 years in prison.¹⁴¹

A new cyber security law went into force in January 2019, giving the government greater surveillance and censorship powers. Under the new cyber security law, introduced on 1 January 2019, service providers are required to take down offending content within 24 hours, while internet companies are required to disclose user data to authorities.¹⁴² The law prohibits people from 'distorting history, denying revolutionary achievements, destroying the national solidarity block' and 'providing false information, causing confusion amongst the Citizens, [and] causing harm to socioeconomic activities.'¹⁴³ Both Google and Facebook have taken down content and removed accounts at the request of the government.¹⁴⁴ For example, in January 2019 Google removed 5,000 YouTube videos authorities claimed were slanderous and defamatory of Vietnamese leaders.¹⁴⁵ The

¹³¹ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, pp.9-10, 20190917095808; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.27, 20191213145121

¹³² 'Vietnam: a month of mass protests', Lowy Interpreter (The Interpreter), 27 June 2018, CXBB8A1DA30346

¹³³ 'Vietnam: Investigate Police Response to Mass Protests', Human Rights Watch (HRW), 15 June 2018, CXBB8A1DA30048

¹³⁴ 'Vietnamese court imprisons peaceful demonstrators', UCA News (UCAN), 1 August 2018, CXBB8A1DA32816

¹³⁵ 'Vietnam jails 10 more for protests over economic zones', Reuters, 23 July 2018, CXBB8A1DA32143

¹³⁶ 'Vietnam jails activist a second time for "public disorder"', Reuters, 20 September 2016 CX6A26A6E11373; 'Country Reports on Human Rights Practices for 2017 – Vietnam', 20 April 2018, p.22, OGD95BE927332; 'Freedom in the World 2017 – Vietnam', Freedom House, 4 September 2017, NG2A465F593; 'Vietnamese Land-Rights Petitioner Receives 18-Month Prison Term', Radio Free Asia, 29 September 2015, CXBD6A0DE15108

¹³⁷ 'World Report 2020. Events of 2019', Human Rights Watch (HRW), 14 January 2020, p.635, 20200115082903

¹³⁸ 'World Report 2020. Events of 2019', Human Rights Watch (HRW), 14 January 2020, p.635, 20200115082903

¹³⁹ 'Vietnam: New Arrest for Facebook Postings', Human Rights Watch (HRW), 07 October 2019, 20191009100222

¹⁴⁰ 'Human Rights Watch World Report 2019', Human Rights Watch (HRW), 17 January 2019, pp. 655-656, 20190118091502

¹⁴¹ 'Human Rights Watch World Report 2019', Human Rights Watch (HRW), 17 January 2019, p. 656, 20190118091502

¹⁴² 'Submission to the Universal Periodic Review of Vietnam', Human Rights Watch, 13 July 2018, CXBB8A1DA31726;

'Vietnam's New Cyber Law Could Hobble Foreign Investors and Limit Basic Freedoms', Centre for Strategic and International Studies (CSIS), 2 July 2018, CXBB8A1DA30601; 'Vietnam's new cyber law curbs dissents and business', Radio France Internationale (RFI), 01 January 2019, 20190102163306

¹⁴³ 'Human Rights in Asia-Pacific: Review of 2019', Amnesty International, 29 January 2020, p.66, 20200130115738

¹⁴⁴ 'Freedom on the Net 2019 - Vietnam', Freedom House, 05 November 2019, p.12, 20191106101136

¹⁴⁵ 'Freedom on the Net 2019 - Vietnam', Freedom House, 05 November 2019, p.9, 20191106101136

government employs a 10,000-strong military unit known as 'Force 47' to monitor online media content and influence public opinion online.¹⁴⁶

Despite online censorship, social media platforms are widely used. In a country where independent media is suppressed, the Internet has been a place for people to express their political views.¹⁴⁷ Social media platforms such as Facebook are widely used, with some 52 million accounts out of a population of about 96 million.¹⁴⁸ However, since the introduction of the cybersecurity law, social media users are more cautious in posting their opinions online for fear of arrest.¹⁴⁹ The government has, for the most part, not shut down popular forms of online communication such as Twitter and Gmail and does not block the websites of major international media such as *The New York Times*, although access to sites such as Human Rights Watch, Radio Free Asia and BBC Vietnamese is unstable and unpredictable.¹⁵⁰ Further, websites critical of the government are generally inaccessible and sites promoting religious groups are blocked to a significant degree.¹⁵¹

Environmental Protests: Formosa Ha Tinh Steel Corp Toxic Spill

Local communities protesting about the Formosa Ha Tinh Steel Corporation chemical spill have been accused of deliberately stirring anti-government sentiment. Formosa Steel, the Taiwanese company responsible for an April 2016 spill, in which chemicals leaked into the South China Sea, decimating fish stocks and devastating fishing communities along Vietnam's central coast, agreed to pay \$500 million in damages.¹⁵² The disaster provoked large protests against both the company and the government in part due to the heavy impact on the livelihoods of the affected communities.¹⁵³ Attempts by fishermen to sue Formosa in a provincial court were thrown out.¹⁵⁴ Protests were also held in diaspora countries including Australia, where in March 2017 about 300 members of the Vietnamese community in Australia protested outside Victoria's Parliament.¹⁵⁵

Authorities have generally not arrested or used unreasonable force against protesters. Large protests demanding the Formosa Ha Tinh Steel Corporation be closed and further compensation provided to assist with the clean-up have generally not resulted in injuries or arrests by state actors.¹⁵⁶ However, the government has reportedly cracked down on human rights activists connected to a new civil society organisation, The Alliance of Self-Determined People,¹⁵⁷ while on 6 February 2018, a Vietnamese court sentenced two other activists to prison terms of 14 years and two years respectively for protesting against Formosa.¹⁵⁸ Some supporters of the pair who attended the court building were

¹⁴⁶ 'Freedom on the Net 2019 - Vietnam', Freedom House, 05 November 2019, p.12, 20191106101136

¹⁴⁷ 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, p.11, 20200429143402

¹⁴⁸ 'Vietnam's New Cyber Law Could Hobble Foreign Investors and Limit Basic Freedoms', Centre for Strategic and International Studies (CSIS), 2 July 2018, CXBB8A1DA30601

¹⁴⁹ 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, p.11, 20200429143402

¹⁵⁰ 'Freedom on the Net 2019 - Vietnam', Freedom House, 05 November 2019, p.7, 20191106101136; 'Vietnam's New Cyber Law Could Hobble Foreign Investors and Limit Basic Freedoms', Centre for Strategic and International Studies (CSIS), 2 July 2018, CXBB8A1DA30601

¹⁵¹ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 29, 20191213145121; 'Freedom on the Net 2019 - Vietnam', Freedom House, 05 November 2019, p.7, 20191106101136

¹⁵² 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, p.26, 20200429143402; 'Outrage Over Fish Kill in Vietnam Simmers 6 Months Later', The New York Times, 03 October 2016, CX6A26A6E10573

¹⁵³ 'Vietnam's dead fish may spawn a stronger culture of dissent', Hoang C, cogitASIA, 30 September 2016, CIS38A80122116

¹⁵⁴ 'Vietnam court swamped by fishermen seeking to sue Taiwan firm's steel unit', Reuters, 27 September 2016, CX6A26A6E10576

¹⁵⁵ 'Vietnamese communities stage anti-Formosa and pro-democracy protests', TiVi Tuan-san, 07 March 2017, 20191004114557

¹⁵⁶ 'Vietnamese rally outside Taiwanese steel plant that spread toxic waste', Reuters, 2 October 2016, CX6A26A6E10045; 'Vietnam's Dead Fish May Spawn a Stronger Culture of Dissent', Chau Hoang, Centre for Strategic & International Studies, 30 September 2016, p.2, CIS38A80122116; 'Formosa Spill Still Roils Public Opinion in Vietnam', Radio Free Asia, 7 December 2016, CX6A26A6E14775

¹⁵⁷ 'Vietnam Cracks Down on Dissenters', Radio Free Asia, 10 November 2016, CX6A26A6E14902; 'Sentences upheld for five members of anti-State organisation', Viet Nam News, 19 March 2019, 20191101101537

¹⁵⁸ 'More activists sentenced in Vietnam', Voice of America (VOA), 11 February 2018, CXBB8A1DA21834; 'Catholic activist arrested in Vietnam, police beat up protesters', UCA News (UCAN), 23 May 2017, CXC9040668804

beaten and detained in a police station until the trial ended at midday.¹⁵⁹ On 6 April 2017, hundreds of Catholic protesters marked the one-year anniversary of the waste spill on the streets and beaches of Vinh diocese, and carried black flags with anti-Formosa slogans on them.¹⁶⁰ In November 2018, Nguyen Van Hoa was jailed by the People's Court of Ha Tinh in Nghe An province after filming protests outside the Taiwan-owned Formosa Plastics Group steel plant. Held for nine days at the Ha Tinh police station following his arrest, Hoa was hung by his hands and beaten by eight police officers, who also threw water in his face.¹⁶¹

State Protection

Police

Internal security is the responsibility of the Ministry of Public Security. There are police organisations at the provincial, district and commune (local) levels over which people's committees exercise some authority.¹⁶² There are two core forces: the People's Security Force (An ninh Nhan dan), responsible for national security, and the People's Police Force (Canh sat Nhan dan), which is responsible for social order and public safety.¹⁶³ The People's Police Force handles traditional police work such as neighbourhood policing, traffic control, household registration, and the issuing of identification cards.¹⁶⁴ Recruits to the police force must be members of the Communist Party of Vietnam or the Communist Youth League.¹⁶⁵

Police are effective in maintaining public order but have limited capacity in other areas, especially investigations. While the Ministry of Public Security is responsible for internal security and controls the national police¹⁶⁶; in practice, provincial and local-level police often maintain significant discretion in their activities.¹⁶⁷ People's committees have substantial authority over police forces and prosecutors at the provincial, district and local levels.¹⁶⁸ Police at the commune (local) level tend to have lower salaries, fewer benefits and less adequate training in law and basic police procedures than police at the district, provincial and national levels.¹⁶⁹ Due to a lack of cross-agency coordination within the police, delays in dealing with cases are common.¹⁷⁰ However, according to

¹⁵⁹ 'Vietnamese environmental activists handed prison terms in Nghe An', Radio Free Asia, 6 February 2018, CXBB8A1DA21459

¹⁶⁰ 'Vietnamese Catholics Demonstrate to Mark Anniversary of Formosa Chemical Spill', Radio Free Asia (RFA), 6 April 2017, CXC9040666018

¹⁶¹ 'Jailed Vietnamese Activist Goes on Hunger Strike Over Beatings by Police', Radio Free Asia (RFA), 28 February 2019, 20190305131350

¹⁶² 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.9, 20190917095808; 'Public Insecurity: Deaths in Custody and Police Brutality in Vietnam', Human Rights Watch, 16 September 2014, p.14, CISA447F082797

¹⁶³ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.40, 20191213145121; 'Public Insecurity: Deaths in Custody and Police Brutality in Vietnam', Human Rights Watch, 16 September 2014, p.14, CISA447F082797

¹⁶⁴ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.40, 20191213145121; 'Public Insecurity: Deaths in Custody and Police Brutality in Vietnam', Human Rights Watch, 16 September 2014, pp.5-8, CISA447F082797

¹⁶⁵ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.40, 20191213145121

¹⁶⁶ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.1, 20200312104733

¹⁶⁷ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.1, 20200312104733; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.40, 20191213145121

¹⁶⁸ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 7, 20190314094839

¹⁶⁹ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.40, 20191213145121

¹⁷⁰ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.11, 20190917095808

sources consulted by the UK Home Office, if the police do arrest a person and begin the investigation process, then they do follow the rules as set out in the Vietnamese Criminal Code.¹⁷¹

Police officers sometimes act with impunity. Police frequently use excessive force when making an arrest.¹⁷² Arrestees frequently report abuse and mistreatment.¹⁷³ Police have been implicated in arbitrary and unlawful killings.¹⁷⁴ It is reported local police sometimes use contract 'thugs' and 'citizen brigades' to harass and beat political activists and religious adherents perceived as undesirable or a threat to national security.¹⁷⁵ Although the Supreme People's Procuracy has authority to investigate security force abuse, police organisations operate with little transparency and limited public oversight.¹⁷⁶ Internal police oversight exists but is subject to political influence.¹⁷⁷ Police frequently ill-treat or torture suspects to elicit confessions, which has resulted in deaths in custody¹⁷⁸ - at least 11 people died in custody in 2019.¹⁷⁹ Excessive force is used in responding to protests over evictions, land confiscation, and other social issues.¹⁸⁰ For example, in January 2019, in Tuy Hoa City, Phu Yen Province a video showing a Vietnamese police officer allegedly kicking a man on the floor of a police station went viral after being published on social media.¹⁸¹ There is no independent body to investigate complaints against police by citizens.¹⁸²

Corruption is prevalent in the police force. Corruption occurs at every level of the police and bribery is widespread.¹⁸³ According to DFAT, sources have reported that organised crime groups have bribed local police to not respond in specific situations, and there have been instances in which police have not responded when citizens have called for help.¹⁸⁴ An academic source cited by a UK Home Office fact-finding team states that it is possible for members of criminal gangs to find out the location of a person attempting to flee that gang by persuading police to provide the relevant information.¹⁸⁵ Police at the village level are aware of who lives in their area and who is registered there.¹⁸⁶

¹⁷¹ ['Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019'](#), UK Home Office, 09 September 2019, p.11, 20190917095808

¹⁷² ['Country Reports on Human Rights Practices for 2019 – Vietnam'](#), United States Department of State, 11 March 2020, p.3, 20200312104733

¹⁷³ ['Country Reports on Human Rights Practices for 2019 – Vietnam'](#), United States Department of State, 11 March 2020, p.3, 20200312104733

¹⁷⁴ ['Country Reports on Human Rights Practices for 2019 – Vietnam'](#), United States Department of State, 11 March 2020, p.2, 20200312104733

¹⁷⁵ ['DFAT Country Information Report Vietnam'](#), Department of Foreign Affairs and Trade, 13 December 2019, p.40, 20191213145121

¹⁷⁶ ['Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019'](#), UK Home Office, 09 September 2019, p.12, 20190917095808; ['Country Report on Human Rights Practices 2018 – Vietnam'](#), US Department of State, 13 March 2019, p. 7, 20190314094839

¹⁷⁷ ['Country Reports on Human Rights Practices for 2019 – Vietnam'](#), United States Department of State, 11 March 2020, p.3, 20200312104733; ['Country Report on Human Rights Practices 2018 – Vietnam'](#), US Department of State, 13 March 2019, p. 29, 20190314094839

¹⁷⁸ ['Human Rights in Asia-Pacific: Review of 2019'](#), Amnesty International, 29 January 2020, p.66, 20200130115738; ['Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019'](#), UK Home Office, 09 September 2019, p.15, 20190917095808

¹⁷⁹ ['Human Rights in Asia-Pacific: Review of 2019'](#), Amnesty International, 29 January 2020, p.66, 20200130115738

¹⁸⁰ ['Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019'](#), UK Home Office, 09 September 2019, p. 12, 20190917095808; ['Human Rights Watch World Report 2016: Events of 2015 – Vietnam'](#), 27 January 2016, NGE43874C8

¹⁸¹ ['Video of Alleged Police Beating in Vietnam Goes Viral'](#), Radio Free Asia (RFA), 30 January 2019, 20190201173227

¹⁸² ['DFAT Country Information Report Vietnam'](#), Department of Foreign Affairs and Trade, 13 December 2019, p.40, 20191213145121

¹⁸³ ['Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019'](#), UK Home Office, 09 September 2019, p.58, 20190917095808

¹⁸⁴ ['DFAT Country Information Report Vietnam'](#), Department of Foreign Affairs and Trade, 13 December 2019, p.40, 20191213145121

¹⁸⁵ ['Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019'](#), UK Home Office, 09 September 2019, p.25, 20190917095808

¹⁸⁶ ['Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019'](#), UK Home Office, 09 September 2019, p.25, 20190917095808

Judiciary

Vietnamese courts operate under government control. Most judges are members of the Communist Party of Vietnam and are screened by local officials for suitability before appointment.¹⁸⁷ The law provides for an independent judiciary and lay assessors.¹⁸⁸ However, political influence, endemic corruption and inefficiency strongly distort the judicial system and trials of human rights activists consistently fail to meet international standards.¹⁸⁹

Access to legal representation is inadequate. There is a shortage of judges and lawyers, with only around 7,000 lawyers throughout the country.¹⁹⁰ As few as a fifth of defendants can obtain access to legal counsel, including in cases subject to the death penalty.¹⁹¹ Vietnamese law does not expressly state that defendants have the right to call witnesses and defence lawyers may not have enough time to meet with clients.¹⁹² There are widespread complaints that judges often appear to have made a determination of guilt prior to conducting a trial.¹⁹³ Administrative and civil courts are vulnerable to corruption and outside influence, lack of independence, and inexperience.¹⁹⁴

Harassment of human rights lawyers occurs. Lawyers are pressured to refuse religious and democracy activists as clients, and in some cases defence lawyers are restricted, harassed, and disbarred from representing these clients.¹⁹⁵

Corruption

Corruption is widespread throughout the public administration system, despite criminal penalties. Corruption remains a serious problem¹⁹⁶, existing in areas such as the police and the military, in business and banking, and in the allocation of land.¹⁹⁷ Transparency International rated the country 96 of 180 countries in public sector corruption in 2019,¹⁹⁸ an improvement on its 2018 ranking of 117.¹⁹⁹ Towards Transparency attributes the improvement to the government's efforts in improving and enforcing anticorruption policy and legislation, especially enhancing the investigation, prosecution and trial of a number of grand corruption cases.²⁰⁰ Transparency International notes, however, that

¹⁸⁷ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, pp.9-10, 20200312104733

¹⁸⁸ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.9, 20200312104733

¹⁸⁹ 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, p.12, 20200429143402;

'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.9, 20200312104733

¹⁹⁰ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.14, 20190917095808

¹⁹¹ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.14, 20190917095808; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 41, 20191213145121

¹⁹² 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.11, 20200312104733

¹⁹³ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.10, 20200312104733

¹⁹⁴ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.14, 20200312104733; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.41, 20191213145121

¹⁹⁵ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.10, 20200312104733

¹⁹⁶ 'Vietnam: CPI 2019 score is up but corruption remains serious', Towards Transparency, 23 January 2020, p.1, 20200228125554

¹⁹⁷ 'Freedom in the World 2020 - Vietnam', Freedom House, 2020, pp.4, 9, 20200514114358; 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, pp.12-13, 32, 20200429143402

¹⁹⁸ 'Corruption Perceptions Index 2019', Transparency International, 23 January 2020, p.2, 20200205081007

¹⁹⁹ 'Corruption Perceptions Index 2018: Corruption in Vietnam's public sector is still perceived as highly serious', Towards Transparency, 29 January 2019, p.1, 20190326101127

²⁰⁰ 'Vietnam: CPI 2019 score is up but corruption remains serious', Towards Transparency, 23 January 2020, p.1, 20200228125554

Vietnam, despite its economic success, continues to struggle in tackling corruption due to restrictions on participation in public affairs, the silencing of dissenting voices and a lack of public scrutiny of decision making.²⁰¹

Government leaders acknowledge widespread public discontent with the level of corruption and the extent to which it undermines the efficiency of the state and support for the Communist Party.

There have been a number of highly publicised prosecutions of senior public officials in recent years.²⁰² In 2019 the government reported that it had disciplined over 53,000 officials and CPV members for graft, and that several senior officials, including two members of the Central Committee, had faced discipline including prison time.²⁰³ However, despite these, anti-corruption campaigns are pursued intermittently with varying degrees of seriousness,²⁰⁴ and credible sources state they can be as much the result of internal Communist Party rivalries or attempts to maintain the party's image as a genuine desire to promote transparency in politics and business.²⁰⁵ The 2019 *Public Administration Performance Index (PAPI)* found that Vietnamese citizens were 'more satisfied with robust efforts to reduce petty and grand corruption at all government levels' but still considered corruption in the public sector to be problematic.²⁰⁶ In 2019, about five per cent more citizens than in 2018 thought corruption was decreasing, most likely due to the government's anti-corruption campaign as well as actual declines in petty corruption and bribery experienced by citizens in accessing public services such as hospitals.²⁰⁷

Anti-corruption agencies are often ineffective. A number of anti-corruption offices have been established over the last decade.²⁰⁸ Anti-corruption efforts are, however, generally localised and have a limited overall impact on corruption.²⁰⁹ Punitive measures range from fines to capital punishment, depending on the severity of the corruption case.²¹⁰ Some prominent party functionaries, government officials, and, more recently, top executives of state conglomerates have been prosecuted.²¹¹ However, this is motivated in large part by the desire for good publicity and patronage continues to be a significant problem.²¹²

Loan Sharks

Loan sharks charging illegal rates of interest are a widespread problem in Vietnam. Loan sharks are a widespread problem in Vietnam.²¹³ According to the Ministry of Public Security, during

²⁰¹ 'Corruption Perceptions Index 2019', Transparency International, 23 January 2020, p.14, 20200205081007

²⁰² 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.27, 20200312104733; 'Vietnam Communist Party takes aim at corrupt rising stars', Reuters, 26 September 2019, 20190927085651; 'Vietnam jails former deputy labor minister for economic mismanagement', Reuters, 25 September 2019, 20190927090012; 'Ex-chairman of Vietnam's BIDV bank dies in detention', Reuters, 23 July 2019, 20190723102504; 'Stiff sentences bolster Vietnam's anti-graft drive but questions remains over larger reform', Straits Times, The, 23 January 2018, CXBB8A1DA20684; 'Vietnam to move forward with six high-profile graft cases', VietNamNet Bridge, 4 October 2016, CX6A26A6E13892

²⁰³ 'Freedom in the World 2020 - Vietnam', Freedom House, 2020, p.4, 202005141114358

²⁰⁴ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, p.33, CIS7B83941599

²⁰⁵ 'At Vietnam's biggest corruption trial, some skeptical views', Reuters, 10 January 2018, CXBB8A1DA363; 'Berlin kidnapping': Nowhere to run from Vietnam's anti-corruption campaign', Deutsche Welle, 8 January 2018, CXBB8A1DA329; 'Explainer: What's behind Vietnam's corruption crackdown', Reuters, 8 January 2018, CXBB8A1DA278

²⁰⁶ 'The 2019 Viet Nam Governance and Public Administration Performance Index (PAPI): Measuring Citizens' Experiences', United Nations Development Program (UNDP), 28 April 2020, p.V, 20200429094650

²⁰⁷ 'The 2019 Viet Nam Governance and Public Administration Performance Index (PAPI): Measuring Citizens' Experiences', United Nations Development Program (UNDP), 28 April 2020, p.XIV, 20200429094650

²⁰⁸ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, p.33, CIS7B83941599

²⁰⁹ 'Investment Climate Statements – Vietnam', US Department of State, 2016, CX6A26A6E9812

²¹⁰ 'Vietnam Corruption Report', Global Advice Net, September 2017, CISED50AD7684

²¹¹ 'Freedom in the World 2020 - Vietnam', Freedom House, 2020, p.4, 202005141114358 ; 'Stiff sentences bolster Vietnam's anti-graft drive but questions remains over larger reform', Straits Times, The, 23 January 2018, CXBB8A1DA20684; 'Vietnamese oil executive kidnapped in Berlin gets second life sentence', Deutsche Welle, 5 February 2018, CXBB8A1DA21363

²¹² 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, p.12, 20200429143402

²¹³ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.16, 20191213145121

2018 police units and localities dealt with more than 600 illegal moneylending or 'black credit' cases.²¹⁴ In December 2018, an official of the Ho Chi Minh City Public Security Department said that the city recorded three deaths related to loan sharks in 2018, and estimated that, on average, police officers in the city deal with four cases related to loan sharks per month.²¹⁵

Authorities have demonstrated a willingness to tackle the activities of loan sharks. While authorities have demonstrated a willingness to tackle the problem,²¹⁶ they have had difficulty prosecuting loan sharks for charging illegal rates of interest as these are rarely documented on loan papers.²¹⁷ A lack of resources, legal loopholes and inadequate implementation of laws also remain problems in tackling loan sharks.²¹⁸ However, credible sources assess that individuals targeted for unpaid debts are able to obtain protection from the police, who are active at the provincial, district and local levels.²¹⁹ Police investigations into illegal moneylenders have increased in recent years, including through the establishment of dedicated police units in some provinces.²²⁰

Authorities have used law enforcement to break up the activities of criminal gangs involved in loan sharking. In February 2020, a court in Thanh Hóa Province sentenced 21 members of a loan shark gang to a total of 99 years in prison on charges which included deliberately causing injuries and illegally detaining people.²²¹ Members of the gang, who were arrested in 2018, ran a company named Nam Long Financial Group which had branches nationwide.²²² In 2018, police from southern Binh Thuan Province set up special units to crack down on illegal loan sharks.²²³ In other parts of Vietnam, particularly Ho Chi Minh City, authorities have embarked on some high profile crackdowns on gang activity – including gangs involved in loan sharking – that yielded nearly 7,000 arrests in the second half of 2016.²²⁴ In May 2018, police in Sa Dec City accosted a suspected loan shark, Nguyen Van Thu at a car wash and seized notebooks with records of his loans - more than 400 deposit contracts and identity documents and 3,000 flyers and 700 leaflets for loans.²²⁵ Six people linked with Thu were also arrested - all have admitted to lending money to students and small traders at interest rates of up to 20 per cent a month.²²⁶

In addition to law enforcement efforts, authorities have tried to make it easier to access credit in the formal lending sector. Authorities try to encourage people in need of money to use credible loan sources like the Capital Aid Fund for Employment of the Poor – a non-profit microfinance institution – but the amounts available through these sources can be insufficient.²²⁷ In addition, the State Bank of Vietnam has requested Agribank, the biggest state-controlled bank in the country, to

²¹⁴ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.24, 20190917095808;

²¹⁵ 'Arrests raise loan sharks higher on social agenda', Vietnam Investment Review, 10 October 2019, 20191010122619

²¹⁶ 'Debunking the Informal Credit Myths: Is Credit Liberalization the Magic Solution to Loan Sharking?', Nicolas Lainez, ISEAS (Yusof Ishak Institute Singapore), 22 October 2019, pp.3-4, 20200521211816

²¹⁷ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.16, 20191213145121; 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.24, 20190917095808; '"Black credit" besieges workers, students before Lunar New Year', VietNamNet Bridge, 29 January 2016, CX6A26A6E9780

²¹⁸ 'NA approves delay to Penal Code 2015', Viet Nam News, 1 July 2016 CX6A26A6E12697; 'Loan sharks feed off poor, naive workers', Viet Nam News, 11 September 2015 CXBD6A0DE18811; 'Vietnam's gamble: Whether or not to legalise betting', Al Jazeera, 27 January 2016, CX6A26A6E13872

²¹⁹ 'Upper Tribunal (Immigration And Asylum Chamber) Appeal Number: AA/08316/2014', Government of the United Kingdom and Northern Ireland, 1 April 2016, CIS38A80124972

²²⁰ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.16, 20191213145121

²²¹ '99 years in prison granted to black credit gang', Viet Nam News, 19 February 2020, 20200220083955

²²² '99 years in prison granted to black credit gang', Viet Nam News, 19 February 2020, 20200220083955; 'Arrests raise loan sharks higher on social agenda', Vietnam Investment Review, 12 December 2018, 20191010122619

²²³ 'Specialist police unit set up to target loan sharks in Binh Thuan', VietNamNet Bridge, 8 August 2018, CIS7B839419866

²²⁴ 'HCM City cracks down on criminal gangs, thieves', Viet Nam News, 22 October 2016, CX6A26A6E13224; '14 arrested for extorting "protection fee" from sex workers in HCMC', Thanh Nien News, 16 January 2016, CX6A26A6E13879; 'Cops in Vietnam continue to crack down on gangs of smugglers, robbers', Thanh Nien News, 19 August 2014, CX1B9ECAB12445; 'Vietnamese court sentences six to death for drug trafficking', Voice of Vietnam (VOV News), 7 June 2014, CX322895

²²⁵ 'Loan sharks cause suffering in Mekong Delta, central provinces', VietNamNet Bridge, 15 May 2018, CIS7B839419864

²²⁶ 'Loan sharks cause suffering in Mekong Delta, central provinces', VietNamNet Bridge, 15 May 2018, CIS7B839419864

²²⁷ 'Loan sharks cleaning up ahead of Tet holiday', VietNamNet Bridge, 16 January 2017, CXC9040669853

open significantly expand its services by opening new branches, creating micro-financing services in remote areas through mobile banking, and extending lending programs for the agricultural sector.²²⁸ In 2016, Vietnam, along with the rest of the Association of Southeast Asian Nations (ASEAN), made financial inclusion one of their top priorities – including the ability of people to access loans and legitimate forms of credit.²²⁹

Crime

Vietnam has relatively low violent crime rates. Violent crime rates in Vietnam are relatively low, with very little gun or knife crime.²³⁰ According to the Small Arms Survey Database on Violent Deaths, in 2018, the most recent year for which data is available, there were 1,738 violent deaths in Vietnam,²³¹ a rate of 1.8 deaths per 100,000 population.²³² By comparison, Australia has a rate of 1.0 deaths per 100,000 population, and Vietnam's neighbours Thailand, Laos and Cambodia have rates of 4.0, 8.4 and 2.2 respectively.²³³ In April 2020 the United Nations Development Program (UNDP) released Vietnam's *Public Administration Performance Index (PAPI)* for 2019. Of the 14,138 respondents surveyed for the report, 0.58 per cent said they had been subjected to physical violence by thieves or strangers.²³⁴ The same survey found that, in 2019, 97.4 per cent of respondents felt safe walking alone around the area they live during the day, and 80 per cent felt safe walking alone around the area they live during the night.²³⁵ Perceptions of safety during the day remained steady from 2016-2019, however, perceptions of safety at night rose steadily from 72 per cent in 2016 to 80 per cent in 2019.²³⁶

Organised criminal networks are a continuing problem in Vietnam. Credible sources indicate that organised gangs operate a range of illicit operations including illegal moneylending and gambling, extortion, prostitution, human trafficking, and the production, supply, distribution and import/export of illicit drugs.²³⁷ These criminal networks are mainly based in the major cities of Ho Chi Minh City and Hanoi as well as in the country's northern provinces.²³⁸ In addition to controlling local operations, some of these organisations also operate internationally and have networks that reach throughout Southeast Asia and beyond.²³⁹

Police corruption may hinder internal relocation for a person fleeing a criminal gang.

Corruption occurs at every level of the police and bribery is widespread.²⁴⁰ An academic source cited

²²⁸ 'Debunking the Informal Credit Myths: Is Credit Liberalization the Magic Solution to Loan Sharking?', Nicolas Lainez, ISEAS (Yusuf Ishak Institute Singapore), 22 October 2019, pp.3-4, 20200521211816

²²⁹ 'How to scale up financial inclusion in ASEAN countries', The World Bank, 2 March 2016, CIS38A80124973; 'Promoting financial inclusion', Nhan Dan, 05 April 2019, 20191101100907

²³⁰ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.11, 20190917095808

²³¹ 'The Small Arms Survey Database on Violent Deaths, 2018', Small Arms Survey, March 2020, 20200507101415

²³² 'The Small Arms Survey Database on Violent Deaths, 2018', Small Arms Survey, March 2020, 20200507101415

²³³ 'The Small Arms Survey Database on Violent Deaths, 2018', Small Arms Survey, March 2020, 20200507101415

²³⁴ 'The 2019 Viet Nam Governance and Public Administration Performance Index (PAPI): Measuring Citizens' Experiences', United Nations Development Program (UNDP), 28 April 2020, p.94, 20200429094650

²³⁵ 'The 2019 Viet Nam Governance and Public Administration Performance Index (PAPI): Measuring Citizens' Experiences', United Nations Development Program (UNDP), 28 April 2020, p.94, 20200429094650

²³⁶ 'The 2019 Viet Nam Governance and Public Administration Performance Index (PAPI): Measuring Citizens' Experiences', United Nations Development Program (UNDP), 28 April 2020, p.94, 20200429094650

²³⁷ 'Vietnam 2020 Crime & Safety Report: Ho Chi Minh City', Overseas Security Advisory Council (OSAC), 9 March 2020, 20200505205713; 'DEFACT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.16, 20191213145121

²³⁸ 'The organisational structure of transnational narcotics trafficking groups in Southeast Asia: a case study of Vietnam's border with Laos', Trends in Organized Crime, 14 April 2020, pp.3-4, 20200506144018; 'Vietnam 2020 Crime & Safety Report: Ho Chi Minh City', Overseas Security Advisory Council (OSAC), 9 March 2020, 20200505205713; 'Vietnam 2020 Crime & Safety Report: Hanoi', Overseas Security Advisory Council (OSAC), 09 March 2020, 20200505210105

²³⁹ 'Loan sharks feed off poor, naive workers', Viet Nam News, 11 September 2015 CXBD6A0DE18811; 'Southern Vietnamese cut deals with loan sharks at exorbitant rates', Tuoi Tre Online, 23 February 2016, CX6A26A6E9775

²⁴⁰ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.58, 20190917095808

by a UK Home Office fact-finding team states that it is possible for members of criminal gangs to find out the location of a person attempting to flee that gang by persuading police to provide the relevant information. Police at the village level are aware of who lives in their area and who is registered there.²⁴¹

Authorities are active in tackling groups involved in people trafficking but are hampered by inadequate coordination and training of officials. In recent years Vietnamese authorities have demonstrated increased efforts to eliminate people trafficking - including enacting penal code amendments, establishing a new task force to increase law enforcement efforts in vulnerable border areas, and initiating an assessment of the implementation of its national action plan by identifying more victims, expanding anti-trafficking training and awareness campaigns for officials, vulnerable communities and law enforcement.²⁴² However, efforts have been impeded by a lack of government coordination and unfamiliarity among some provincial officials with anti-trafficking law and victim protection,²⁴³ and in 2019 the US State Department assessed that the government decreased law enforcement efforts, as well as efforts to protect victims.²⁴⁴ The Ministry of Labour, Invalids and Social Affairs provides protection and reintegration support; operating 400 social protection centres through local authorities for trafficking victims.²⁴⁵

Social infrastructure

Vietnam has experienced rapid economic growth over the past 30 years, transforming itself into a lower middle-income country. Vietnam has experienced rapid economic growth over the past 30 years, with the country's Gross Domestic Product estimated to have increased by 7 per cent in 2019, one of the fastest growth rates in the region.²⁴⁶ Economic growth has been equitable, leading to a dramatic reduction in poverty and improved social outcomes.²⁴⁷ For example, between 2002 and 2018, poverty rates declined sharply from over 70 per cent to below 6 per cent.²⁴⁸ The unemployment rate has averaged 2.33 per cent from 1998 until 2019,²⁴⁹ and was approximately 2 per cent in 2019.²⁵⁰ The UNDP's Human Development Index ranked Vietnam 118 out of 189 countries in 2018, placing it in the 'medium human development' category.²⁵¹

Vietnam has an expanding if still limited social welfare system, while traditional social roles mean that families provide support for the elderly and sick. Vietnam's social welfare net has expanded in recent years, well beyond the anti-poverty program started in the 1990s.²⁵² New programs have included assistance of 2.16 million VND (AUD \$119) a year and a free health insurance card for all elderly people from the age of 80 onwards, the provision of assistance to single

²⁴¹ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.25, 20190917095808

²⁴² 'Trafficking in Persons Report 2019', United States Department of State, 20 June 2019, p.498, 20190621103235; '2017 Trafficking in Persons Report - Vietnam', US Department of State, 28 June 2018, p. 454, OGD95BE927701

²⁴³ 'Trafficking in Persons Report 2019', United States Department of State, 20 June 2019, p.498, 20190621103235; '2017 Trafficking in Persons Report - Vietnam', US Department of State, 28 June 2018, p.454, OGD95BE927701

²⁴⁴ 'Trafficking in Persons Report 2019', United States Department of State, 20 June 2019, pp.498-499, 20190621103235

²⁴⁵ 'Country Policy and Information Note - Vietnam: Opposition to the State', UK Home Office, September 2018, p.18, CIS7B839419727

²⁴⁶ 'The World Bank In Vietnam - Overview - Context', The World Bank, 27 April 2020, 20200529172847

²⁴⁷ 'The World Bank in Vietnam', The World Bank, 5 October 2018, p.1, 20190326130544

²⁴⁸ 'Vibrant Vietnam: Forging the Foundation of a High-Income Economy - Main Report', The World Bank, May 2020, p.2, 20200610092642; 'The World Bank In Vietnam - Overview - Context', The World Bank, 27 April 2020, 20200529172847

²⁴⁹ 'Vietnam Unemployment Rate 1998-2019', Trading Economics, June 2020, 20200619115555

²⁵⁰ 'Viet Nam : Statistics : Unemployment and labour underutilization', International Labour Organization (ILO), n.d., accessed 29 May 2020, 20200529201640

²⁵¹ 'Human Development Report 2019. Beyond income, beyond averages, beyond today: Inequalities in human development in the 21st century', United Nations Development Programme, United Nations Development Program (UNDP), 07 December 2019, p.301, 20191211092717

²⁵² 'Social Relations, Regional Variation, and Economic Inequality in Contemporary Vietnam: A View from Two Vietnamese Rural Communities', Luong, H V in P Taylor (ed), Connected and Disconnected in Viet Nam: Remaking Social Relations in a Post-socialist Nation, Australian National University Press, ACT, Vietnam Series, 2016, p.66, CIS38A8012636

elderly people with limited incomes and no children; and assistance to disabled people, including victims of Agent Orange.²⁵³ However, inequalities in the provision of social welfare exist.²⁵⁴ Vietnam's social insurance has also not achieved universal coverage despite a voluntary social insurance policy having been in force since 2008.²⁵⁵ In Vietnam, grown children typically provide care and support to elderly or sick parents.²⁵⁶

Vietnam has effectively contained the coronavirus pandemic. By late June 2020, Vietnam had recorded just over 350 cases and no deaths, even though it had tested far more people than most other Southeast Asian nations.²⁵⁷ When the outbreak first occurred in China in January 2020, the Vietnamese government responded quickly, becoming the first country in the region to shut down travel to and from China.²⁵⁸ When the epicentre shifted to Europe in March 2020, the government ordered a nationwide shutdown and began one of the world's largest quarantine programs for those returning from abroad.²⁵⁹ Hanoi was also swift in closing schools and nonessential business activity. Vietnam is a middle-income country with a fraction of the health care budget of other successful countries, yet its health services do not appear stretched.²⁶⁰ Vietnam's government has largely been transparent with the public during the COVID 19 crisis.²⁶¹

The coronavirus pandemic has negatively impacted Vietnam's economy and growth is expected to slow in 2020. Weaker domestic and external demand is expected to slow growth significantly, from almost 7 per cent in 2019 to 2.7 percent in 2020.²⁶² Also, as of mid-April 2020, almost five million workers had lost their jobs due to the coronavirus pandemic.²⁶³ However, as lockdown measures lift and restaurants and shops reopen, there are tentative signs of a domestic economic recovery, with retail sales and industrial production improving.²⁶⁴

Asylum seekers and returnees

²⁵³ 'Social Relations, Regional Variation, and Economic Inequality in Contemporary Vietnam: A View from Two Vietnamese Rural Communities', Luong, H V in P Taylor (ed), Connected and Disconnected in Viet Nam: Remaking Social Relations in a Post-socialist Nation, Australian National University Press, ACT, Vietnam Series, 2016, p.66, CIS38A8012636

²⁵⁴ 'Report on Human Rights in Vietnam 2019-2020', Vietnam Human Rights Network, 14 May 2020, p.68, 20200521115120; 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, pp.23-24, 20200429143402

²⁵⁵ 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, pp.23-24, 20200429143402; 'Social Welfare in Vietnam: 30 Years in Reform on and Outlook until 2030', Anh, D N, Vietnam Social Sciences Review, 8 July 2016, p.22, CIS38A80122817

²⁵⁶ 'Establishing activity centers for elderly people in metropolitan areas of Vietnam: preference and willingness-to-pay', Journal of Multidisciplinary Healthcare, 18 September 2019, p.798, 20200529222742; 'JICA and World Bank Jointly Support Vietnam to Meet Needs of Aging Population', The World Bank, 7 August 2019, 20200529221852

²⁵⁷ 'IMF COUNTRY FOCUS - Vietnam's Success in Containing COVID-19 Offers Roadmap for Other Developing Countries', Era Dabla-Norris, Anne-Marie Gulde-Wolf, and Francois Painchaud, International Monetary Fund (IMF), 29 June 2020, 20200630111518; 'Coronavirus: How 'overreaction' made Vietnam a virus success', Anna Jones, British Broadcasting Corporation (BBC), 27 May 2020, 20200527105446

²⁵⁸ 'Containing the coronavirus (COVID-19): Lessons from Vietnam', Sang Minh Le, World Bank, The, 30 April 2020, 20200501083818

²⁵⁹ 'Vietnam's Coronavirus Success Is Built on Repression', Bill Hayton and Tro Ly Ngheo, Foreign Policy, 12 May 2020, 20200514093623

²⁶⁰ 'Reopening Vietnam: How the country's improving governance helped it weather the COVID-19 pandemic', Trang (Mae) Nguyen and Edmund Malesky, Brookings Institution, The, 20 May 2020, 20200522090710; 'The Coronavirus Loosens Lips in Hanoi', David Hutt, Foreign Policy, 15 April 2020, 20200416081040

²⁶¹ 'The Coronavirus Loosens Lips in Hanoi', David Hutt, Foreign Policy, 15 April 2020, 20200416081040

²⁶² 'IMF COUNTRY FOCUS - Vietnam's Success in Containing COVID-19 Offers Roadmap for Other Developing Countries', Era Dabla-Norris, Anne-Marie Gulde-Wolf, and Francois Painchaud, International Monetary Fund (IMF), 29 June 2020, 20200630111518

²⁶³ 'Hanoians flock to draw unemployment benefits', VNExpress, 12 June 2020, 20200617102951

²⁶⁴ 'IMF COUNTRY FOCUS - Vietnam's Success in Containing COVID-19 Offers Roadmap for Other Developing Countries', Era Dabla-Norris, Anne-Marie Gulde-Wolf, and Francois Painchaud, International Monetary Fund (IMF), 29 June 2020, 20200630111518

Treatment of failed asylum seekers

Most individuals who depart Vietnam illegally, for the purpose of seeking asylum, are likely to be able to return to Vietnam without facing harm. Information suggests that returnees who have applied for asylum are not treated any differently to other returnees.²⁶⁵ While Article 120 of the Criminal Code 2015 prohibits 'organising, coercing, instigating illegal emigration for the purpose of opposing the people's government',²⁶⁶ there are no reported cases of this provision being used against asylum seekers.²⁶⁷ The government of Vietnam distinguishes between victims and perpetrators of people smuggling and as such views individuals who paid money to organisers of people smuggling operations as victims of people smuggling, not criminally liable.²⁶⁸

Individuals who depart Vietnam illegally may be subject to fines upon return or briefly detained and interviewed. Under Article 347 of the Criminal Code 2015 individuals may be fined between VND 5 million and VND 50 million (approximately AUD302-3028) or face a penalty of 6 to 36 months' imprisonment for leaving Vietnam illegally.²⁶⁹ Individuals may be fined between VND 10 million and VND 50 million for leaving Vietnam using a false passport.²⁷⁰ There are also cases of individuals being detained for short periods of time and interviewed for the purpose of people smuggling investigations.²⁷¹

Activists who return to Vietnam may face monitoring and, in some cases, imprisonment.

Activists who return to Vietnam after seeking asylum overseas may face monitoring, with high-level activists facing more monitoring than low-level activists.²⁷² People of particular interest to authorities may be required to have regular chats or 'catch ups' with officials.²⁷³ In January 2019, a Radio Free Asia blogger, Truong Duy Nhat, went missing in Thailand amid fears he had been abducted by Vietnamese agents. He later resurfaced in a Hanoi prison and authorities laid official charges in September 2019.²⁷⁴

Montagnard asylum seekers

Montagnard (ethnic minority) asylum seekers who are returned to Vietnam may face detention, beatings and close monitoring by police. Credible sources report that Vietnam has pressured Cambodia and Thailand to forcibly return Montagnard asylum seekers, and that those returned may have been detained and questioned for up to several days and closely monitored by police.²⁷⁵ The

²⁶⁵ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, pp. 43, 44, 20191213145121

²⁶⁶ 'Criminal Code, No.100/2015/QH13', The National Assembly, Socialist Republic of Viet Nam, 27 November 2015, CISEC96CF110167

²⁶⁷ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 43, 20191213145121

²⁶⁸ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 44, 20191213145121

²⁶⁹ 'Criminal Code, No.100/2015/QH13', The National Assembly, Socialist Republic of Viet Nam, 27 November 2015, CISEC96CF110167

²⁷⁰ 'Criminal Code, No.100/2015/QH13', The National Assembly, Socialist Republic of Viet Nam, 27 November 2015, CISEC96CF110167

²⁷¹ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 43, 20191213145121

²⁷² 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.31, 20190917095808

²⁷³ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.31, 20190917095808

²⁷⁴ '10 Most Censored Countries', Committee to Protect Journalists (CPJ), New York, 10 September 2019, 20190910171006; 'Unholy alliance? Southeast Asian authorities accused of trading exiled activists', Reuters, 21 June 2019, 20190624112000; 'RFA Blogger Formally Indicted in Vietnam for 'Abuse of Power'', Radio Free Asia (RFA), 17 September 2019, 20190918084723

²⁷⁵ 'Country Report on Human Rights Practices 2018 - Vietnam', US Department of State, 13 March 2019, pp.35-36, 20190314094839

government has also reportedly exerted pressure on the family members of minorities who flee to neighbouring countries.²⁷⁶ A 2015 submission referred to an individual who 'was detained by authorities for 12 days after his return and beaten' and of a group of 36 Montagnards who were held overnight by police and released the next day.²⁷⁷ A group of Montagnards returned from Cambodia in 2017 claimed that they were subject to ongoing surveillance, as well as restrictions on their ability to move freely; forced confessions admitting their error in fleeing Vietnam and filmed for subsequent broadcast on television were also alleged.²⁷⁸ In August 2018, 85 Montagnards were jailed in Thailand after being arrested during raids in Nonthaburi province.²⁷⁹ Thai immigration officials have been silent about the plans for the detained Montagnards.²⁸⁰ A spokesperson from the Montagnards Assistance Project has said that the chances of finding a country to take them in were "very low".²⁸¹ In June 2019, Cambodia returned four Montagnards to Vietnam after one asked to return to be with his family, and the others were refused refugee status.²⁸²

Suspected people smugglers

Individuals who are suspected of people smuggling activities are likely to be detained and prosecuted on return to Vietnam. Information indicates individuals suspected of people smuggling may be investigated, arrested and held in long-term detention.²⁸³ This is consistent with Article 348 of the Criminal Code 2015 which seeks to discourage people trafficking.²⁸⁴ It is also consistent with a number of reports from 2018 and 2016 that detail instances of individuals who have been prosecuted and detained for up to 3 years for organising people smuggling ventures.²⁸⁵

Relocating or leaving the country

Residence laws are applied inconsistently by local police. Under the Vietnamese Constitution, all citizens, including migrants, have equal rights, including freedom of movement and residence.²⁸⁶ However residency laws are not applied consistently, due to lack of guidance and differing interpretations of the law, which causes confusion.²⁸⁷ A 2013 law explicitly recognises the right of local

²⁷⁶ 'Freedom in the World 2019 – Vietnam', Freedom House, 2019, p.6, 20190802161239

²⁷⁷ 'Submission to the Department of Foreign Affairs and Trade: Australia - Viet Nam Human Rights Dialogue Civil Society Consultation', Amnesty International, 31 July 2015, p.7, CISEC96CF13142

²⁷⁸ 'Returned Montagnards facing intimidation, spying in Vietnam', Cambodia Daily, 3 May 2017, CX6A26A6E12344; 'Criminal Code, No.100/2015/QH13', The National Assembly. Socialist Republic of Viet Nam, 27 November 2015, CISEC96CF110167

²⁷⁹ 'Persecuted in Hanoi, locked up in Bangkok – the Montagnards, Vietnam's forgotten Christians', South China Morning Post, 4 November 2018, CXBB8A1DA37926

²⁸⁰ 'Persecuted in Hanoi, locked up in Bangkok – the Montagnards, Vietnam's forgotten Christians', South China Morning Post, 4 November 2018, CXBB8A1DA37926

²⁸¹ 'Persecuted in Hanoi, locked up in Bangkok – the Montagnards, Vietnam's forgotten Christians', South China Morning Post, 4 November 2018, CXBB8A1DA37926

²⁸² 'Montagnards' Deportation Sparks Fears about Safety', Voice of America (VOA), 30 June 2019, 20190702113623

²⁸³ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.19, 20190917095808; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 44, 20191213145121

²⁸⁴ 'Vietnamese asylum seekers forcibly returned by Australia face jail', The Guardian, 24 May 2016, CX6A26A6E4619;

'Vietnam: Drop Charges Against Boat Returnees', Human Rights Watch 2016, 24 May 2016, CX6A26A6E12344; 'Criminal Code, No.100/2015/QH13', The National Assembly. Socialist Republic of Viet Nam, 27 November 2015, CISEC96CF110167

²⁸⁵ 'Vietnam probes illegal entry into Australia on fishing boat', VNExpress, 21 November 2018, 20200619183959; 'Vietnamese "people smuggler" behind Daintree incident was only an organiser, partner says', SBS World News Australia, 26 November 2018, CXBB8A1DA39532; 'Vietnamese asylum seekers forcibly returned by Australia face jail', The Guardian, 24 May 2016, CX6A26A6E4619; 'Vietnam: Drop Charges Against Boat Returnees', Human Rights Watch 2016, 24 May 2016, CX6A26A6E12344; 'Vietnam jails four asylum seekers returned by Australia', Reuters, 27 May 2016, CX6A26A6E4618

²⁸⁶ 'Migration, Resettlement and Climate Change in Viet Nam', United Nations Viet Nam, March 2014, pp.13-14, CISA447F083168

²⁸⁷ 'Migration, Resettlement and Climate Change in Viet Nam', United Nations Viet Nam, March 2014, p.14, CISA447F083168

authorities to set their own policies regarding registration, and some cities have tightened the requirements for obtaining permanent status.²⁸⁸

Internal relocation in Vietnam is closely monitored by authorities. While relocation is common in Vietnam, with large scale urbanisation occurring in recent decades²⁸⁹, under the Household Registration System local police in Vietnam often require citizens to register when staying in or moving to any location outside of their own homes.²⁹⁰ Moving without permission can hamper individuals seeking legal residence permits, public education, and health-care benefits.²⁹¹ Due to the level of official scrutiny and monitoring in Vietnam, there are few options for people wishing to relocate internally in order to seek protection from state authorities.²⁹²

Movement across Vietnam's borders is closely monitored and broad limitations have been placed upon the right to freedom of movement. The Immigration Department of the Ministry of Public Security (MPS) is responsible for identifying and recording travellers who pass through international airports, including Vietnamese nationals.²⁹³ The MPS has total discretion to prohibit Vietnamese citizens from leaving or entering the country on the grounds of 'safeguarding national security and social order and safety'.²⁹⁴ The Vietnamese government has also imposed limitations on the movement of some activists and religious leaders, including those outspoken in their criticism of the government and political dissidents given probation or under house arrest.²⁹⁵ Dozens of individuals have been prevented from traveling overseas or entering the country, had their passports withheld on vague charges or have been refused a passport without clear explanation.²⁹⁶ Vietnamese authorities have also routinely physically prevented political activists and family members of political prisoners from meeting with foreign diplomats or from traveling abroad.²⁹⁷

²⁸⁸ 'Vietnam's Household Registration System', World Bank Group & Vietnam Academy of Social Sciences, June 2016, p.x, CIS38A80121252

²⁸⁹ 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, p.17, 20200429143402

²⁹⁰ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, pp.15-16, 20190917095808; 'No more household registration books: a move to reduce administrative burden', Vietnam Law and Legal Forum, 25 January 2018, CXBB8A1DA37045; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 42, 20191213145121

²⁹¹ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.24, 20200312104733

²⁹² 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 42, 20191213145121

²⁹³ 'Review of Vietnamese Migration Abroad, Consular Department – Ministry of Foreign Affairs of Vietnam', May 2012, p.11, CIS961F9402609

²⁹⁴ 'Q & A on the Right to Freedom of Movement in Vietnam', Civil Rights Defenders, 14 September 2015, pp.2 & 4, CISEC96CF15116

²⁹⁵ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.25, 20200312104733

²⁹⁶ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.25, 20200312104733

²⁹⁷ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.25, 20200312104733; 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.16, 20190917095808; 'Vietnam blocks Catholic priest, sister of labor activist from leaving abroad', Vietnam Human Rights Defenders, 27 June 2017, CXC9040669873



Australian Government
Department of Home Affairs

Common Claims

Vietnam

Country of Origin Information Services Section (COISS)

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Religion

Religious practice is regulated by law and official oversight, and in some instances restricted.

As with many communist regimes, exercising control over religion is viewed by the government as a priority for maintaining political stability.¹ On 1 January 2018, a new *Law on Belief and Religion*, accompanied by *Decree No162/2017/ND-CP Guidelines for Implementation of the Law on Religion and Folk Belief*,² came into effect.³ The laws require all religious groups and most individual clergy members to join a party-controlled supervisory body and obtain permission for most activities.⁴ The laws requires religious communities to register their organizations and places of worship with the government via procedures the US Commission on International Religious Freedom (USCIRF) describes as 'complicated and burdensome'.⁵ Some faith groups report that the 2018 law has hardened official attitudes, with authorities denying permission for activities and practices which had previously been permitted.⁶ There have also been reports of officials requiring registrants to submit the names of congregants, something the 2018 law does not stipulate.⁷

In other instances, the 2018 *Law on Religion and Belief* has had positive impacts, particularly for established groups. While the law places restrictions on new and unregistered groups,⁸ many formally recognised, established groups view the law as an improvement.⁹ The law has enabled such groups to register as legal entities, with associated rights including the rights to open a bank account, and has reduced waiting periods to apply for official recognition from 23 to 5 years.¹⁰ The USCIRF also reported in 2019 that some interlocutors indicated to them that authorities had generally become more tolerant of religion, with state officials prominently praising the role of religious organizations in promoting social welfare.¹¹ The law also permits religious organizations to participate in education, vocational training, healthcare and social services, a change from previous regulatory environments.¹²

The degree to which Vietnamese people can freely practice religion varies widely.

Implementation of the *Law on Religion and Belief* varies significantly across provinces.¹³ Religious groups in urban, economically developed areas are generally able to exercise their religion or belief freely and openly.¹⁴ While members of officially recognised groups are able to practise their faith without significant interference, those associated with independent organisations are less able to do

¹ *'Report on Human Rights in Vietnam 2019-2020'*, Vietnam Human Rights Network, 14 May 2020, p.51, 20200521115120

² *'Decree No162/2017/ND-CP Guidelines for Implementation of the Law on Religion and Folk Belief'*, Socialist Republic of Vietnam, December 2017, 20200806155359

³ *'Country Update: An Assessment of Vietnam's Law on Belief and Religion'*, United States Commission on International Religious Freedom (USCIRF), 21 November 2019, p.1, 20191122090923

⁴ *'Freedom in the World 2020 - Vietnam'*, Freedom House, 2020, p.6, 20200514114358

⁵ *'Country Update: An Assessment of Vietnam's Law on Belief and Religion'*, United States Commission on International Religious Freedom (USCIRF), 21 November 2019, p.1, 20191122090923

⁶ *'Country Update: An Assessment of Vietnam's Law on Belief and Religion'*, United States Commission on International Religious Freedom (USCIRF), 21 November 2019, p.3, 20191122090923

⁷ *'Country Update: An Assessment of Vietnam's Law on Belief and Religion'*, United States Commission on International Religious Freedom (USCIRF), 21 November 2019, p.2, 20191122090923

⁸ *'Country Update: An Assessment of Vietnam's Law on Belief and Religion'*, United States Commission on International Religious Freedom (USCIRF), 21 November 2019, p.3, 20191122090923

⁹ *'Country Update: An Assessment of Vietnam's Law on Belief and Religion'*, United States Commission on International Religious Freedom (USCIRF), 21 November 2019, p.1, 20191122090923

¹⁰ *'Country Update: An Assessment of Vietnam's Law on Belief and Religion'*, United States Commission on International Religious Freedom (USCIRF), 21 November 2019, p.1, 20191122090923

¹¹ *'Country Update: An Assessment of Vietnam's Law on Belief and Religion'*, United States Commission on International Religious Freedom (USCIRF), 21 November 2019, p.1, 20191122090923

¹² *'Report on Human Rights in Vietnam 2019-2020'*, Vietnam Human Rights Network, 14 May 2020, p.49, 20200521115120

¹³ *'Country Update: An Assessment of Vietnam's Law on Belief and Religion'*, United States Commission on International Religious Freedom (USCIRF), 21 November 2019, pp.1,3, 20191122090923

¹⁴ *'USCIRF 2020 Annual Report'*, United States Commission on International Religious Freedom (USCIRF), 28 April 2020, p.47, 20200429103634

so.¹⁵ The Interfaith Council – a group of independent Catholics, Lutherans, Buddhists, Cao Dai, and Hoa Hao Buddhists reported to the USCIRF in 2019 that the new law had not reduced levels of harassment they faced from authorities.¹⁶

Recognised religious groups in Vietnam who worship discretely and conform to government policies have a low risk of official interference. While reports vary, the government recognises between 38 and 42 religious organisations and one dharma practice, which are affiliated with 15 distinct religious traditions.¹⁷ These comprise Buddhism, Islam, Baha'i, Catholicism, Protestantism, Church of Jesus Christ, Hoa Hao Buddhism, Cao Dai, Buu Son Ky Huong, Tinh Do Cu Si Phat Hoi, Tu An Hieu Nghia, Phat Duong Nam Tong Minh Su Dao, Minh Ly Dao Tam Tong Mieu, Khmer Brahmanism, and Hieu Nghia Ta Lon Buddhism.¹⁸ The government only recognizes the state-run Buddhist Sangha of Vietnam.¹⁹ Catholic groups – along with Protestants, Muslims, Baha'i and Buddhist groups – are allowed to provide religious education to adherents.²⁰

Reports of repression, violence and harassment of religious activities outside state-approved religious groups are common. The Vietnamese government is suspicious of any organised group that may challenge its authority, and continues to closely monitor and disrupt the activities of unrecognised branches of various religious groups, sometimes violently.²¹ Religious groups report most harassment is committed by local or provincial authorities.²² Reports of harassment include physical assault, arrest, prosecution, monitoring, travel restrictions, property seizure, and denial of registration.²³ In 2019, the Vietnam Human Rights Network (VHRN) group listed a total of seven 'violent' incidents in which authorities targeted religious practitioners; two of these clearly involved bodily assault.²⁴ Religious followers who engage in political activism are more likely to face harassment.²⁵ A local human rights group, the VHRN, claims that police agents are trained to infiltrate Buddhist temples and other religious institutions both in Vietnam and abroad, including the United States and Australia, to cause disruption.²⁶

Christians

Christians may face barriers in education and employment. Christians employed in state institutions may face career and political barriers.²⁷ Christians have, as a rule, been denied membership in the party, the state bureaucracy and the security forces, and have not been appointed

¹⁵ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.4, 20200612161552; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.20, 20191213145121

¹⁶ 'Country Update: An Assessment of Vietnam's Law on Belief and Religion', United States Commission on International Religious Freedom (USCIRF), 21 November 2019, p.3, 20191122090923. 'Independent' in this context refers to groups who have not registered with the government in contravention of the *Law on Belief and Religion*.

¹⁷ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.4, 20200612161552 states '38' groups; 'Report on Human Rights in Vietnam 2019-2020', Vietnam Human Rights Network, 14 May 2020, p.52, 20200521115120 states '42' groups.

¹⁸ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.4, 20200612161552

¹⁹ 'Report on Human Rights in Vietnam 2019-2020', Vietnam Human Rights Network, 14 May 2020, p.53, 20200521115120

²⁰ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.20, 20200612161552

²¹ 'World Report 2020. Events of 2019', Human Rights Watch (HRW), 14 January 2020, p.638, 20200115082903; 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.25, 20190917095808

²² '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.1, 20200612161552

²³ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.1, 20200612161552

²⁴ 'Report on Human Rights in Vietnam 2019-2020', Vietnam Human Rights Network, 14 May 2020, p.54, 20200521115120

²⁵ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, pp.22, 23, 24, 20191213145121

²⁶ 'Report on Human Rights in Vietnam 2019-2020', Vietnam Human Rights Network, 14 May 2020, p.53, 20200521115120

²⁷ 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, p.24, 20200429143402

to leadership positions in schools and universities.²⁸ Party membership is in turn closely connected with employment opportunities in the public sector.²⁹ There are also restrictions on the numbers of students permitted to enrol in Catholic and also in Protestant seminaries, which church leaders say are inadequate to meet demand.³⁰

Scores of Christian ‘religious prisoners’ remain incarcerated. The VHRN lists scores of Christians it categorises as ‘religious prisoners’ in its 2020 Annual report.³¹ The vast majority of these are ethnic minority people – either Hmong or Montagnard Christians.³² Most of those imprisoned were charged with ‘undermining the unity code’.³³ Dozens of them are reportedly pastors.³⁴ In a more positive shift, authorities are reported to have begun the process of granting citizenship to Hmong and Montagnard Christians in some provinces.³⁵

Catholics

The Vietnamese government regulates the activities of Catholics. Catholics make up approximately 7.4 per cent of the population.³⁶ While the Vatican is permitted to select its own bishops and priests, these must be approved by the authorities.³⁷ Government officials have highlighted the expanding opportunities of charitable and social work by the Catholic Church.³⁸ In April 2019, authorities in Lai Chau Province denied a Catholic community permission to celebrate Easter Mass, stating that some members of the community were recent converts who were not properly registered.³⁹

Catholics in remote areas often face difficulty registering with provincial authorities. According to many Catholic bishops, congregations in remote areas with majority ethnic minority populations face difficulty registering with provincial authorities due to an inconsistent application of national laws.⁴⁰ Catholic leaders state that the most problematic regions are in the Central Highlands (Gia Lai, Dak Lak, Dak Nong, Kon Tum, and Lam Dong provinces), the Northwest Highlands, and Hoa Binh province.⁴¹ Bishops also report that authorities in remote areas have prevented or disrupted Catholic services by blocking parishioners’ access to unregistered home churches or threatening the hosts of such gatherings.⁴²

Reports vary on the status of the Red Flag Association, a pro-government group which harassed Catholics in 2017 and 2018. In 2017 and 2018 there were reports of harassment of Catholics, particularly Catholics active in political protests,⁴³ by a pro-government group called the

²⁸ ‘BTI 2018 Country Report Vietnam’, Bertelsmann Stiftung, 22 March 2018, pp.8-9, CIS7B83941599

²⁹ ‘BTI 2020 Country Report - Vietnam’, Bertelsmann Stiftung, 29 April 2020, p.25, 20200429143402

³⁰ ‘Vietnam 2018 International Religious Freedom Report’, US Department of State, 21 June 2019, p.20, 20190625113215

³¹ ‘Report on Human Rights in Vietnam 2019-2020’, Vietnam Human Rights Network, 14 May 2020, Appendix 1, pp.83-91, 20200521115120

³² ‘Report on Human Rights in Vietnam 2019-2020’, Vietnam Human Rights Network, 14 May 2020, Appendix 1, pp.83-91, 20200521115120

³³ ‘Report on Human Rights in Vietnam 2019-2020’, Vietnam Human Rights Network, 14 May 2020, Appendix 1, pp.83-91, 92, 20200521115120

³⁴ ‘Rights Group Urges Vietnam to Free Prisoners of Conscience Amid COVID-19’, International Christian Concern’ 4 June 2020, 20200807155150

³⁵ ‘Local Vietnamese Government Announces Infrastructure Plan to Aid Ethnic Minority Christians’, International Christian Concern (Persecution.org), 24 July 2020, 20200728103907

³⁶ ‘2019 Report on International Religious Freedom - Vietnam’, United States Department of State, 10 June 2020, p.2, 20200612161552

³⁷ ‘The Vatican is making headway in Hanoi. Will Beijing be next?’, Catholic Herald, 29 August 2019, 20190917154848; ‘Vietnam deal points way for China-Vatican progress’, UCA News (UCAN), 8 October 2018, 20190917155709

³⁸ ‘HCM City honours exemplary Catholics in charity work’, Viet Nam News Agency, 28 August 2018, 20190118120109

³⁹ ‘2019 Report on International Religious Freedom - Vietnam’, United States Department of State, 10 June 2020, p.11, 20200612161552

⁴⁰ ‘2019 Report on International Religious Freedom - Vietnam’, United States Department of State, 10 June 2020, p.14, 20200612161552

⁴¹ ‘2019 Report on International Religious Freedom - Vietnam’, United States Department of State, 10 June 2020, p.14, 20200612161552

⁴² ‘2019 Report on International Religious Freedom - Vietnam’, United States Department of State, 10 June 2020, p.11, 20200612161552

⁴³ ‘Report on Human Rights in Vietnam 2018-2019’, Vietnam Human Rights Network, 10 May 2019, p.25, 20190806115309

Red Flag Association.⁴⁴ Red Flag groups were highly organised and often worked closely with authorities.⁴⁵ In February 2018, members of the Red Flag Association at a primary school in Nghe An province intimidated and beat Catholic parents at a school meeting.⁴⁶ In December 2017, the group clashed violently with parishioners in Vinh Diocese, Nghe An province, over the construction of a new chapel.⁴⁷ According to the United States Committee on International Religious Freedom April 2020 report, there were no reports of attacks by Red Flag Associations in 2019.⁴⁸ However, in June 2020 the US State Department said that reports of harassment of Catholics by Red Flag groups continued, although the group reportedly disbanded in March 2018.⁴⁹

Catholic leaders have been actively involved in local political issues such as environmental protests. Catholic leaders, particularly in central Vietnam, have helped organise protests calling for stronger environmental protections, and were involved in the widespread June 2018 protests on special economic zones and the cybersecurity law.⁵⁰ Priests have also assisted parishioners in filing complaints and lawsuits against the government over the 2016 Formosa incident in which a Taiwanese company released tons of untreated chemicals into Vietnamese ocean waters, causing significant environmental and economic damage.⁵¹ In response, state-run media and pro-government blogs published highly critical material against priests who assisted activists and victims of the Formosa incident, with some priests reportedly pressured to leave their parishes.⁵² [See also: [Environmental Protests: Formosa Ha Tinh Steel Corp Toxic Spill](#)]

Protestants

The Vietnamese government controls and monitors the activities of Protestants. The government has recognised nine Protestant organisations, leaving more than 70 groups illegal.⁵³ In August 2019, the People's Court of Gia Lai Province sentenced a Degar Protestant, Rah Lan Hip, to seven years in prison for 'undermining the unity policy' by sharing multiple posts about Degar Protestantism on his Facebook account.⁵⁴ The government considers Degar Christianity to not be a separatist political movement rather than a religious group.⁵⁵

⁴⁴ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.23, 20191213145121; 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.2, 20190625113215; 'International Religious Freedom Report for 2017 - Vietnam', US Department of State, 29 May 2018, p.26, OGD95BE927542

⁴⁵ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.23, 20191213145121; 'United States Commission on International Religious Freedom Annual Report 2019', United States Commission on International Religious Freedom (USCIRF), 29 April 2019, p.136, 20190508143726

⁴⁶ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.22, 20190625113215

⁴⁷ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.23, 20191213145121; 'International Religious Freedom Report for 2017 - Vietnam', US Department of State, 29 May 2018, p.26, OGD95BE927542

⁴⁸ 'USCIRF 2020 Annual Report', United States Commission on International Religious Freedom (USCIRF), 28 April 2020, p.47, 20200429103634

⁴⁹ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.11, 20200612161552

⁵⁰ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.13, 20190625113215

⁵¹ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.13, 20190625113215; 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, p.26, 20200429143402

⁵² 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.13, 20190625113215

⁵³ 'Report on Human Rights in Vietnam 2019-2020', Vietnam Human Rights Network, 14 May 2020, p.53, 20200521115120

⁵⁴ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.9, 20200612161552

⁵⁵ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.9, 20200612161552

Particular social groups

Women

Domestic violence against women in Vietnam is common. Exact statistics are difficult to obtain due to victims' frequent reluctance to approach authorities,⁵⁶ but in November 2019 the Women's Union reported that at least 58 per cent of married women were worried about domestic violence on a daily basis and 87 per cent did not seek help.⁵⁷ Of approximately 1.4 million divorce cases processed by local courts between 2008 and 2018, about 1 million, or 77 per cent, involved domestic violence.⁵⁸ Domestic violence against women is most prevalent in rural areas where a range of circumstances, such as economic difficulties, family conflicts, addiction and a lack of understanding among women of their rights exacerbate the problem.⁵⁹ Social stigma prevents many survivors from coming forward due to fear of harassment from their spouses or family.⁶⁰

Domestic violence is criminalised in Vietnam, and there are avenues of redress available to victims. Vietnamese law criminalises rape – including spousal rape – and prohibits violence or threats against women.⁶¹ Rapists are subject to prison terms of up to 15 years in severe cases.⁶² Authorities prosecute rape cases but do not release arrest, prosecution, conviction, or punishment statistics.⁶³ Vietnamese law also outlines acts that constitute domestic violence and stipulates punishments, ranging from warnings and probation to imprisonment,⁶⁴ although the authorities treat domestic violence cases as civil cases unless the victim suffers injuries to more than 11 per cent of their body.⁶⁵ Police generally seek to initiate a process of reconciliation between the victim and perpetrator for less serious cases of domestic violence,⁶⁶ which credible sources indicate favours men over women and can leave a victim without access to effective legal remedy.⁶⁷ Victims and the police can initiate criminal investigations into more serious incidents.⁶⁸ Authorities, with the help of

⁵⁶ 'Vietnam's social mores make it more difficult to fight domestic violence', VNExpress, 20 September 2019, 20190924140401; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.31, 20191213145121

⁵⁷ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.29, 20200312104733

⁵⁸ 'Vietnam's social mores make it more difficult to fight domestic violence', VNExpress, 20 September 2019, 20190924140401

⁵⁹ 'Consideration of reports submitted by States parties under article 18 of the Convention: Seventh and eighth periodic reports of States parties due in 2011: Viet Nam', UN Committee on the Elimination of Discrimination against Women, 13 December 2014, pp.67-68, CIS2F827D91319

⁶⁰ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.29, 20200312104733; 'Vietnam's social mores make it more difficult to fight domestic violence', VNExpress, 20 September 2019, 20190924140401

⁶¹ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.28, 20200312104733

⁶² 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, pp.28-29, 20200312104733

⁶³ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.29, 20200312104733

⁶⁴ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.29, 20200312104733; 'Country Profile - Social Institutions and Gender Index - Viet Nam', Social Institutions and Gender Index (SIGI), 2019, p.4, 20190820172336

⁶⁵ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.29, 20200312104733

⁶⁶ 'Country Profile - Social Institutions and Gender Index - Viet Nam', Social Institutions and Gender Index (SIGI), 2019, p.5, 20190820172336; 'Assessment of the situation of women in the criminal justice system in Viet Nam. In support of the Government's efforts towards Effective Gender Equality in the Criminal Justice System', United Nations Office on Drugs and Crime, July 2013, p.19, CIS36DE0BB2142

⁶⁷ 'Compilation on Viet Nam: Report of the Office of the United Nations High Commissioner for Human Rights', United Nations Human Rights Council, 15 November 2018, p.9, 20190723115431

⁶⁸ 'Freedom in the World 2020 - Vietnam', Freedom House, 2020, p.9, 20200514114358; 'Assessment of the situation of women in the criminal justice system in Viet Nam. In support of the Government's efforts towards Effective Gender Equality in the Criminal Justice System', United Nations Office on Drugs and Crime, July 2013, p. 19, CIS36DE0BB2142

international and local non-government organisations, train police, lawyers, community advocates and legal system officials in laws related to domestic violence.⁶⁹

Support services

The Vietnamese government and NGOs provide support services to victims of domestic violence. Support services include crisis centres, hotlines, and “trusted addresses” which enable women to seek assistance from another family.⁷⁰ Domestic violence rapid response teams have been established with the support of the United Nations,⁷¹ while judicial officers and legal aid centres are available to victims.⁷² By 2013, Vietnam had developed 10 shelters nationwide that provide women and girls with access to health-care services, counselling, education, vocational and life skills training.⁷³ Authorities, with the help of international and local non-government organisations, continue to support workshops and seminars that aim to educate women and men about domestic violence and women’s rights, as well as seeking to highlight the problem through public awareness campaigns.⁷⁴

The Vietnam Women’s Union provides support services to victims of domestic violence. The Women’s Union provides training to ‘trusted households’ to provide victims with legal counsel, clothing, first aid, medicine, and telephone cards.⁷⁵ Trusted households are private homes that women can go to if they are unable to seek overnight shelter elsewhere.⁷⁶ The Center for Women and Development, supported by the Women’s Union, operates a nationwide domestic violence hotline, although this is not widely advertised in rural areas.⁷⁷ The Center also runs three shelters for female victims of domestic violence and trafficking – two in Hanoi known as ‘Peace House’, and one in Can Tho.⁷⁸ ‘Peace House’ provides children and women who are affected by domestic violence with counselling services, vocational training, and social programs.⁷⁹

Forced/early marriage

Forced or consensual marriage with an underage person is prohibited in Vietnam. The legal minimum age of marriage is 18 for girls and 20 for boys.⁸⁰ However, there are reports that child

⁶⁹ ‘Country Reports on Human Rights Practices for 2019 – Vietnam’, United States Department of State, 11 March 2020, p.29, 20200312104733

⁷⁰ ‘DFAT Country Information Report Vietnam’, Department of Foreign Affairs and Trade, 13 December 2019, pp.31-32, 20191213145121

⁷¹ ‘Viet Nam establishes Rapid Response Forces against domestic violence’, United Nations Office on Drugs and Crime, 1 January 2015, CXBD6A0DE19214

⁷² ‘Access to Justice in the Plural Legal System in Viet Nam: A Case Study of Women Domestic Violence Survivors’, UN Women, 2015, p.57-58, CISEC96CF15250

⁷³ ‘Consideration of reports submitted by States parties under article 18 of the Convention: Seventh and eighth periodic reports of States parties due in 2011: Viet Nam’, UN Committee on the Elimination of Discrimination against Women, 13 December 2014, pp.67-68, CIS2F827D91319

⁷⁴ ‘Country Reports on Human Rights Practices for 2019 – Vietnam’, United States Department of State, 11 March 2020, p.29, 20200312104733

⁷⁵ ‘DFAT Country Information Report Vietnam’, Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121

⁷⁶ ‘DFAT Country Information Report Vietnam’, Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121

⁷⁷ ‘DFAT Country Information Report Vietnam’, Department of Foreign Affairs and Trade, 13 December 2019, p.31, 20191213145121

⁷⁸ ‘DFAT Country Information Report Vietnam’, Department of Foreign Affairs and Trade, 13 December 2019, p.31, 20191213145121

⁷⁹ ‘Third periodic report submitted by Vietnam under article 40 of the Covenant’, United Nations Human Rights Office of the High Commissioner, 9 January 2018, CIS7B839419944; ‘Social activities of the Center for Women and Development’, Center for Women and Development, n.d. [Accessed 16 October 2018], CIS7B839419862

⁸⁰ ‘Country Reports on Human Rights Practices for 2019 – Vietnam’, United States Department of State, 11 March 2020, p.32, 20200312104733

marriage still occurs in rural areas of Quang Nam Province, with pregnant girls as young as 14 pressured into marriage by family.⁸¹ Approximately 10-11 per cent of girls under 18 are married.⁸²

LGBTI

Vietnam has progressively liberalised laws around same-sex conduct in recent-years. In recent years the government has amended legislation to increase recognition of LGBTI rights and in 2013 removed consensual same-sex relationships from the country's list of forbidden relationships.⁸³ In 2015, the government repealed a ban on same-sex marriage.⁸⁴ In addition to legal rights, the government has introduced targeted medical services; for example, in January 2019, the Binh Dan Hospital in Saigon opened Vietnam's first clinic catering specifically to members of the LGBTI community.⁸⁵ However, while same-sex sexual conduct is legal, there are no laws to prohibit discrimination on the basis of sexual orientation or gender identity.⁸⁶ Also, while same-sex marriage is not banned, same-sex marriages are not officially recognised.⁸⁷

Transgender people who have undergone sex re-assignment surgery can register their new status. Article 37 of the revised *Civil Code*, which came into effect in 2017, contains new provisions legalising transgender rights – including the right to change their sex, access health care and change their gender identity on official documents if they have undergone sex re-assignment surgery.⁸⁸ Advocates have criticised the requirement for sex re-assignment surgery as not all transgender people wish to undergo surgery, and the surgery is expensive and not covered under the national health insurance scheme for transgender people.⁸⁹

Vietnam increasingly accepts the rights of LGBTI people. The government does not consider LGBTI issues to be politically sensitive.⁹⁰ Numerous civil society organisations advocating for LGBTI rights have emerged in recent years.⁹¹ Vietnam's first pride rally took place in 2012,⁹² and has become an annual event.⁹³ Authorities have allowed pride marches and gatherings to go ahead despite not being registered.⁹⁴ In 2019 numerous pride parades and events were held throughout the

⁸¹ 'Child marriage remains the norm in central mountains', Dac Thanh, VNExpress, 21 August 2019, 20190822090141

⁸² 'Country Profile - Social Institutions and Gender Index - Viet Nam', Social Institutions and Gender Index (SIGI), 2019, p.1, 20190820172336; 'Viet Nam - Child Marriage', Girls Not Brides, n.d., accessed 16 June 2020, 20200616170159

⁸³ "'My Teacher Said I Had a Disease': Barriers to the Right to Education for LGBT Youth in Vietnam', Human Rights Watch, 12 February 2020, p.1, 20200214091242

⁸⁴ "'My Teacher Said I Had a Disease': Barriers to the Right to Education for LGBT Youth in Vietnam', Human Rights Watch, 12 February 2020, p.1, 20200214091242; 'Freedom in the World 2018 – Vietnam', Freedom House, 5 April 2018, NGE0867A684

⁸⁵ 'Vietnam's first LGBT-friendly clinic provides relief from illness and prejudice', VNExpress, 29 January 2019, 20190130103506

⁸⁶ 'Freedom in the World 2019 – Vietnam', Freedom House, 02 August 2019, p.6, 20190802161239

⁸⁷ "'My Teacher Said I Had a Disease': Barriers to the Right to Education for LGBT Youth in Vietnam', Human Rights Watch, 12 February 2020, p.1, 20200214091242; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121

⁸⁸ 'LGBT rights: Vietnam recognises transgender people, but there's a flaw in its law', Sen Nguyen, South China Morning Post, 21 June 2019, 20190814134558; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.33, 20191213145121

⁸⁹ "'My Teacher Said I Had a Disease': Barriers to the Right to Education for LGBT Youth in Vietnam', Human Rights Watch, 12 February 2020, p.1, 20200214091242; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.33, 20191213145121

⁹⁰ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121

⁹¹ 'Being LGBT in Asia – Vietnam country report', USAID & UNDP, August 2014, p.21, CX324893

⁹² 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121

⁹³ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121; 'Love in the air at gay pride parade in Ho Chi Minh City', Tuoi Tre Online, 25 September 2017, CXC90406620464

⁹⁴ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.28, 20190917095808

country.⁹⁵ Mainstream Vietnamese media – which is controlled by the government – increasingly promotes the view that being gay is normal.⁹⁶ LGBT-friendly spaces, including coffee shops and art spaces, exist in Hanoi and Ho Chi Minh City.⁹⁷ However, places to meet on a day-to-day basis remain limited and many Vietnamese LGBTI people remain discreet in expressing their sexuality.⁹⁸ Information and support networks are limited at the provincial level.⁹⁹

Despite increased tolerance by the government, discrimination against LGBTI people remains widespread in Vietnamese society. Societal discrimination and stigma against LGBTI people remains widespread and is worst towards transgender people.¹⁰⁰ Discrimination is most pervasive in schools, health care and the work place, although it also occurs within some families.¹⁰¹ The belief that same-sex attraction is a diagnosable, treatable, and curable mental health condition is common.¹⁰² Violence against LGBTI people is much less common than other forms of discrimination, such as verbal insults and online abuse.¹⁰³ LGBTI people often choose not to report incidents of discrimination or violence to police because they perceive it as commonplace, do not believe it will be adequately resolved or fear embarrassment.¹⁰⁴

Political Opinion

While membership of the Vietnamese Communist Party (CPV) remains beneficial for career advancement, it is no longer essential for success. Vietnam is a single-party regime, commonly described as 'authoritarian'.¹⁰⁵ Party membership remains a prerequisite to career advancement for nearly all government and government-linked organisations and businesses, with leadership positions and opportunities for promotion reserved for those who demonstrate political loyalty.¹⁰⁶ Recent economic reforms have provided greater opportunities for non-CPV members, and increasingly young Vietnamese no longer see membership of the party as key to economic and social success, particularly with the increasing availability and attractiveness of careers in the private sector.¹⁰⁷ The

⁹⁵ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121; 'LGBT members join pride parade in Ho Chi Minh City', Tuoi Tre Online, 15 September 2019, 20200227102119

⁹⁶ 'Gay Vietnam', Travel Gay Asia, n.d., accessed 3 July 2017, CISED50AD4725

⁹⁷ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121

⁹⁸ 'Gay Vietnam', Travel Gay Asia, n.d., (accessed 3 July 2017), CISED50AD4725; Gay Hanoi, Travel Gay Asia, n.d., (accessed 3 July 2017), CISED50AD4726; Travel & Resources: HO CHI MINH CITY – SAIGON, Utopia, n.d. (accessed 3 July 2017), CISED50AD4728

⁹⁹ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121

¹⁰⁰ 'Freedom in the World 2020 - Vietnam', Freedom House, 2020, p.9, 20200514114358; "Is it because I am LGBT?" Discrimination based on sexual orientation in Viet Nam', UNDP, 21 June 2016, p.14, CIS38A80124354; 'Transgender at work. Livelihoods for transgender people in Vietnam', Hoang T-A and Oosterhoff, P, Institute of Development Studies, February 2016, pp.4, 15, CIS38A80128087

¹⁰¹ "My Teacher Said I Had a Disease": Barriers to the Right to Education for LGBT Youth in Vietnam', Human Rights Watch, 12 February 2020, p.1, 20200214091242; 'Being LGBT in Asia – Vietnam country report', USAID & UNDP, August 2014, pp.27-31, CX324893; "Is it because I am LGBT?" Discrimination based on sexual orientation in Viet Nam', UNDP, 21 June 2016, p.14, CIS38A80124354

¹⁰² "My Teacher Said I Had a Disease": Barriers to the Right to Education for LGBT Youth in Vietnam', Human Rights Watch, 12 February 2020, pp.2, 13-14, 20200214091242

¹⁰³ "Is it because I am LGBT?" Discrimination based on sexual orientation in Viet Nam', UNDP, 21 June 2016, p.18, CIS38A80124354

¹⁰⁴ "Is it because I am LGBT?" Discrimination based on sexual orientation in Viet Nam', UNDP, 21 June 2016, p.97, CIS38A80124354

¹⁰⁵ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.1, 20200312104733

¹⁰⁶ 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, p.24, 20200429143402

¹⁰⁷ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.25, 20191213145121; 'Vietnam's Divide: Slow Healing, Fewer Prospects for Children of U.S. Allies', Bloomberg, 24 December 2015, CXBD6A0DE19603

CPV continues to deny membership to individuals whose parents – or the parents of their spouse – worked for the former South Vietnamese regime.¹⁰⁸

Freedom of expression

While ‘re-education camps’ ceased operation in Vietnam in the 1990s, mechanisms still remain for detaining and silencing political dissidents. Mechanisms to suppress and silence include house arrest, administrative detention or prison sentences, along with the regular movement of dissidents throughout the detention network to isolate them from family and support networks and other detainees.¹⁰⁹ Police routinely detain or place activists under house arrest to prevent them from participating in meetings and protests, or to attend trials of fellow activists.¹¹⁰

The Vietnamese government suppresses political expression and protest. Authorities arrested at least 23 people on speech-related grounds in 2019.¹¹¹ Defend the Defenders, a local human rights organisation, has identified 242 current prisoners of conscience.¹¹² Those arrested include bloggers, lawyers, unionists, land rights activists, political dissidents, and followers of non-registered minority religions, with many charged under vague provisions of the 2015 penal code (which took effect in 2018) such as ‘making, storing, disseminating or propagandizing materials and products that aim to oppose the State of the Socialist Republic of Vietnam’, ‘disrupting national security’ or ‘abusing democratic freedom to violate the interests of the state.’¹¹³ The Government has used specific laws to curb dissent, such as Article 109 of the Penal Code (“overthrowing the State”), Article 117 (“conducting propaganda against the State”) and Article 331 (“abusing rights to democracy and freedom to infringe upon the interests of the State”), all of which in practice take precedence over constitutionally enshrined rights.¹¹⁴ These offences carry penalties of prison sentences of six months to 20 years, life imprisonment or capital punishment.¹¹⁵ DFAT is not aware of any recent cases of the death penalty being applied for political activities.¹¹⁶

The government has harassed independent publishers, journalists and students. In 2019 authorities harassed an independent publisher, Liberal Publishing House, by confiscating books, questioning at least 100 people, searching homes and detaining and torturing a person who helped deliver books.¹¹⁷ Since November 2019, authorities have also arrested four members of the Independent Journalists Association of Vietnam.¹¹⁸ University authorities have been told by the Ministry of Public Security to expel activists from their universities;¹¹⁹ while there have been reports

¹⁰⁸ ‘DFAT Country Information Report Vietnam’, Department of Foreign Affairs and Trade, 13 December 2019, para.3.46, p.25, 20191213145121

¹⁰⁹ ‘Human Rights in Asia-Pacific: Review of 2019’, Amnesty International, 29 January 2020, pp.65-66, 20200130115738

¹¹⁰ ‘World Report 2020. Events of 2019’, Human Rights Watch (HRW), 14 January 2020, p.636, 20200115082903

¹¹¹ ‘Human Rights in Asia-Pacific: Review of 2019’, Amnesty International, 29 January 2020, p.65, 20200130115738

¹¹² ‘Defend the Defenders’ Latest Statistics: Vietnam Holds 242 Prisoners of Conscience’, vietnamhumanrightsdefenders (Defend the Defenders), 01 April 2020, 20200403092023

¹¹³ ‘Defend the Defenders’ Latest Statistics: Vietnam Holds 242 Prisoners of Conscience’, vietnamhumanrightsdefenders (Defend the Defenders), 01 April 2020, 20200403092023; ‘Prisoners of Conscience in Viet Nam’, Amnesty International, 13 May 2019, p.3, 20190514144113

¹¹⁴ ‘DFAT Country Information Report Vietnam’, Department of Foreign Affairs and Trade, 13 December 2019, p.25, 20191213145121

¹¹⁵ ‘DFAT Country Information Report Vietnam’, Department of Foreign Affairs and Trade, 13 December 2019, p.25, 20191213145121

¹¹⁶ ‘DFAT Country Information Report Vietnam’, Department of Foreign Affairs and Trade, 13 December 2019, p.36, 20191213145121

¹¹⁷ ‘Human Rights in Asia-Pacific: Review of 2019’, Amnesty International, 29 January 2020, p.65, 20200130115738

¹¹⁸ ‘Vietnam: Crackdown on Peaceful Dissent Intensifies’, Human Rights Watch, 19 June 2020, 20200623141201; ‘Arrests, Suspension of Vietnam Media Signal Crackdown’, Voice of America (VOA), 18 June 2020, 20200619091437

¹¹⁹ ‘Country Reports on Human Rights Practices for 2019 – Vietnam’, United States Department of State, 11 March 2020, p.22, 20200312104733

that university students who participated in human rights advocacy have been prevented from graduating.¹²⁰

Tolerance of dissent is likely to worsen in the lead up to the January 2021 CPV Congress.

Reports suggest that Vietnam's already low tolerance of dissent has deteriorated sharply in 2020 with a spate of arrests of independent journalists and Facebook personalities.¹²¹ Activists indicate that the situation is likely to decline further in the run-up to the ruling Communist Party congress in January 2021.¹²² For example, a court in Vietnam's Ho Chi Minh City in late July 2020 imposed prison terms of two and a half to six years on a group of eight activists convicted of planning protests on Vietnam's National Day in September 2018.¹²³

The government regulates the exit and entry of individuals who openly express anti-government views.

Several individuals considered to be political dissidents or activists, or their family members, have been prevented from leaving or returning to Vietnam, or have had passports confiscated or withheld on often vague or unexplained grounds.¹²⁴ In March 2019, police stopped Bui Kim Phuong, wife of political prisoner Nguyen Bac Truyen, from leaving Vietnam for Singapore.¹²⁵ In June 2019, police barred environmental activist Cao Vinh Thinh from travelling to Thailand.¹²⁶ In March 2018, at Hanoi Noi Bai airport authorities denied exit permission to a student who was traveling to study overseas due to his involvement in Formosa-related protests.¹²⁷ In May 2017, police stopped Polish-Vietnamese activist Phan Chau Thanh from entering Vietnam, while in June 2017, the authorities stopped former political prisoner Do Thi Minh Hanh from leaving for Austria to visit her ill mother.¹²⁸ The same month, Vietnamese authorities stripped former political prisoner Pham Minh Hoang of his citizenship and deported him to France.¹²⁹ In January 2020, a female human rights activist was exiled to the United States immediately upon her release from prison.¹³⁰ She was the fourth political prisoner since 2018 to exchange early release for exile overseas.¹³¹

Pro-democracy activists

The government considers opposition pro-democracy groups such as Viet Tan to be terrorist organisations. As political opposition parties are illegal within Vietnam,¹³² opposition parties are typically based overseas to avoid harassment, arrest and detention.¹³³ The Vietnam Reform Revolutionary Party (or Viet Tan) is a US-based opposition group with an active branch in Australia

¹²⁰ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.22, 20200312104733; 'Freedom in the World 2019 - Vietnam', Freedom House, 02 August 2019, 20190802161239

¹²¹ 'Eight Vietnamese Democracy Activists Given Long Terms in Prison', Radio Free Asia (RFA), 31 July 2020, 20200803123006

¹²² 'Eight Vietnamese Democracy Activists Given Long Terms in Prison', Radio Free Asia (RFA), 31 July 2020, 20200803123006

¹²³ 'Eight Vietnamese Democracy Activists Given Long Terms in Prison', Radio Free Asia (RFA), 31 July 2020, 20200803123006

¹²⁴ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.25, 20200312104733; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.42, 20191213145121

¹²⁵ 'World Report 2020. Events of 2019', Human Rights Watch (HRW), 14 January 2020, p.636, 20200115082903

¹²⁶ 'World Report 2020. Events of 2019', Human Rights Watch (HRW), 14 January 2020, p.636, 20200115082903

¹²⁷ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 23, 20190314094839

¹²⁸ 'Country Policy and Information Note – Vietnam: Opposition to the State', UK Home Office, September 2018, p.17, CIS7B839419727

¹²⁹ 'Human Rights Watch World Report 2018', Human Rights Watch, 18 January 2018, p.628, NGED867A63

¹³⁰ 'Interview with Former Political Prisoner Tran Thi Nga About Effects of Prison on Women and Children', The 88 Project, 10 June 2020, 20200807142948

¹³¹ 'Interview with Former Political Prisoner Tran Thi Nga About Effects of Prison on Women and Children', The 88 Project, 10 June 2020, 20200807142948

¹³² 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.9, 20190917095808

¹³³ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.9, 20190917095808; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.25, 20191213145121

that advocates for democracy in Vietnam.¹³⁴ In 2016, the government declared Viet Tan a terrorist organisation and stated that anyone involved with the group would be considered an accomplice in terrorism.¹³⁵ Other foreign-based opposition groups including the Brotherhood for Democracy, who campaign for human rights and democracy in Vietnam¹³⁶ and who are reported to have links to Viet Tan, have been accused of activities aimed at overthrowing the government.¹³⁷ In November 2019, Chau Van Kham, a Vietnamese/Australian dual citizen and a member of Viet Tan, was sentenced to twelve years' imprisonment after being convicted of 'engaging in terrorist activities to oppose the government' (Article 113.2 of the Penal Code)¹³⁸ and in March 2020 lost his appeal against his 12-year prison sentence for 'financing terrorism'.¹³⁹ Chau Van Kham entered Vietnam on a false identity and was arrested in Ho Chi Minh City whilst meeting with a member of the Brotherhood for Democracy.¹⁴⁰

Protests

Public protests and gatherings are regulated by authorities, with restrictions on political events. The law requires people wishing to gather in a group to apply for a permit from local authorities.¹⁴¹ However, in practice, only those arranging publicised gatherings to discuss sensitive matters appear to require permits.¹⁴² Permits can be denied without explanation, and the government generally does not allow demonstrations seen to be anti-government or political.¹⁴³ Despite legal restrictions and threats of crackdown by the police, Vietnamese citizens continue to express their views through numerous protests.¹⁴⁴

Activist groups seeking to exercise their freedom of expression or association may experience harassment, surveillance, restrictions on their movement, short-term detention and physical attack. Attacks on rights campaigners have taken place in many regions of Vietnam.¹⁴⁵ In July 2019, plainclothes agents and government supporters attacked approximately 20 human rights activists and relatives of political prisoners who were attempting to visit a prison in Nghe An province.¹⁴⁶ In January 2019, unidentified men abducted anti-corruption campaigner Ha Van Nam and drove him around in a van while beating him, before dropping him outside a hospital with two broken ribs.¹⁴⁷ In August 2018, security agents brutally beat rights activists Pham Doan Trang, Nguyen Tin, and Nguyen Dang Cao

¹³⁴ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.25, 20191213145121

¹³⁵ 'Vietnam declares San Jose-based Viet Tan a terrorist group', Associated Press (AP), 7 October 2016, CX6A26A6E11016

¹³⁶ 'Vietnam: Drop Charges Against Rights Campaigner', Human Rights Watch (HRW), 10 September 2018, CXBB8A1DA35489

¹³⁷ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.25, 20191213145121

¹³⁸ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.26, 20191213145121

¹³⁹ 'Effectively a death sentence': Australian retiree imprisoned in Vietnam loses final appeal', Special Broadcasting Service (SBS), 03 March 2020, 20200303091219

¹⁴⁰ 'Jailed Australian democracy activist has 'disappeared' inside Vietnam's prison system', Ben Doherty, The Guardian, 7 June 2020, 20200609094102; 'Effectively a death sentence': Australian retiree imprisoned in Vietnam loses final appeal', Special Broadcasting Service (SBS), 3 March 2020, 20200303091219

¹⁴¹ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.22, 20200312104733

¹⁴² 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.22, 20200312104733

¹⁴³ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.22, 20200312104733

¹⁴⁴ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.8, 20191213145121

¹⁴⁵ 'World Report 2020. Events of 2019', Human Rights Watch (HRW), 14 January 2020, pp.635-636, 20200115082903; 'No Country for Human Rights Activists: Assaults on Bloggers and Democracy Campaigners in Vietnam', Human Rights Watch, 18 June 2017, p.2, CISED50AD4751

¹⁴⁶ 'World Report 2020. Events of 2019', Human Rights Watch (HRW), 14 January 2020, p.636, 20200115082903; 'Plainclothes police attack activists and relatives of political prisoners in Nghệ An', Asia News IT, 15 July 2019, 20190820143746

¹⁴⁷ 'World Report 2020. Events of 2019', Human Rights Watch (HRW), 14 January 2020, pp.635-636, 20200115082903

Dai after a raid on a concert in Ho Chi Minh City.¹⁴⁸ In June and July 2018 in Lam Dong province, unidentified men threw rocks and a handmade incendiary device into the house of a labour activist and former political prisoner, Do Thi Minh Hanh.¹⁴⁹ A June 2017 report highlighted 36 incidents in which men in civilian clothes attacked activists between January 2015 and April 2017, often resulting in serious injuries.¹⁵⁰ Credible sources state that the use of these plain-clothes ‘thugs’, many of whom likely work for a government security agency, rose in 2017 and has in some instances allowed the government to distance itself from the acts of violence.¹⁵¹

Anti-government protests

Anti-government protests are not tolerated by authorities. Individuals and groups who protest against the Government or openly criticise the Communist Party are likely to attract adverse attention from authorities, experience police intimidation or harassment, or see their protests shut down, sometimes with the use of physical force.¹⁵² In June 2018, there was a string of large demonstrations across Vietnam in protest against a new cybersecurity law and a draft law on special economic zones.¹⁵³ Authorities responded by arresting and imprisoning hundreds of those involved.¹⁵⁴ For example, in July 2018 a court in southern Vietnam jailed 15 individuals for their involvement in protest activity,¹⁵⁵ while days earlier 10 people received prison terms of up to three-and-a-half years in central Binh Thuan province.¹⁵⁶ Individual petitioners seeking government action in relation to their land use rights have also been attacked or jailed.¹⁵⁷

Online protests

Vietnamese authorities have jailed a number of well-known bloggers who posted material critical of the government. In 2019, Vietnam put on trial at least 14 online activists for ‘making, storing, disseminating or propagandizing information, materials and products that aim to oppose the State of the Socialist Republic of Vietnam.’¹⁵⁸ Sentences ranged from five to nine years in prison.¹⁵⁹ In September 2019, police arrested pro-democracy activist Nguyen Quoc Duc Vuong for Facebook postings which included support for democracy and criticism of government corruption.¹⁶⁰ Similarly, in 2018 Vietnam put on trial at least 12 people, including blogger Ho Van Hai, for conducting propaganda against the state,¹⁶¹ with sentences ranging from 4 to 12 years in prison.¹⁶²

A new cyber security law came into force in January 2019, giving the government greater surveillance and censorship powers. Under the new cyber security law, introduced on 1 January 2019, service providers are required to take down offending content within 24 hours, while internet

¹⁴⁸ ‘Human Rights Watch World Report 2019’, Human Rights Watch (HRW), 17 January 2019, p. 656, 20190118091502

¹⁴⁹ ‘Human Rights Watch World Report 2019’, Human Rights Watch (HRW), 17 January 2019, p. 656, 20190118091502

¹⁵⁰ ‘No Country for Human Rights Activists: Assaults on Bloggers and Democracy Campaigners in Vietnam’, Human Rights Watch, 18 June 2017, p.2, CISED50AD4751

¹⁵¹ ‘World Report 2020. Events of 2019’, Human Rights Watch (HRW), 14 January 2020, p.635, 20200115082903; ‘Australia - Vietnam Human Rights Dialogue - Human Rights Watch Submission - June 2019’, Human Rights Watch (HRW), 01 June 2019, p.1, 20190828092550; ‘United States Commission on International Religious Freedom Annual Report 2018’, US Commission on International Religious Freedom, 25 April 2018, p.123, CIS7B83941863

¹⁵² ‘Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019’, UK Home Office, 9 September 2019, pp.9-10, 20190917095808; ‘DFAT Country Information Report Vietnam’, Department of Foreign Affairs and Trade, 13 December 2019, p.27, 20191213145121

¹⁵³ ‘Vietnam: a month of mass protests’, Lowy Interpreter (The Interpreter), 27 June 2018, CXBB8A1DA30346

¹⁵⁴ ‘Vietnam: Investigate Police Response to Mass Protests’, Human Rights Watch (HRW), 15 June 2018, CXBB8A1DA30048

¹⁵⁵ ‘Vietnamese court imprisons peaceful demonstrators’, UCA News (UCAN), 1 August 2018, CXBB8A1DA32816

¹⁵⁶ ‘Vietnam jails 10 more for protests over economic zones’, Reuters, 23 July 2018, CXBB8A1DA32143

¹⁵⁷ ‘Vietnam jails activist a second time for “public disorder”’, Reuters, 20 September 2016 CX6A26A6E11373; ‘Country Reports on Human Rights Practices for 2017 – Vietnam’, 20 April 2018, p.22, OGD95BE927332; ‘Freedom in the World 2017 – Vietnam’, Freedom House, 4 September 2017, NG2A465F593; ‘Vietnamese Land-Rights Petitioner Receives 18-Month Prison Term’, Radio Free Asia, 29 September 2015, CXBD6A0DE15108

¹⁵⁸ ‘World Report 2020. Events of 2019’, Human Rights Watch (HRW), 14 January 2020, p.635, 20200115082903

¹⁵⁹ ‘World Report 2020. Events of 2019’, Human Rights Watch (HRW), 14 January 2020, p.635, 20200115082903

¹⁶⁰ ‘Vietnam: New Arrest for Facebook Postings’, Human Rights Watch (HRW), 07 October 2019, 20191009100222

¹⁶¹ ‘Human Rights Watch World Report 2019’, Human Rights Watch (HRW), 17 January 2019, pp. 655-656, 20190118091502

¹⁶² ‘Human Rights Watch World Report 2019’, Human Rights Watch (HRW), 17 January 2019, p. 656, 20190118091502

companies are required to disclose user data to authorities.¹⁶³ The law prohibits people from 'distorting history, denying revolutionary achievements, destroying the national solidarity block' and 'providing false information, causing confusion amongst the Citizens, [and] causing harm to socioeconomic activities.'¹⁶⁴ Both Google and Facebook have taken down content and removed accounts at the request of the government.¹⁶⁵ For example, in January 2019 Google removed 5,000 YouTube videos authorities claimed were slanderous and defamatory of Vietnamese leaders.¹⁶⁶ The government employs a 10,000-strong military unit known as 'Force 47' to monitor online media content and influence public opinion online.¹⁶⁷

Despite online censorship, social media platforms are widely used. In a country where independent media is suppressed, the Internet has been a place for people to express their political views.¹⁶⁸ Social media platforms such as Facebook are widely used, with some 52 million accounts out of a population of about 96 million.¹⁶⁹ However, since the introduction of the cybersecurity law, social media users are more cautious in posting their opinions online for fear of arrest.¹⁷⁰ The government has, for the most part, not shut down popular forms of online communication such as Twitter and Gmail and does not block the websites of major international media such as *The New York Times*, although access to sites such as Human Rights Watch, Radio Free Asia and BBC Vietnamese is unstable and unpredictable.¹⁷¹ Further, websites critical of the government are generally inaccessible and sites promoting religious groups are blocked to a significant degree.¹⁷²

Environmental Protests: Formosa Ha Tinh Steel Corp. Toxic Spill

Local communities protesting about the Formosa Ha Tinh Steel Corporation chemical spill have been accused of deliberately stirring anti-government sentiment. Formosa Steel is a Taiwanese company responsible for an April 2016 chemical spill which decimated fish stocks and devastated fishing communities along Vietnam's central coast.¹⁷³ The company eventually agreed to pay \$500 million in damages.¹⁷⁴ The disaster provoked large protests against both Formosa and the government in part due to the heavy impact on the livelihoods of the affected communities.¹⁷⁵ Attempts by fishermen to sue Formosa in a provincial court were dismissed.¹⁷⁶ Protests were also held in diaspora countries including Australia, where in March 2017 about 300 members of the Vietnamese community in Australia protested outside Victoria's Parliament.¹⁷⁷

¹⁶³ 'Submission to the Universal Periodic Review of Vietnam', Human Rights Watch, 13 July 2018, CXBB8A1DA31726; 'Vietnam's New Cyber Law Could Hobble Foreign Investors and Limit Basic Freedoms', Centre for Strategic and International Studies (CSIS), 2 July 2018, CXBB8A1DA30601; 'Vietnam's new cyber law curbs dissents and business', Radio France Internationale (RFI), 01 January 2019, 20190102163306; 'Law on Cybersecurity 2018', Socialist Republic of Vietnam, June 2018, (Date of Effect January 2019), 20200810153745

¹⁶⁴ 'Human Rights in Asia-Pacific: Review of 2019', Amnesty International, 29 January 2020, p.66, 20200130115738

¹⁶⁵ 'Freedom on the Net 2019 - Vietnam', Freedom House, 05 November 2019, p.12, 20191106101136

¹⁶⁶ 'Freedom on the Net 2019 - Vietnam', Freedom House, 05 November 2019, p.9, 20191106101136

¹⁶⁷ 'Freedom on the Net 2019 - Vietnam', Freedom House, 05 November 2019, p.12, 20191106101136

¹⁶⁸ 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, p.11, 20200429143402

¹⁶⁹ 'Vietnam's New Cyber Law Could Hobble Foreign Investors and Limit Basic Freedoms', Centre for Strategic and International Studies (CSIS), 2 July 2018, CXBB8A1DA30601

¹⁷⁰ 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, p.11, 20200429143402

¹⁷¹ 'Freedom on the Net 2019 - Vietnam', Freedom House, 05 November 2019, p.7, 20191106101136; 'Vietnam's New Cyber Law Could Hobble Foreign Investors and Limit Basic Freedoms', Centre for Strategic and International Studies (CSIS), 2 July 2018, CXBB8A1DA30601

¹⁷² 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 29, 20191213145121; 'Freedom on the Net 2019 - Vietnam', Freedom House, 05 November 2019, p.7, 20191106101136

¹⁷³ 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, p.26, 20200429143402; 'Outrage Over Fish Kill in Vietnam Simmers 6 Months Later', The New York Times, 3 October 2016, CX6A26A6E10573

¹⁷⁴ 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, p.26, 20200429143402; 'Outrage Over Fish Kill in Vietnam Simmers 6 Months Later', The New York Times, 3 October 2016, CX6A26A6E10573

¹⁷⁵ 'Vietnam's dead fish may spawn a stronger culture of dissent', Hoang C, cogitASIA, 30 September 2016, CIS38A80122116

¹⁷⁶ 'Vietnam court swamped by fishermen seeking to sue Taiwan firm's steel unit', Reuters, 27 September 2016, CX6A26A6E10576

¹⁷⁷ 'Vietnamese communities stage anti-Formosa and pro-democracy protests', TiVi Tuan-san, 07 March 2017, 20191004114557

Authorities have generally tolerated protests relating to the spillage, though some activists have been sentenced to lengthy prison terms. Large protests demanding the Formosa Ha Tinh Steel Corporation be closed and further compensation provided to assist with the clean-up have generally not resulted in injuries or arrests by state actors.¹⁷⁸ The government however cracked down on Formosa activists connected to a new civil society organisation, The Alliance of Self-Determined People, sentencing four members to prison terms of up to 15 years.¹⁷⁹ On 6 February 2018, a Vietnamese court sentenced two other activists to prison terms of 14 years and two years respectively for protesting against Formosa.¹⁸⁰ Some supporters of the pair who attended the court building were beaten and detained in a police station until the trial ended at midday.¹⁸¹ On 6 April 2017, hundreds of Catholic protesters marked the one-year anniversary of the waste spill on the streets and beaches of Vinh diocese, and carried black flags with anti-Formosa slogans on them.¹⁸² In November 2018, Nguyen Van Hoa was jailed by the People's Court of Ha Tinh in Nghe An province after filming protests outside the Taiwan-owned Formosa Plastics Group steel plant. Held for nine days at the Ha Tinh police station following his arrest, Hoa was hung by his hands and beaten by eight police officers, who also threw water in his face.¹⁸³

State Protection

Police

Internal security is the responsibility of the Ministry of Public Security. Police organisations operate at the provincial, district and commune (local) levels, the latter over which people's committees also exercise some authority.¹⁸⁴ There are two core forces: the People's Security Force (An ninh Nhan dan), responsible for national security, and the People's Police Force (Canh sat Nhan dan), which is responsible for social order and public safety.¹⁸⁵ The People's Police Force handles traditional police work such as neighbourhood policing, traffic control, household registration, and the issuing of identification cards.¹⁸⁶ Recruits to the police force must be members of the Communist Party of Vietnam or the Communist Youth League.¹⁸⁷

¹⁷⁸ 'Vietnamese rally outside Taiwanese steel plant that spread toxic waste', Reuters, 2 October 2016, CX6A26A6E10045; 'Vietnam's Dead Fish May Spawn a Stronger Culture of Dissent', Chau Hoang, Centre for Strategic & International Studies, 30 September 2016, p.2, CIS38A80122116; 'Formosa Spill Still Roils Public Opinion in Vietnam', Radio Free Asia, 7 December 2016, CX6A26A6E14775

¹⁷⁹ 'Vietnam Cracks Down on Dissenters', Radio Free Asia, 10 November 2016, CX6A26A6E14902; 'Sentences upheld for five members of anti-State organisation', Viet Nam News, 19 March 2019, 20191101101537

¹⁸⁰ 'More activists sentenced in Vietnam', Voice of America (VOA), 11 February 2018, CXBB8A1DA21834; 'Catholic activist arrested in Vietnam, police beat up protesters', UCA News (UCAN), 23 May 2017, CXC9040668804

¹⁸¹ 'Vietnamese environmental activists handed prison terms in Nghe An', Radio Free Asia, 6 February 2018, CXBB8A1DA21459

¹⁸² 'Vietnamese Catholics Demonstrate to Mark Anniversary of Formosa Chemical Spill', Radio Free Asia (RFA), 6 April 2017, CXC9040666018

¹⁸³ 'Jailed Vietnamese Activist Goes on Hunger Strike Over Beatings by Police', Radio Free Asia (RFA), 28 February 2019, 20190305131350

¹⁸⁴ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.9, 20190917095808; 'Public Insecurity: Deaths in Custody and Police Brutality in Vietnam', Human Rights Watch, 16 September 2014, p.14, CISA447F082797

¹⁸⁵ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.40, 20191213145121; 'Public Insecurity: Deaths in Custody and Police Brutality in Vietnam', Human Rights Watch, 16 September 2014, p.14, CISA447F082797

¹⁸⁶ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.40, 20191213145121; 'Public Insecurity: Deaths in Custody and Police Brutality in Vietnam', Human Rights Watch, 16 September 2014, pp.5-8, CISA447F082797

¹⁸⁷ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.40, 20191213145121

Police are effective in maintaining public order but have limited capacity in other areas, especially investigations. While the Ministry of Public Security is responsible for internal security and controls the national police,¹⁸⁸ in practice, provincial and local-level police often maintain significant discretion in their activities.¹⁸⁹ People's committees have substantial authority over police forces and prosecutors at the provincial, district and local levels.¹⁹⁰ Police at the commune (local) level tend to have lower salaries, fewer benefits and less adequate training in law and basic police procedures than police at the district, provincial and national levels.¹⁹¹ Due to a lack of cross-agency coordination within the police, delays in dealing with cases are common.¹⁹² However, according to sources consulted by the UK Home Office, if police arrest a person and begin the investigation process, then they do follow the rules as set out in the Vietnamese Criminal Code.¹⁹³

Police abuse is commonplace in situations of arrest or interrogating suspects; limited oversight for such actions exists. Police frequently use excessive force when making an arrest.¹⁹⁴ Arrestees frequently report abuse and mistreatment.¹⁹⁵ Police have been implicated in arbitrary and unlawful killings.¹⁹⁶ Reports indicate that local police sometimes use contracted 'thugs' and 'citizen brigades' to harass and beat political activists and religious adherents perceived as undesirable or a threat to national security.¹⁹⁷ Although the Supreme People's Procuracy has authority to investigate security force abuse, police organisations operate with little transparency and limited public oversight.¹⁹⁸ Internal police oversight exists but is subject to political influence.¹⁹⁹ Police frequently ill-treat or torture suspects to elicit confessions, which has resulted in deaths in custody²⁰⁰ - at least 11 people died in custody in 2019.²⁰¹ Excessive force is used in responding to protests over evictions, land confiscation, and other social issues.²⁰² For example, in January 2019, in Tuy Hoa City, Phu Yen Province a video showing a Vietnamese police officer allegedly kicking a man on the floor of a police station went viral after being published on social media.²⁰³ There is no independent body to investigate complaints against police by citizens.²⁰⁴

¹⁸⁸ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.1, 20200312104733

¹⁸⁹ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.1, 20200312104733; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.40, 20191213145121

¹⁹⁰ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 7, 20190314094839

¹⁹¹ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.40, 20191213145121

¹⁹² 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.11, 20190917095808

¹⁹³ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.11, 20190917095808

¹⁹⁴ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.3, 20200312104733

¹⁹⁵ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.3, 20200312104733

¹⁹⁶ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.2, 20200312104733

¹⁹⁷ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.40, 20191213145121

¹⁹⁸ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.12, 20190917095808; 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 7, 20190314094839

¹⁹⁹ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.3, 20200312104733; 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 29, 20190314094839

²⁰⁰ 'Human Rights in Asia-Pacific: Review of 2019', Amnesty International, 29 January 2020, p.66, 20200130115738; 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.15, 20190917095808

²⁰¹ 'Human Rights in Asia-Pacific: Review of 2019', Amnesty International, 29 January 2020, p.66, 20200130115738

²⁰² 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.12, 20190917095808; 'Human Rights Watch World Report 2016: Events of 2015 – Vietnam', 27 January 2016, NGE43874C8

²⁰³ 'Video of Alleged Police Beating in Vietnam Goes Viral', Radio Free Asia (RFA), 30 January 2019, 20190201173227

²⁰⁴ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.40, 20191213145121

Corruption is prevalent throughout the police force. Corruption occurs at every level of the police and bribery is widespread.²⁰⁵ According to DFAT, sources have reported that organised crime groups have bribed local police to not respond in specific situations, and there have been instances in which police have not responded when citizens have called for help.²⁰⁶ An academic source cited by a UK Home Office fact-finding team states that it is possible for members of criminal gangs to find out the location of a person attempting to flee that gang by persuading police to provide the relevant information.²⁰⁷ Police at the village level are aware of who lives in their area and who is registered there.²⁰⁸

Judiciary

Vietnamese courts operate under government control. Most judges are members of the Communist Party of Vietnam and are screened by local officials for suitability before appointment.²⁰⁹ The law provides for an independent judiciary, though this is not always the case in practice, particularly in politically sensitive cases.²¹⁰ Political influence, endemic corruption and inefficiency strongly distort the judicial system and trials of human rights activists consistently fail to meet international standards.²¹¹

Access to law is unequal and inadequate. There is a shortage of judges and lawyers, with only around 7,000 lawyers throughout the country.²¹² As few as one fifth of defendants can obtain access to legal counsel, including in cases subject to the death penalty.²¹³ Vietnamese law does not expressly state that defendants have the right to call witnesses and defence lawyers may not have enough time to meet with clients.²¹⁴ There are widespread complaints that judges often appear to have made a determination of guilt prior to conducting a trial.²¹⁵ Administrative and civil courts are vulnerable to corruption and outside influence, lack of independence, and inexperience.²¹⁶ Lawyers are pressured to refuse religious and democracy activists as clients, and in some cases defence lawyers are restricted, harassed, and disbarred from representing these clients.²¹⁷

²⁰⁵ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.58, 20190917095808

²⁰⁶ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.40, 20191213145121

²⁰⁷ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.25, 20190917095808

²⁰⁸ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.25, 20190917095808

²⁰⁹ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, pp.9-10, 20200312104733

²¹⁰ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.9, 20200312104733; 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.13, 20190917095808

²¹¹ 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, p.12, 20200429143402;

'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.9, 20200312104733

²¹² 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.14, 20190917095808

²¹³ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.14, 20190917095808; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 41, 20191213145121

²¹⁴ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.11, 20200312104733

²¹⁵ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.10, 20200312104733

²¹⁶ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.14, 20200312104733; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.41, 20191213145121

²¹⁷ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.10, 20200312104733

Corruption

Corruption is widespread throughout public administration, despite criminal penalties.

Corruption remains a serious problem,²¹⁸ existing in areas such as the police and the military, in business and banking, and in the allocation of land.²¹⁹ Transparency International rated the country 96 of 180 countries in public sector corruption in 2019,²²⁰ an improvement on its 2018 ranking of 117.²²¹ Towards Transparency attributes the improvement to the government's efforts in improving and enforcing anticorruption policy and legislation, especially the investigation, prosecution and trial of a number of grand corruption cases.²²² Transparency International notes, however, that Vietnam, despite its economic success, continues to struggle to tackle corruption due to restrictions on participation in public affairs, the silencing of dissenting voices and a lack of public scrutiny of decision making.²²³

Government leaders acknowledge widespread public discontent with the level of corruption and the extent to which it undermines the efficiency of the state and support for the Communist Party.

There have been a number of highly publicised prosecutions of senior public officials in recent years.²²⁴ In 2019 the government reported that it had disciplined over 53,000 officials and CPV members for graft, and that several senior officials, including two members of the Central Committee, had faced discipline including prison time.²²⁵ However, despite these, anti-corruption campaigns are pursued intermittently with varying degrees of seriousness,²²⁶ and credible sources state they can be as much the result of internal Communist Party rivalries or attempts to maintain the party's image as a genuine desire to promote transparency in politics and business.²²⁷ The 2019 *Public Administration Performance Index (PAPI)* found that Vietnamese citizens were 'more satisfied with robust efforts to reduce petty and grand corruption at all government levels' but still considered corruption in the public sector to be problematic.²²⁸ In 2019, about five per cent more citizens than in 2018 thought corruption was decreasing, most likely due to the government's anti-corruption campaign as well as actual declines in petty corruption and bribery experienced by citizens in accessing public services such as hospitals.²²⁹

Anti-corruption agencies are often ineffective. A number of anti-corruption offices have been established over the last decade.²³⁰ Anti-corruption efforts are, however, generally localised and have a limited overall impact on corruption.²³¹ Punitive measures range from fines to capital punishment,

²¹⁸ 'Vietnam: CPI 2019 score is up but corruption remains serious', Towards Transparency, 23 January 2020, p.1, 20200228125554

²¹⁹ 'Freedom in the World 2020 - Vietnam', Freedom House, 2020, pp.4, 9, 20200514114358; 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, pp.12-13, 32, 20200429143402

²²⁰ 'Corruption Perceptions Index 2019', Transparency International, 23 January 2020, p.2, 20200205081007

²²¹ 'Corruption Perceptions Index 2018: Corruption in Vietnam's public sector is still perceived as highly serious', Towards Transparency, 29 January 2019, p.1, 20190326101127

²²² 'Vietnam: CPI 2019 score is up but corruption remains serious', Towards Transparency, 23 January 2020, p.1, 20200228125554

²²³ 'Corruption Perceptions Index 2019', Transparency International, 23 January 2020, p.14, 20200205081007

²²⁴ 'Country Reports on Human Rights Practices for 2019 - Vietnam', United States Department of State, 11 March 2020, p.27, 20200312104733; 'Vietnam Communist Party takes aim at corrupt rising stars', Reuters, 26 September 2019, 20190927085651; 'Vietnam jails former deputy labor minister for economic mismanagement', Reuters, 25 September 2019, 20190927090012; 'Ex-chairman of Vietnam's BIDV bank dies in detention', Reuters, 23 July 2019, 20190723102504; 'Stiff sentences bolster Vietnam's anti-graft drive but questions remains over larger reform', Straits Times, The, 23 January 2018, CXBB8A1DA20684; 'Vietnam to move forward with six high-profile graft cases', VietNamNet Bridge, 4 October 2016, CX6A26A6E13892

²²⁵ 'Freedom in the World 2020 - Vietnam', Freedom House, 2020, p.4, 20200514114358

²²⁶ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, p.33, CIS7B83941599

²²⁷ 'At Vietnam's biggest corruption trial, some skeptical views', Reuters, 10 January 2018, CXBB8A1DA363; 'Berlin kidnapping: Nowhere to run from Vietnam's anti-corruption campaign', Deutsche Welle, 8 January 2018, CXBB8A1DA329; 'Explainer: What's behind Vietnam's corruption crackdown', Reuters, 8 January 2018, CXBB8A1DA278

²²⁸ 'The 2019 Viet Nam Governance and Public Administration Performance Index (PAPI): Measuring Citizens' Experiences', United Nations Development Program (UNDP), 28 April 2020, p.V, 20200429094650

²²⁹ 'The 2019 Viet Nam Governance and Public Administration Performance Index (PAPI): Measuring Citizens' Experiences', United Nations Development Program (UNDP), 28 April 2020, p.XIV, 20200429094650

²³⁰ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, p.33, CIS7B83941599

²³¹ 'Investment Climate Statements - Vietnam', US Department of State, 2016, CX6A26A6E9812

depending on the severity of the corruption case.²³² Some prominent party functionaries, government officials and, more recently, top executives of state conglomerates have been prosecuted.²³³ However, this is motivated in large part by the desire for good publicity and patronage continues to be a significant problem.²³⁴

Loan Sharks

Loan sharks charging illegal rates of interest are prevalent throughout Vietnam. Loan sharks are a widespread problem in Vietnam.²³⁵ According to the Ministry of Public Security, during 2018 police units and localities dealt with more than 600 illegal moneylending or 'black credit' cases.²³⁶ In December 2018, an official of the Ho Chi Minh City Public Security Department said that the city recorded three deaths related to loan sharks in 2018, and estimated that police officers in the city typically deal with four cases related to loan sharks per month.²³⁷ These murders are part of a broader suite of around 60 cases of murder related to loan sharking between 2013 and 2018.²³⁸ Around 400 cases of intentional harm related to loan sharks occurred within this same timeframe.²³⁹

Authorities have demonstrated a willingness to tackle the activities of loan sharks. While authorities have demonstrated a willingness to tackle the problem,²⁴⁰ they have had difficulty prosecuting loan sharks for charging illegal rates of interest as these are rarely documented on loan papers.²⁴¹ A lack of resources, legal loopholes and inadequate implementation of laws also remain problems in tackling loan sharks.²⁴² However, credible sources assess that individuals targeted for unpaid debts are able to obtain protection from the police, who are active at the provincial, district and local levels.²⁴³ Other sources suggest that loan sharks may be able to track people throughout the country, with the cooperation of the police.²⁴⁴ Police investigations into illegal moneylenders have increased in recent years, including through the establishment of dedicated police units in some provinces.²⁴⁵

Authorities have used law enforcement to break up the activities of criminal gangs involved in loan sharking. In February 2020, a court in Thanh Hóa Province sentenced 21 members of a loan shark gang to a total of 99 years in prison on charges which included deliberately causing injuries and

²³² 'Vietnam Corruption Report,' Global Advice Net, September 2017, CISED50AD7684

²³³ 'Freedom in the World 2020 - Vietnam', Freedom House, 2020, p.4, 20200514114358 ; 'Stiff sentences bolster Vietnam's anti-graft drive but questions remains over larger reform', Straits Times, The, 23 January 2018, CXBB8A1DA20684; 'Vietnamese oil executive kidnapped in Berlin gets second life sentence', Deutsche Welle, 5 February 2018, CXBB8A1DA21363

²³⁴ 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, p.12, 20200429143402

²³⁵ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.16, 20191213145121

²³⁶ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.24, 20190917095808

²³⁷ 'Arrests raise loan sharks higher on social agenda', Vietnam Investment Review, 10 October 2019, 20191010122619

²³⁸ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.85, 20190917095808

²³⁹ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.24, 20190917095808

²⁴⁰ 'Debunking the Informal Credit Myths: Is Credit Liberalization the Magic Solution to Loan Sharking?', Nicolas Lainez, ISEAS (Yusuf Ishak Institute Singapore), 22 October 2019, pp.3-4, 20200521211816

²⁴¹ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.16, 20191213145121; 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.24, 20190917095808; 'Black credit' besieges workers, students before Lunar New Year', Viet Nam Net Bridge, 29 January 2016, CX6A26A6E9780

²⁴² 'NA approves delay to Penal Code 2015', Viet Nam News, 1 July 2016 CX6A26A6E12697; 'Loan sharks feed off poor, naive workers', Viet Nam News, 11 September 2015 CXBD6A0DE18811; 'Vietnam's gamble: Whether or not to legalise betting', Al Jazeera, 27 January 2016, CX6A26A6E13872

²⁴³ 'Upper Tribunal (Immigration And Asylum Chamber) Appeal Number: AA/08316/2014', Government of the United Kingdom and Northern Ireland, 1 April 2016, CIS38A80124972

²⁴⁴ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.25, 20190917095808

²⁴⁵ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.16, 20191213145121

illegally detaining people.²⁴⁶ Members of the gang, who were arrested in 2018, ran a company named Nam Long Financial Group which had branches nationwide.²⁴⁷ In 2018, police from southern Binh Thuan Province set up special units to crack down on illegal loan sharks.²⁴⁸ In other parts of Vietnam, particularly Ho Chi Minh City, authorities have embarked on some high profile crackdowns on gang activity – including gangs involved in loan sharking – that yielded nearly 7,000 arrests in the second half of 2016.²⁴⁹ In May 2018, police in Sa Dec City accosted a suspected loan shark, Nguyen Van Thu at a car wash and seized notebooks with records of his loans – more than 400 deposit contracts and identity documents and 3,000 flyers and 700 leaflets for loans.²⁵⁰ Six people linked with Thu were also arrested – all have admitted to lending money to students and small traders at interest rates of up to 20 per cent a month.²⁵¹

In addition to law enforcement efforts, authorities have tried to make it easier to access credit in the formal lending sector. Authorities try to encourage people in need of money to use credible loan sources like the Capital Aid Fund for Employment of the Poor – a non-profit microfinance institution – but the amounts available through these sources can be insufficient.²⁵² In addition, the State Bank of Vietnam has requested Agribank, the biggest state-controlled bank in the country, to significantly expand its services by opening new branches, creating micro-financing services in remote areas through mobile banking, and extending lending programs for the agricultural sector.²⁵³ In 2016, Vietnam, along with the rest of the Association of Southeast Asian Nations (ASEAN), made financial inclusion one of their top priorities – including the ability of people to access loans and legitimate forms of credit.²⁵⁴

Crime

Vietnam has relatively low violent crime rates. Violent crime rates in Vietnam are relatively low, with very little gun or knife crime.²⁵⁵ According to the Small Arms Survey Database on Violent Deaths, in 2018, the most recent year for which data is available, there were 1,738 violent deaths in Vietnam,²⁵⁶ a rate of 1.8 deaths per 100,000 population.²⁵⁷ By comparison, Australia has a rate of 1.0 deaths per 100,000 population, and Vietnam's neighbours Thailand, Laos and Cambodia have rates of 4.0, 8.4 and 2.2 respectively.²⁵⁸ In April 2020 the United Nations Development Program (UNDP) released Vietnam's *Public Administration Performance Index (PAPI)* for 2019. Of the 14,138 respondents surveyed for the report, 0.58 per cent said they had been subjected to physical violence by thieves or strangers.²⁵⁹ The same survey found that, in 2019, 97.4 per cent of respondents felt safe walking alone around the area they live during the day, and 80 per cent felt safe walking alone around

²⁴⁶ '99 years in prison granted to black credit gang', Viet Nam News, 19 February 2020, 20200220083955

²⁴⁷ '99 years in prison granted to black credit gang', Viet Nam News, 19 February 2020, 20200220083955; 'Arrests raise loan sharks higher on social agenda', Vietnam Investment Review, 12 December 2018, 20191010122619

²⁴⁸ 'Specialist police unit set up to target loan sharks in Binh Thuan', VietNamNet Bridge, 8 August 2018, CIS7B839419866

²⁴⁹ 'HCM City cracks down on criminal gangs, thieves', Viet Nam News, 22 October 2016, CX6A26A6E13224; '14 arrested for extorting "protection fee" from sex workers in HCMC', Thanh Nien News, 16 January 2016, CX6A26A6E13879; 'Cops in Vietnam continue to crack down on gangs of smugglers, robbers', Thanh Nien News, 19 August 2014, CX1B9ECAB12445; 'Vietnamese court sentences six to death for drug trafficking', Voice of Vietnam (VOV News), 7 June 2014, CX322895

²⁵⁰ 'Loan sharks cause suffering in Mekong Delta, central provinces', VietNamNet Bridge, 15 May 2018, CIS7B839419864

²⁵¹ 'Loan sharks cause suffering in Mekong Delta, central provinces', VietNamNet Bridge, 15 May 2018, CIS7B839419864

²⁵² 'Loan sharks cleaning up ahead of Tet holiday', VietNamNet Bridge, 16 January 2017, CXC9040669853

²⁵³ 'Debunking the Informal Credit Myths: Is Credit Liberalization the Magic Solution to Loan Sharking?', Nicolas Lainez, ISEAS (Yusuf Ishak Institute Singapore), 22 October 2019, pp.3-4, 20200521211816

²⁵⁴ 'How to scale up financial inclusion in ASEAN countries', The World Bank, 2 March 2016, CIS38A80124973; 'Promoting financial inclusion', Nhan Dan, 5 April 2019, 20191101100907

²⁵⁵ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.11, 20190917095808

²⁵⁶ 'The Small Arms Survey Database on Violent Deaths, 2018', Small Arms Survey, March 2020, 20200507101415

²⁵⁷ 'The Small Arms Survey Database on Violent Deaths, 2018', Small Arms Survey, March 2020, 20200507101415

²⁵⁸ 'The Small Arms Survey Database on Violent Deaths, 2018', Small Arms Survey, March 2020, 20200507101415

²⁵⁹ 'The 2019 Viet Nam Governance and Public Administration Performance Index (PAPI): Measuring Citizens' Experiences', United Nations Development Program (UNDP), 28 April 2020, p.94, 20200429094650

the area they live during the night.²⁶⁰ Perceptions of safety during the day remained steady from 2016-2019, however, perceptions of safety at night rose steadily from 72 per cent in 2016 to 80 per cent in 2019.²⁶¹

Organised criminal networks are a continuing problem in Vietnam. Credible sources indicate that organised gangs operate a range of illicit operations including illegal moneylending and gambling, extortion, prostitution, human trafficking, and the production, supply, distribution and import/export of illicit drugs.²⁶² These criminal networks are mainly based in the major cities of Ho Chi Minh City and Hanoi as well as in the country's northern provinces.²⁶³ In addition to controlling local operations, some of these organisations also operate internationally and have networks that reach throughout Southeast Asia and beyond.²⁶⁴

Police corruption may hinder internal relocation for a person fleeing a criminal gang.

Corruption occurs at every level of the police and bribery is widespread.²⁶⁵ An academic source cited by a UK Home Office fact-finding team states that it is possible for members of criminal gangs to find out the location of a person attempting to flee that gang by persuading police to provide the relevant information. Police at the village level are aware of who lives in their area and who is registered there.²⁶⁶

Authorities are active in tackling groups involved in people trafficking but are hampered by inadequate coordination and training of officials. In recent years Vietnamese authorities have demonstrated increased efforts to eliminate people trafficking - including enacting penal code amendments, establishing a new task force to increase law enforcement efforts in vulnerable border areas, and initiating an assessment of the implementation of its national action plan by identifying more victims, expanding anti-trafficking training and awareness campaigns for officials, vulnerable communities and law enforcement.²⁶⁷ However, efforts have been impeded by a lack of government coordination and unfamiliarity among some provincial officials with anti-trafficking law and victim protection,²⁶⁸ and in 2019 the US State Department assessed that the government decreased law enforcement efforts, as well as efforts to protect victims.²⁶⁹ The Ministry of Labour, Invalids and Social Affairs provides protection and reintegration support, operating 400 social protection centres through local authorities for trafficking victims.²⁷⁰

²⁶⁰ 'The 2019 Viet Nam Governance and Public Administration Performance Index (PAPI): Measuring Citizens' Experiences', United Nations Development Program (UNDP), 28 April 2020, p.94, 20200429094650

²⁶¹ 'The 2019 Viet Nam Governance and Public Administration Performance Index (PAPI): Measuring Citizens' Experiences', United Nations Development Program (UNDP), 28 April 2020, p.94, 20200429094650

²⁶² 'Vietnam 2020 Crime & Safety Report: Ho Chi Minh City', Overseas Security Advisory Council (OSAC), 9 March 2020, 20200505205713; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.16, 20191213145121

²⁶³ 'The organisational structure of transnational narcotics trafficking groups in Southeast Asia: a case study of Vietnam's border with Laos', Trends in Organized Crime, 14 April 2020, pp.3-4, 20200506144018; 'Vietnam 2020 Crime & Safety Report: Ho Chi Minh City', Overseas Security Advisory Council (OSAC), 9 March 2020, 20200505205713; 'Vietnam 2020 Crime & Safety Report: Hanoi', Overseas Security Advisory Council (OSAC), 09 March 2020, 20200505210105

²⁶⁴ 'Loan sharks feed off poor, naive workers', Viet Nam News, 11 September 2015 CXBD6A0DE18811; 'Southern Vietnamese cut deals with loan sharks at exorbitant rates', Tuoi Tre Online, 23 February 2016, CX6A26A6E9775

²⁶⁵ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.58, 20190917095808

²⁶⁶ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.25, 20190917095808

²⁶⁷ 'Trafficking in Persons Report 2019', United States Department of State, 20 June 2019, p.498, 20190621103235; '2017 Trafficking in Persons Report - Vietnam', US Department of State, 28 June 2018, p. 454, OGD95BE927701

²⁶⁸ 'Trafficking in Persons Report 2019', United States Department of State, 20 June 2019, p.498, 20190621103235; '2017 Trafficking in Persons Report - Vietnam', US Department of State, 28 June 2018, p.454, OGD95BE927701

²⁶⁹ 'Trafficking in Persons Report 2019', United States Department of State, 20 June 2019, pp.498-499, 20190621103235

²⁷⁰ 'Country Policy and Information Note - Vietnam: Opposition to the State', UK Home Office, September 2018, p.18, CIS7B839419727

Social infrastructure

Vietnam has experienced rapid economic growth over the past 30 years, transforming itself into a lower middle-income country. Vietnam has experienced rapid economic growth over the past 30 years, with the country's Gross Domestic Product estimated to have increased by 7 per cent in 2019, one of the fastest growth rates in the region.²⁷¹ Economic growth has been equitable, leading to a dramatic reduction in poverty and improved social outcomes.²⁷² For example, between 2002 and 2018, poverty rates declined sharply from over 70 per cent to below 6 per cent.²⁷³ The unemployment rate has averaged 2.33 per cent from 1998 until 2019,²⁷⁴ and was approximately 2 per cent in 2019.²⁷⁵ The UNDP's Human Development Index ranked Vietnam 118 out of 189 countries in 2018, placing it in the 'medium human development' category.²⁷⁶

Vietnam has an expanding if still limited social welfare system, while traditional social roles mean that families provide support for the elderly and sick. Vietnam's social welfare net has expanded in recent years, well beyond the anti-poverty program started in the 1990s.²⁷⁷ New programs have included assistance of 2.16 million VND (AUD \$119) a year and a free health insurance card for all elderly people from the age of 80 onwards, the provision of assistance to single elderly people with limited incomes and no children; and assistance to disabled people, including victims of Agent Orange.²⁷⁸ However, inequalities in the provision of social welfare exist.²⁷⁹ Vietnam's social insurance has also not achieved universal coverage despite a voluntary social insurance policy having been in force since 2008.²⁸⁰ In Vietnam, adult children typically provide care and support to elderly or sick parents.²⁸¹

To date, Vietnam has effectively contained the coronavirus pandemic. When the outbreak first occurred in China in January 2020, the Vietnamese government responded quickly, becoming the first country in the region to shut down travel to and from China.²⁸² When the epicentre shifted to Europe in March 2020, the government ordered a nationwide shutdown and began one of the world's largest quarantine programs for those returning from abroad.²⁸³ Hanoi was also swift to close schools and non-essential business activity. Vietnam is a middle-income country with a fraction of the health care

²⁷¹ 'The World Bank In Vietnam - Overview - Context', The World Bank, 27 April 2020, 20200529172847

²⁷² 'The World Bank in Vietnam', The World Bank, 5 October 2018, p.1, 20190326130544

²⁷³ 'Vibrant Vietnam: Forging the Foundation of a High-Income Economy - Main Report', The World Bank, May 2020, p.2, 20200610092642; 'The World Bank In Vietnam - Overview - Context', The World Bank, 27 April 2020, 20200529172847

²⁷⁴ 'Vietnam Unemployment Rate 1998-2019', Trading Economics, June 2020, 20200619115555

²⁷⁵ 'Viet Nam : Statistics : Unemployment and labour underutilization', International Labour Organization (ILO), n.d., accessed 29 May 2020, 20200529201640

²⁷⁶ 'Human Development Report 2019. Beyond income, beyond averages, beyond today: Inequalities in human development in the 21st century', United Nations Development Programme, United Nations Development Program (UNDP), 07 December 2019, p.301, 20191211092717

²⁷⁷ 'Social Relations, Regional Variation, and Economic Inequality in Contemporary Vietnam: A View from Two Vietnamese Rural Communities', Luong, H V in P Taylor (ed), Connected and Disconnected in Viet Nam: Remaking Social Relations in a Post-socialist Nation, Australian National University Press, ACT, Vietnam Series, 2016, p.66, CIS38A8012636

²⁷⁸ 'Social Relations, Regional Variation, and Economic Inequality in Contemporary Vietnam: A View from Two Vietnamese Rural Communities', Luong, H V in P Taylor (ed), Connected and Disconnected in Viet Nam: Remaking Social Relations in a Post-socialist Nation, Australian National University Press, ACT, Vietnam Series, 2016, p.66, CIS38A8012636

²⁷⁹ 'Report on Human Rights in Vietnam 2019-2020', Vietnam Human Rights Network, 14 May 2020, p.68, 20200521115120; 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, pp.23-24, 20200429143402

²⁸⁰ 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, pp.23-24, 20200429143402; 'Social Welfare in Vietnam: 30 Years in Reform on and Outlook until 2030', Anh, D N, Vietnam Social Sciences Review, 8 July 2016, p.22, CIS38A80122817

²⁸¹ 'Establishing activity centers for elderly people in metropolitan areas of Vietnam: preference and willingness-to-pay', Journal of Multidisciplinary Healthcare, 18 September 2019, p.798, 20200529222742; 'JICA and World Bank Jointly Support Vietnam to Meet Needs of Aging Population', The World Bank, 7 August 2019, 20200529221852

²⁸² 'Containing the coronavirus (COVID-19): Lessons from Vietnam', Sang Minh Le, World Bank, The, 30 April 2020, 20200501083818

²⁸³ 'Vietnam's Coronavirus Success Is Built on Repression', Bill Hayton and Tro Ly Ngheo, Foreign Policy, 12 May 2020, 20200514093623

budget of other successful countries, yet its health services do not appear stretched.²⁸⁴ Vietnam's government has largely been transparent with the public during the COVID 19 crisis.²⁸⁵ In late July, an outbreak in Da Nang restarted community transmissions in the country, with numbers as at 10 August heading towards 1000 cases countrywide and reviving concerns about the economic impact on people's livelihoods.²⁸⁶

The coronavirus pandemic has negatively impacted Vietnam's economy and growth is expected to slow in 2020. Weaker domestic and external demand is expected to slow growth significantly, from almost 7 per cent in 2019 to 2.7 percent in 2020.²⁸⁷ According to a World Bank report, Vietnamese authorities estimated that over 30 million workers, or half the labour force had been affected by coronavirus-related lockdowns, which caused unemployment to rise to 33 percent in the second quarter of 2020.²⁸⁸

Asylum seekers and returnees

Treatment of failed asylum seekers

Most individuals who depart Vietnam illegally, for the purpose of seeking asylum, are unlikely to be subjected to relevant laws upon return. Articles 120 and 121 of the Penal Code state that 'Fleeing abroad or defecting to stay overseas with a view to opposing the people's administration' is a criminal offence.²⁸⁹ Individual travellers face imprisonment of between three and 12 years, or between 12 and 20 years in serious cases.²⁹⁰ DFAT has advised that it is unaware of any cases where these provisions have been used against failed asylum seekers returned from Australia and that returns to Vietnam are usually done on the understanding that the individuals in question will not face charges as a result of having made an application for protection.²⁹¹ In 2016, a Memorandum of Understanding was signed between the Australian Department of Home Affairs and Vietnam's Ministry of Public Security which provides a formal framework for the return of Vietnamese nationals 'with no legal right to enter or remain in Australia, including those intercepted at sea'.²⁹²

Individuals who arrived in Australia via people smuggling networks are also unlikely to face criminal sanctions upon return. The government of Vietnam distinguishes between victims and perpetrators of people smuggling and as such views individuals who paid money to organisers of people smuggling operations as victims of people smuggling, not criminally liable.²⁹³ All individuals,

²⁸⁴ 'Reopening Vietnam: How the country's improving governance helped it weather the COVID-19 pandemic', Trang (Mae) Nguyen and Edmund Malesky, Brookings Institution, The, 20 May 2020, 20200522090710; 'The Coronavirus Loosens Lips in Hanoi', David Hutt, Foreign Policy, 15 April 2020, 20200416081040

²⁸⁵ 'The Coronavirus Loosens Lips in Hanoi', David Hutt, Foreign Policy, 15 April 2020, 20200416081040

²⁸⁶ 'No new COVID-19 cases to report on August 11 morning', Vietnam Plus, 11 August 2020, 20200811122535; 'Residents Worry About Livelihoods as Vietnam Prepares to Reenter Coronavirus Lockdown', Radio Free Asia (RFA), 04 August 2020, 20200810102905

²⁸⁷ 'IMF COUNTRY FOCUS - Vietnam's Success in Containing COVID-19 Offers Roadmap for Other Developing Countries', Era Dabla-Norris, Anne-Marie Gulde-Wolf, and Francois Painchaud, International Monetary Fund (IMF), 29 June 2020, 20200630111518

²⁸⁸ 'Residents Worry About Livelihoods as Vietnam Prepares to Reenter Coronavirus Lockdown', Radio Free Asia (RFA), 04 August 2020, 20200810102905

²⁸⁹ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.43, 20191213145121

²⁹⁰ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.43, 20191213145121

²⁹¹ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.43, 20191213145121

²⁹² 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.43, 20191213145121

²⁹³ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 44, 20191213145121

however, involved in people smuggling operations, whether as organisers or travellers, are typically held by authorities for questioning to determine their involvement in operations, and some cases have taken up to several days.²⁹⁴ DFAT understands that would-be migrants who have employed the services of people smugglers typically only face an administrative fine, including in cases of multiple illegal departures.²⁹⁵

Individuals who are suspected of people smuggling activities are likely to be detained and prosecuted on return to Vietnam. Information indicates individuals suspected of people smuggling may be investigated, arrested and held in long-term detention.²⁹⁶ This is consistent with Article 348 of the Criminal Code 2015 which seeks to discourage people trafficking.²⁹⁷ It is also consistent with a number of reports from 2018 and 2016 that detail instances of individuals who have been prosecuted and detained for up to 3 years for organising people smuggling ventures.²⁹⁸

Activists who return to Vietnam may face monitoring and, in some cases, imprisonment.

Activists who return to Vietnam after seeking asylum overseas may face monitoring, with high-level activists facing more monitoring than low-level activists.²⁹⁹ People of particular interest to authorities may be required to have regular chats or 'catch ups' with officials.³⁰⁰ In January 2019, a Radio Free Asia blogger, Truong Duy Nhat, went missing in Thailand amid fears he had been abducted by Vietnamese agents. He later resurfaced in a Hanoi prison and authorities laid official charges in September 2019.³⁰¹

Montagnard asylum seekers

Vietnam pressures neighbouring countries to return Montagnard asylum seekers. Montagnards are a group of more than 30 indigenous communities who live in Vietnam's Central Highlands.³⁰² Estimated to number between one and two million people, they have cultures and languages distinct from the ethnic Kinh majority, with many practicing Christianity.³⁰³ Credible sources report that Vietnam has pressured Cambodia and Thailand to forcibly return Montagnard asylum seekers.³⁰⁴ The government has also reportedly exerted pressure on the family members of minorities who flee to neighbouring countries.³⁰⁵ In August 2018, 85 Montagnards were jailed in Thailand after being

²⁹⁴ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 44, 20191213145121

²⁹⁵ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 44, 20191213145121

²⁹⁶ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.19, 20190917095808; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 44, 20191213145121

²⁹⁷ 'Vietnamese asylum seekers forcibly returned by Australia face jail', The Guardian, 24 May 2016, CX6A26A6E4619; 'Vietnam: Drop Charges Against Boat Returnees', Human Rights Watch 2016, 24 May 2016, , CX6A26A6E12344; 'Criminal Code, No.100/2015/QH13', The National Assembly. Socialist Republic of Viet Nam, 27 November 2015, CISEC96CF110167

²⁹⁸ 'Vietnam probes illegal entry into Australia on fishing boat', VNExpress, 21 November 2018, 20200619183959; 'Vietnamese 'people smuggler' behind Daintree incident was only an organiser, partner says', SBS World News Australia, 26 November 2018, CXBB8A1DA39532; 'Vietnamese asylum seekers forcibly returned by Australia face jail', The Guardian, 24 May 2016, CX6A26A6E4619; 'Vietnam: Drop Charges Against Boat Returnees', Human Rights Watch 2016, 24 May 2016, CX6A26A6E12344; 'Vietnam jails four asylum seekers returned by Australia', Reuters, 27 May 2016, CX6A26A6E4618

²⁹⁹ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.31, 20190917095808

³⁰⁰ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.31, 20190917095808

³⁰¹ '10 Most Censored Countries', Committee to Protect Journalists (CPJ), New York, 10 September 2019, 20190910171006; 'Unholy alliance'? Southeast Asian authorities accused of trading exiled activists', Reuters, 21 June 2019, 20190624112000; 'RFA Blogger Formally Indicted in Vietnam for 'Abuse of Power'', Radio Free Asia (RFA), 17 September 2019, 20190918084723

³⁰² 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 32, 20191213145121

³⁰³ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 32, 20191213145121

³⁰⁴ 'Country Report on Human Rights Practices 2018 - Vietnam', US Department of State, 13 March 2019, pp.35-36, 20190314094839

³⁰⁵ 'Freedom in the World 2019 – Vietnam', Freedom House, 2019, p.6, 20190802161239

arrested during raids in Nonthaburi province.³⁰⁶ Thai immigration officials have been silent about the plans for the detained Montagnards.³⁰⁷ In June 2019, Cambodia returned four Montagnards to Vietnam after one asked to return to be with his family, and the others were refused refugee status.³⁰⁸

Returned Montagnards may be temporarily detained. Credible sources report that Montagnards returned from neighbouring countries may have been detained and questioned for up to several days and closely monitored by police.³⁰⁹ A 2015 submission referred to an individual who 'was detained by authorities for 12 days after his return and beaten' and of a group of 36 Montagnards who were held overnight by police and released the next day.³¹⁰ A group of Montagnards returned from Cambodia in 2017 claimed that they were subject to ongoing surveillance, as well as restrictions on their ability to move freely; forced confessions admitting their error in fleeing Vietnam and filmed for subsequent broadcast on television were also alleged.³¹¹

Relocating or leaving the country

Residence laws are applied inconsistently by local police. Under the Vietnamese Constitution, all citizens, including migrants, possess equal rights, including freedom of movement and residence.³¹² Residency laws are not applied consistently, however, due to lack of guidance and differing interpretations of the law.³¹³ A 2013 law explicitly recognises the right of local authorities to set their own policies regarding household registration, and some cities have tightened the requirements for obtaining permanent status.³¹⁴

Internal relocation in Vietnam is closely monitored by authorities. While relocation is common in Vietnam, with large scale urbanisation occurring in recent decades,³¹⁵ under the Household Registration System local police in Vietnam often require citizens to register when staying in or moving to any location outside of their own homes.³¹⁶ Moving without permission can hamper individuals seeking legal residence permits, public education, and health-care benefits.³¹⁷ Due to the level of official scrutiny and monitoring in Vietnam, there are few options for people wishing to relocate internally in order to seek protection from state authorities.³¹⁸

Movement across Vietnam's borders is closely monitored and broad limitations have been placed upon the right to freedom of movement. The Immigration Department of the Ministry of Public Security (MPS) is responsible for identifying and recording travellers who pass through

³⁰⁶ 'Persecuted in Hanoi, locked up in Bangkok – the Montagnards, Vietnam's forgotten Christians', South China Morning Post, 4 November 2018, CXBB8A1DA37926

³⁰⁷ 'Persecuted in Hanoi, locked up in Bangkok – the Montagnards, Vietnam's forgotten Christians', South China Morning Post, 4 November 2018, CXBB8A1DA37926

³⁰⁸ 'Montagnards' Deportation Sparks Fears about Safety', Voice of America (VOA), 30 June 2019, 20190702113623

³⁰⁹ 'Country Report on Human Rights Practices 2018 - Vietnam', US Department of State, 13 March 2019, pp.35-36, 20190314094839

³¹⁰ 'Submission to the Department of Foreign Affairs and Trade: Australia - Viet Nam Human Rights Dialogue Civil Society Consultation', Amnesty International, 31 July 2015, p.7, CISEC96CF13142

³¹¹ 'Returned Montagnards facing intimidation, spying in Vietnam', Cambodia Daily, 3 May 2017, CXC9040666726; Cambodia. Protect Montagnards refugees, Human Rights Watch, 12 September 2017, CXC90406621215

³¹² 'Migration, Resettlement and Climate Change in Viet Nam', United Nations Viet Nam, March 2014, pp.13-14, CISA447F083168

³¹³ 'Migration, Resettlement and Climate Change in Viet Nam', United Nations Viet Nam, March 2014, p.14, CISA447F083168

³¹⁴ 'Vietnam's Household Registration System', World Bank Group & Vietnam Academy of Social Sciences, June 2016, p.x, CIS38A80121252

³¹⁵ 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, p.17, 20200429143402

³¹⁶ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, pp.15-16, 20190917095808; 'No more household registration books: a move to reduce administrative burden', Vietnam Law and Legal Forum, 25 January 2018, CXBB8A1DA37045; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 42, 20191213145121

³¹⁷ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.24, 20200312104733

³¹⁸ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 42, 20191213145121

international airports, including Vietnamese nationals.³¹⁹ The MPS has total discretion to prohibit Vietnamese citizens from leaving or entering the country on the grounds of 'safeguarding national security and social order and safety'.³²⁰ The Vietnamese government has also imposed limitations on the movement of some activists and religious leaders, including those outspoken in their criticism of the government and political dissidents given probation or under house arrest.³²¹ Dozens of individuals have been prevented from traveling overseas or entering the country, had their passports withheld on vague charges or have been refused a passport without clear explanation.³²² Vietnamese authorities have also routinely physically prevented political activists and family members of political prisoners from meeting with foreign diplomats or from traveling abroad.³²³

³¹⁹ 'Review of Vietnamese Migration Abroad, Consular Department – Ministry of Foreign Affairs of Vietnam', May 2012, p.11, CIS961F9402609

³²⁰ 'Q & A on the Right to Freedom of Movement in Vietnam', Civil Rights Defenders, 14 September 2015, pp.2 & 4, CISEC96CF15116

³²¹ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.25, 20200312104733

³²² 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.25, 20200312104733

³²³ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.25, 20200312104733; 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.16, 20190917095808; 'Vietnam blocks Catholic priest, sister of labor activist from leaving abroad', Vietnam Human Rights Defenders, 27 June 2017, CXC9040669873



Australian Government
Department of Home Affairs

Common Claims

Vietnam

Country of Origin Information Services Section (COISS)

Effective from 26 November 2020

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Religion

Religious practice is regulated by law and official oversight, and in some instances restricted.

On 1 January 2018, a new *Law on Belief and Religion*, accompanied by *Decree No162/2017/ND-CP Guidelines for Implementation of the Law on Religion and Folk Belief*,¹ came into effect.² The laws require all religious groups and most individual clergy to join a party-controlled supervisory body and obtain permission for most religious activities.³ The laws require religious communities to register their organizations and places of worship with the government via procedures the US Commission on International Religious Freedom (USCIRF) describes as 'complicated and burdensome'.⁴ Some faith groups report that the 2018 law has hardened official attitudes, with authorities denying permission for activities and practices which had previously been permitted.⁵ Other reports indicate that religious groups that choose not to register, or have their applications rejected or ignored, may be subject to harassment from authorities in the form of intimidation, intrusive monitoring and arrest.⁶ There have also been reports of officials requiring registrants to submit the names of congregants, a requirement not stipulated in the 2018 law.⁷

In other instances, the 2018 *Law on Religion and Belief* has had positive impacts, particularly for established groups. While the law places restrictions on new and unregistered groups,⁸ many formally recognised, established groups view the law as an improvement.⁹ The law has enabled such groups to register as legal entities, with associated rights including the rights to open a bank account, and has reduced waiting periods to apply for official recognition from 23 to 5 years.¹⁰ The USCIRF also reported in 2019 that some interlocutors indicated to them that authorities had generally become more tolerant of religion, with state officials prominently praising the role of religious organizations in promoting social welfare.¹¹ The law also permits religious organizations to participate in education, vocational training, healthcare and social services, a change from previous regulatory environments.¹²

The degree to which Vietnamese people can freely practice religion varies widely.

Implementation of the *Law on Religion and Belief* varies significantly across provinces.¹³ Religious groups in urban, economically developed areas are generally able to exercise their religion or belief freely and openly.¹⁴ While members of officially recognised groups are able to practise their faith without significant interference, those associated with independent organisations are less able to do

¹ *'Decree No162/2017/ND-CP Guidelines for Implementation of the Law on Religion and Folk Belief'*, Socialist Republic of Vietnam, December 2017, 20200806155359

² *'Country Update: An Assessment of Vietnam's Law on Belief and Religion'*, United States Commission on International Religious Freedom (USCIRF), 21 November 2019, p.1, 20191122090923

³ *'Freedom in the World 2020 - Vietnam'*, Freedom House, 2020, p.6, 20200514114358

⁴ *'Country Update: An Assessment of Vietnam's Law on Belief and Religion'*, United States Commission on International Religious Freedom (USCIRF), 21 November 2019, p.1, 20191122090923

⁵ *'Country Update: An Assessment of Vietnam's Law on Belief and Religion'*, United States Commission on International Religious Freedom (USCIRF), 21 November 2019, p.3, 20191122090923

⁶ *'Vietnamese pastor released from prison after more than 4 years behind bars'*, Premier Christian News, 22 September 2020, 20200923134154; *'Hopes and fears for religious freedom in Vietnam'*, The Hill 20, August 2020, 20200821153509

⁷ *'Country Update: An Assessment of Vietnam's Law on Belief and Religion'*, United States Commission on International Religious Freedom (USCIRF), 21 November 2019, p.2, 20191122090923

⁸ *'Country Update: An Assessment of Vietnam's Law on Belief and Religion'*, United States Commission on International Religious Freedom (USCIRF), 21 November 2019, p.3, 20191122090923

⁹ *'Country Update: An Assessment of Vietnam's Law on Belief and Religion'*, United States Commission on International Religious Freedom (USCIRF), 21 November 2019, p.1, 20191122090923

¹⁰ *'Country Update: An Assessment of Vietnam's Law on Belief and Religion'*, United States Commission on International Religious Freedom (USCIRF), 21 November 2019, p.1, 20191122090923

¹¹ *'Country Update: An Assessment of Vietnam's Law on Belief and Religion'*, United States Commission on International Religious Freedom (USCIRF), 21 November 2019, p.1, 20191122090923

¹² *'Report on Human Rights in Vietnam 2019-2020'*, Vietnam Human Rights Network, 14 May 2020, p.49, 20200521115120

¹³ *'Country Update: An Assessment of Vietnam's Law on Belief and Religion'*, United States Commission on International Religious Freedom (USCIRF), 21 November 2019, pp.1,3, 20191122090923

¹⁴ *'USCIRF 2020 Annual Report'*, United States Commission on International Religious Freedom (USCIRF), 28 April 2020, p.47, 20200429103634

so.¹⁵ As noted earlier, religious groups who either choose or are unable to register with the government face elevated risks of harassment from the authorities.¹⁶ The Interfaith Council – a group comprising Catholics, Lutherans, Buddhists, Cao Dai, and Hoa Hao Buddhists reported to the USCIRF in 2019 that the new law had not reduced levels of official harassment faced by their communities.¹⁷ Other reports note instances of progress in the relationship between authorities and religious minorities. Local authorities in Lam Dong Province for example recently announced over USD3 million in funding to help displaced Hmong Christian households to permanently resettle, including through the provision of a medical clinic and community centre.¹⁸

Recognised religious groups in Vietnam who worship discretely and conform to government policies have a low risk of official interference. While reports vary, the government recognises between 38 and 42 religious organisations and one dharma practice, which are affiliated with 15 distinct religious traditions.¹⁹ These comprise Buddhism, Islam, Baha'i, Catholicism, Protestantism, Church of Jesus Christ, Hoa Hao Buddhism, Cao Dai, Buu Son Ky Huong, Tinh Do Cu Si Phat Hoi, Tu An Hieu Nghia, Phat Duong Nam Tong Minh Su Dao, Minh Ly Dao Tam Tong Mieu, Khmer Brahmanism, and Hieu Nghia Ta Lon Buddhism.²⁰ The government only recognizes the state-run Buddhist Sangha of Vietnam.²¹ Catholic groups – along with Protestants, Muslims, Baha'i and Buddhist groups – are allowed to provide religious education to adherents.²²

Reports of repression, violence and harassment of religious activities outside state-approved religious groups are common. The Vietnamese government is suspicious of any organised group that may challenge its authority, and continues to closely monitor and disrupt the activities of unrecognised branches of various religious groups, sometimes violently.²³ Religious groups report that most harassment is committed by local or provincial authorities,²⁴ and sometimes through the mobilization of locals and cadres mobilized by the government.²⁵ Modes of harassment reported include physical assault, arrest, prosecution, monitoring, travel restrictions, property seizure, and denial of registration.²⁶ In 2019, local human rights group Vietnam Human Rights Network (VHRN) listed a total of seven 'violent' incidents in which authorities targeted religious practitioners; two of these clearly involved bodily assault.²⁷ Religious followers who engage in political activism are more likely to face harassment.²⁸ The VHRN claims that police agents are trained to infiltrate Buddhist temples and other religious institutions both in Vietnam and abroad, including the United States and Australia, to cause disruption.²⁹ The State Committee on Religious Affairs is also reported to extend

¹⁵ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.4, 20200612161552; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.20, 20191213145121

¹⁶ 'Vietnamese pastor released from prison after more than 4 years behind bars', Premier Christian News, 22 September 2020, 20200923134154; 'Hopes and fears for religious freedom in Vietnam', The Hill 20, August 2020, 20200821153509

¹⁷ 'Country Update: An Assessment of Vietnam's Law on Belief and Religion', United States Commission on International Religious Freedom (USCIRF), 21 November 2019, p.3, 20191122090923. 'Independent' in this context refers to groups who have not registered with the government in contravention of the *Law on Belief and Religion*.

¹⁸ 'Hopes and fears for religious freedom in Vietnam', The Hill 20, August 2020, 20200821153509

¹⁹ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.4, 20200612161552 states '38' groups; 'Report on Human Rights in Vietnam 2019-2020', Vietnam Human Rights Network, 14 May 2020, p.52, 20200521115120 states '42' groups.

²⁰ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.4, 20200612161552

²¹ 'Report on Human Rights in Vietnam 2019-2020', Vietnam Human Rights Network, 14 May 2020, p.53, 20200521115120

²² '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.20, 20200612161552

²³ 'World Report 2020. Events of 2019', Human Rights Watch (HRW), 14 January 2020, p.638, 20200115082903; 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.25, 20190917095808

²⁴ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.1, 20200612161552

²⁵ 'Thien An Abbey – 45 Years Under The Government's Fist', The Vietnamese, 6 October 2020, 20201008153405

²⁶ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.1, 20200612161552

²⁷ 'Report on Human Rights in Vietnam 2019-2020', Vietnam Human Rights Network, 14 May 2020, p.54, 20200521115120

²⁸ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, pp.22, 23, 24, 20191213145121

²⁹ 'Report on Human Rights in Vietnam 2019-2020', Vietnam Human Rights Network, 14 May 2020, p.53, 20200521115120

its activities overseas, conducting meetings with diaspora Vietnamese in order to 'understand their sentiments and aspirations' and to 'suggest ways to help Vietnamese communities with religious and spiritual activities'.³⁰

Christians

Christians may face barriers in education and employment. Christians employed in state institutions may face career and political barriers.³¹ Christians have, as a rule, been denied membership in the Communist Party of Vietnam (CPV), the state bureaucracy and the security forces, and have not been appointed to leadership positions in schools and universities.³² Party membership is in turn closely connected with employment opportunities in the public sector.³³ There are also restrictions on the numbers of students permitted to enrol in Catholic and also in Protestant seminaries, which church leaders say are inadequate to meet demand.³⁴ Many Hmong and Montagnard Christians have been unable to access identity cards and household registration, with some reports indicating this is in retaliation against their refusal to renounce their faith.³⁵

Scores of Christian 'religious prisoners' remain incarcerated. The VHRN lists scores of Christians it categorises as 'religious prisoners' in its 2020 Annual Report.³⁶ The vast majority of these are ethnic minority people – either Hmong or Montagnard Christians.³⁷ Most of those imprisoned were charged with 'undermining the unity code'.³⁸ Dozens of them are reportedly pastors.³⁹ In a more positive shift, authorities are reported to have begun the process of granting citizenship to Hmong and Montagnard Christians in some provinces.⁴⁰

Catholics

The Vietnamese government regulates the activities of Catholics. Catholics make up approximately 7.4 per cent of the population.⁴¹ While the Vatican is permitted to select its own bishops and priests, Vietnamese authorities exercise final approval.⁴² Government officials have highlighted the expanding opportunities of charitable and social work by the Catholic Church.⁴³ In April 2019, authorities in Lai Chau Province denied a Catholic community permission to celebrate Easter Mass, stating that some members of the community were recent converts who were not properly registered.⁴⁴

³⁰ 'Vietnam: What Does The Government Committee For Religious Affairs Do With More Than 64 Billion Dong Every Year?', The Vietnamese, 28 September 2020, 20201008153748

³¹ 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, p.24, 20200429143402

³² 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, pp.8-9, CIS7B83941599

³³ 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, p.25, 20200429143402

³⁴ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.20, 20190625113215

³⁵ 'Hopes and fears for religious freedom in Vietnam', The Hill 20, August 2020, 20200821153509

³⁶ 'Report on Human Rights in Vietnam 2019-2020', Vietnam Human Rights Network, 14 May 2020, Appendix 1, pp.83-91, 20200521115120

³⁷ 'Report on Human Rights in Vietnam 2019-2020', Vietnam Human Rights Network, 14 May 2020, Appendix 1, pp.83-91, 20200521115120

³⁸ 'Report on Human Rights in Vietnam 2019-2020', Vietnam Human Rights Network, 14 May 2020, Appendix 1, pp.83-91, 92, 20200521115120

³⁹ 'Rights Group Urges Vietnam to Free Prisoners of Conscience Amid COVID-19', International Christian Concern' 4 June 2020, 20200807155150

⁴⁰ 'Local Vietnamese Government Announces Infrastructure Plan to Aid Ethnic Minority Christians', International Christian Concern (Persecution.org), 24 July 2020, 20200728103907

⁴¹ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.2, 20200612161552

⁴² 'The Vatican is making headway in Hanoi. Will Beijing be next?', Catholic Herald, 29 August 2019, 20190917154848; 'Vietnam deal points way for China-Vatican progress', UCA News (UCAN), 8 October 2018, 20190917155709

⁴³ 'HCM City honours exemplary Catholics in charity work', Viet Nam News Agency, 28 August 2018, 20190118120109

⁴⁴ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.11, 20200612161552

Catholics in remote areas often face difficulty registering with provincial authorities. According to many Catholic bishops, congregations in remote areas with majority ethnic minority populations face difficulty registering with provincial authorities due to an inconsistent application of national laws.⁴⁵ Catholic leaders state that the most problematic regions are in the Central Highlands (Gia Lai, Dak Lak, Dak Nong, Kon Tum, and Lam Dong provinces), the Northwest Highlands, and Hoa Binh province.⁴⁶ Bishops also report that authorities in remote areas have prevented or disrupted Catholic services by blocking parishioners' access to unregistered home churches or threatening the hosts of such gatherings.⁴⁷

Reports vary on the status of the Red Flag Association, a pro-government group which harassed Catholics in 2017 and 2018. In 2017 and 2018 there were reports of harassment of Catholics active in political protests⁴⁸ by a pro-government group called the Red Flag Association.⁴⁹ Red Flag groups were highly organised and often worked closely with authorities.⁵⁰ In February 2018, members of the Red Flag Association at a primary school in Nghe An province intimidated and beat Catholic parents at a school meeting.⁵¹ In December 2017, the group clashed violently with parishioners in Vinh Diocese, Nghe An province, over the construction of a new chapel.⁵² According to USCIRF's April 2020 report, there were no reports of attacks by Red Flag Associations in 2019.⁵³ However, in June 2020 the US State Department said that reports of harassment of Catholics by Red Flag groups continued, although the group reportedly disbanded in March 2018.⁵⁴

Catholic leaders have been actively involved in local political issues such as environmental protests. Catholic leaders, particularly in central Vietnam, have helped organise protests calling for stronger environmental protections, and were involved in the widespread June 2018 protests on special economic zones and the cybersecurity law.⁵⁵ Priests have also assisted parishioners in filing complaints and lawsuits against the government over the 2016 Formosa incident in which a Taiwanese company released tons of untreated chemicals into Vietnamese ocean waters, causing significant environmental and economic damage.⁵⁶ In response, state-run media and pro-government blogs published highly critical material against priests who assisted activists and victims of the Formosa incident, with some priests reportedly pressured to leave their parishes.⁵⁷ [See also: [Environmental Protests: Formosa Ha Tinh Steel Corp Toxic Spill](#)]

⁴⁵ ['2019 Report on International Religious Freedom - Vietnam'](#), United States Department of State, 10 June 2020, p.14, 20200612161552

⁴⁶ ['2019 Report on International Religious Freedom - Vietnam'](#), United States Department of State, 10 June 2020, p.14, 20200612161552

⁴⁷ ['2019 Report on International Religious Freedom - Vietnam'](#), United States Department of State, 10 June 2020, p.11, 20200612161552

⁴⁸ ['Report on Human Rights in Vietnam 2018-2019'](#), Vietnam Human Rights Network, 10 May 2019, p.25, 20190806115309

⁴⁹ ['DFAT Country Information Report Vietnam'](#), Department of Foreign Affairs and Trade, 13 December 2019, p.23, 20191213145121; ['Vietnam 2018 International Religious Freedom Report'](#), US Department of State, 21 June 2019, p.2, 20190625113215; ['International Religious Freedom Report for 2017 - Vietnam'](#), US Department of State, 29 May 2018, p.26, OGD95BE927542

⁵⁰ ['DFAT Country Information Report Vietnam'](#), Department of Foreign Affairs and Trade, 13 December 2019, p.23, 20191213145121; ['United States Commission on International Religious Freedom Annual Report 2019'](#), United States Commission on International Religious Freedom (USCIRF), 29 April 2019, p.136, 20190508143726

⁵¹ ['Vietnam 2018 International Religious Freedom Report'](#), US Department of State, 21 June 2019, p.22, 20190625113215

⁵² ['DFAT Country Information Report Vietnam'](#), Department of Foreign Affairs and Trade, 13 December 2019, p.23, 20191213145121; ['International Religious Freedom Report for 2017 - Vietnam'](#), US Department of State, 29 May 2018, p.26, OGD95BE927542

⁵³ ['USCIRF 2020 Annual Report'](#), United States Commission on International Religious Freedom (USCIRF), 28 April 2020, p.47, 20200429103634

⁵⁴ ['2019 Report on International Religious Freedom - Vietnam'](#), United States Department of State, 10 June 2020, p.11, 20200612161552

⁵⁵ ['Vietnam 2018 International Religious Freedom Report'](#), US Department of State, 21 June 2019, p.13, 20190625113215

⁵⁶ ['Vietnam 2018 International Religious Freedom Report'](#), US Department of State, 21 June 2019, p.13, 20190625113215; ['BTI 2020 Country Report - Vietnam'](#), Bertelsmann Stiftung, 29 April 2020, p.26, 20200429143402

⁵⁷ ['Vietnam 2018 International Religious Freedom Report'](#), US Department of State, 21 June 2019, p.13, 20190625113215

Protestants

The Vietnamese government controls and monitors the activities of Protestants. The government has recognised nine Protestant organisations, leaving more than 70 groups illegal.⁵⁸ In August 2019, the People's Court of Gia Lai Province sentenced a Degar Protestant, Rah Lan Hip, to seven years in prison for 'undermining the unity policy' by sharing multiple posts about Degar Protestantism on his Facebook account.⁵⁹ The government considers Degar Christianity to be a separatist political movement rather than a religious group.⁶⁰

Particular social groups

Women

Domestic violence against women in Vietnam is common. Precise statistics are difficult to obtain due to victims' frequent reluctance to approach authorities,⁶¹ but in November 2019 the Women's Union reported that at least 58 per cent of married women were worried about domestic violence on a daily basis and 87 per cent did not seek help.⁶² Of approximately 1.4 million divorce cases processed by local courts between 2008 and 2018, about 1 million, or 77 per cent, involved domestic violence.⁶³ Domestic violence against women is most prevalent in rural areas where a range of circumstances, such as economic difficulties, family conflicts, addiction and a lack of understanding among women of their rights exacerbate the problem.⁶⁴ Social stigma prevents many survivors from coming forward due to fear of harassment from their spouses or family.⁶⁵

Domestic violence is criminalised in Vietnam, and there are avenues of redress available to victims. Vietnamese law criminalises rape – including spousal rape – and prohibits violence or threats against women.⁶⁶ Rapists are subject to prison terms of up to 15 years in severe cases.⁶⁷ Authorities prosecute rape cases but do not release arrest, prosecution, conviction, or punishment statistics.⁶⁸ Vietnamese law also outlines acts that constitute domestic violence and stipulates punishments, ranging from warnings and probation to imprisonment,⁶⁹ although the authorities treat

⁵⁸ 'Report on Human Rights in Vietnam 2019-2020', Vietnam Human Rights Network, 14 May 2020, p.53, 20200521115120

⁵⁹ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.9, 20200612161552

⁶⁰ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.9, 20200612161552

⁶¹ 'Vietnam's social mores make it more difficult to fight domestic violence', VNExpress, 20 September 2019, 20190924140401; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.31, 20191213145121

⁶² 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.29, 20200312104733

⁶³ 'Vietnam's social mores make it more difficult to fight domestic violence', VNExpress, 20 September 2019, 20190924140401
⁶⁴ 'Consideration of reports submitted by States parties under article 18 of the Convention: Seventh and eighth periodic reports of States parties due in 2011: Viet Nam', UN Committee on the Elimination of Discrimination against Women, 13 December 2014, pp.67-68, CIS2F827D91319

⁶⁵ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.29, 20200312104733; 'Vietnam's social mores make it more difficult to fight domestic violence', VNExpress, 20 September 2019, 20190924140401

⁶⁶ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.28, 20200312104733

⁶⁷ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, pp.28-29, 20200312104733

⁶⁸ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.29, 20200312104733

⁶⁹ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.29, 20200312104733; 'Country Profile - Social Institutions and Gender Index - Viet Nam', Social Institutions and Gender Index (SIGI), 2019, p.4, 20190820172336

domestic violence cases as civil cases unless the victim suffers injuries to more than 11 per cent of their body.⁷⁰ Police generally seek to initiate a process of reconciliation between the victim and perpetrator for less serious cases of domestic violence,⁷¹ which credible sources indicate favours men over women and can leave a victim without access to effective legal remedy.⁷² Victims and the police can initiate criminal investigations into more serious incidents.⁷³ Authorities, with the help of international and local non-government organisations, train police, lawyers, community advocates and legal system officials in laws related to domestic violence.⁷⁴

Recent UN sources indicate that Vietnam is making progress on some women's issues. In-country UN representatives have stated that the country has developed the 'legal framework to promote gender equality' and that 'overall, the Government of Vietnam has made good progress in women empowerment and gender equality'.⁷⁵ They cite the growing number of women appointed to management positions and high literacy rates among women as indicators of Vietnam's progress on women's issues.⁷⁶

Support services

The Vietnamese government and NGOs provide support services to victims of domestic violence. Support services include crisis centres, hotlines, and 'trusted addresses' which enable women to seek assistance from another family.⁷⁷ Domestic violence rapid response teams have been established with the support of the United Nations,⁷⁸ while judicial officers and legal aid centres are available to victims.⁷⁹ By 2013, Vietnam had developed 10 shelters nationwide that provide women and girls with access to health-care services, counselling, education, vocational and life-skills training.⁸⁰ Authorities, with the help of international and local non-government organisations, continue to support workshops and seminars that aim to educate women and men about domestic violence and women's rights, as well as seeking to highlight the problem through public awareness campaigns.⁸¹

The Vietnam Women's Union provides support services to victims of domestic violence. The Women's Union provides training to 'trusted households' to provide victims with legal counsel, clothing, first aid, medicine, and telephone cards.⁸² Trusted households are private homes that

⁷⁰ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.29, 20200312104733

⁷¹ 'Country Profile - Social Institutions and Gender Index - Viet Nam', Social Institutions and Gender Index (SIGI), 2019, p.5, 20190820172336; 'Assessment of the situation of women in the criminal justice system in Viet Nam. In support of the Government's efforts towards Effective Gender Equality in the Criminal Justice System', United Nations Office on Drugs and Crime, July 2013, p.19, CIS36DE0BB2142

⁷² 'Compilation on Viet Nam: Report of the Office of the United Nations High Commissioner for Human Rights', United Nations Human Rights Council, 15 November 2018, p.9, 20190723115431

⁷³ 'Freedom in the World 2020 - Vietnam', Freedom House, 2020, p.9, 20200514114358; 'Assessment of the situation of women in the criminal justice system in Viet Nam. In support of the Government's efforts towards Effective Gender Equality in the Criminal Justice System', United Nations Office on Drugs and Crime, July 2013, p. 19, CIS36DE0BB2142

⁷⁴ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.29, 20200312104733

⁷⁵ 'VN develops sound legal framework to promote gender equality', Viet Nam News, 3 November 2020, 20201104134842

⁷⁶ 'VN develops sound legal framework to promote gender equality', Viet Nam News, 3 November 2020, 20201104134842

⁷⁷ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, pp.31-32, 20191213145121

⁷⁸ 'Viet Nam establishes Rapid Response Forces against domestic violence', United Nations Office on Drugs and Crime, 1 January 2015, CXBD6A0DE19214

⁷⁹ 'Access to Justice in the Plural Legal System in Viet Nam: A Case Study of Women Domestic Violence Survivors', UN Women, 2015, p.57-58, CISEC96CF15250

⁸⁰ 'Consideration of reports submitted by States parties under article 18 of the Convention: Seventh and eighth periodic reports of States parties due in 2011: Viet Nam', UN Committee on the Elimination of Discrimination against Women, 13 December 2014, pp.67-68, CIS2F827D91319

⁸¹ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.29, 20200312104733

⁸² 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121

women can go to if they are unable to seek overnight shelter elsewhere.⁸³ The Center for Women and Development, supported by the Women's Union, operates a nationwide domestic violence hotline, although this is not widely advertised in rural areas.⁸⁴ The Center also runs three shelters for female victims of domestic violence and trafficking – two in Hanoi known as 'Peace House', and one in Can Tho.⁸⁵ 'Peace House' provides children and women who are affected by domestic violence with counselling services, vocational training, and social programs.⁸⁶

Forced/early marriage

Forced or consensual marriage with an underage person is prohibited in Vietnam. The legal minimum age of marriage is 18 for girls and 20 for boys.⁸⁷ However, there are reports that child marriage still occurs in rural areas of Quang Nam Province, with pregnant girls as young as 14 pressured into marriage by family.⁸⁸ Approximately 10-11 per cent of girls under 18 are married.⁸⁹

LGBTI

Vietnam has progressively liberalised laws around same-sex conduct in recent years. In recent years the government has amended legislation to increase recognition of LGBTI rights and in 2013 removed consensual same-sex relationships from the country's list of forbidden relationships.⁹⁰ In 2015, the government repealed a ban on same-sex marriage.⁹¹ In addition to legal rights, the government has introduced targeted medical services; for example, in January 2019, the Binh Dan Hospital in Saigon opened Vietnam's first clinic catering specifically to members of the LGBTI community.⁹² However, while same-sex sexual conduct is legal, there are no laws to prohibit discrimination on the basis of sexual orientation or gender identity.⁹³ Also, while same-sex marriage is not banned, same-sex marriages are not officially recognised.⁹⁴

Transgender people who have undergone sex re-assignment surgery can register their new status. Article 37 of the revised *Civil Code*, which came into effect in 2017, contains new provisions legalising transgender rights – including the right to change their sex, access health care and change their gender identity on official documents if they have undergone sex re-assignment surgery.⁹⁵

⁸³ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121

⁸⁴ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.31, 20191213145121

⁸⁵ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.31, 20191213145121

⁸⁶ 'Third periodic report submitted by Vietnam under article 40 of the Covenant', United Nations Human Rights Office of the High Commissioner, 9 January 2018, CIS7B839419944; 'Social activities of the Center for Women and Development', Center for Women and Development, n.d. [Accessed 16 October 2018], CIS7B839419862

⁸⁷ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.32, 20200312104733

⁸⁸ 'Child marriage remains the norm in central mountains', Dac Thanh, VNEExpress, 21 August 2019, 20190822090141

⁸⁹ 'Country Profile - Social Institutions and Gender Index - Viet Nam', Social Institutions and Gender Index (SIGI), 2019, p.1, 20190820172336; 'Viet Nam - Child Marriage', Girls Not Brides, n.d., accessed 16 June 2020, 20200616170159

⁹⁰ 'My Teacher Said I Had a Disease': Barriers to the Right to Education for LGBT Youth in Vietnam', Human Rights Watch, 12 February 2020, p.1, 20200214091242

⁹¹ 'My Teacher Said I Had a Disease': Barriers to the Right to Education for LGBT Youth in Vietnam', Human Rights Watch, 12 February 2020, p.1, 20200214091242; 'Freedom in the World 2018 – Vietnam', Freedom House, 5 April 2018, NGE0867A684

⁹² 'Vietnam's first LGBT-friendly clinic provides relief from illness and prejudice', VNEExpress, 29 January 2019, 20190130103506

⁹³ 'Freedom in the World 2019 – Vietnam', Freedom House, 02 August 2019, p.6, 20190802161239

⁹⁴ 'My Teacher Said I Had a Disease': Barriers to the Right to Education for LGBT Youth in Vietnam', Human Rights Watch, 12 February 2020, p.1, 20200214091242; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121

⁹⁵ 'LGBT rights: Vietnam recognises transgender people, but there's a flaw in its law', Sen Nguyen, South China Morning Post, 21 June 2019, 20190814134558; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.33, 20191213145121

Advocates have criticised the requirement for sex re-assignment surgery as not all transgender people wish to undergo surgery, and the surgery is expensive and not covered under the national health insurance scheme for transgender people.⁹⁶ Reports indicate that despite the passing of the 2017 *Civil Code*, transgender people are yet to receive official recognition or access rights around gender change on identity documents. This is in part due to Vietnam's failure to legalize sex-reassignment surgery and in part due to a bill on transgender rights still awaiting passage.⁹⁷

Vietnam increasingly accepts the rights of LGBTI people. The government does not consider LGBTI issues to be politically sensitive.⁹⁸ Numerous civil society organisations advocating for LGBTI rights have emerged in recent years.⁹⁹ Vietnam's first pride rally took place in 2012,¹⁰⁰ and has become an annual event.¹⁰¹ Authorities have allowed pride marches and gatherings to proceed despite not being registered.¹⁰² In 2019 numerous pride parades and events were held throughout the country.¹⁰³ Mainstream Vietnamese media – which is controlled by the government – increasingly promotes the view that being gay is normal.¹⁰⁴ LGBT-friendly spaces, including coffee shops and art spaces, exist in Hanoi and Ho Chi Minh City.¹⁰⁵ However, places to meet on a day-to-day basis remain limited and many Vietnamese LGBTI people remain discreet in expressing their sexuality.¹⁰⁶ Information and support networks are limited at the provincial level.¹⁰⁷

Despite increased tolerance by the government, discrimination against LGBTI people remains widespread in Vietnamese society. Societal discrimination and stigma against LGBTI people remains widespread and is worst towards transgender people.¹⁰⁸ Discrimination is most pervasive in schools, health care and the work place, although it also occurs within some families.¹⁰⁹ The belief that same-sex attraction is a diagnosable, treatable, and curable mental health condition is common.¹¹⁰ Violence against LGBTI people is much less common than other forms of discrimination, such as verbal insults and online abuse.¹¹¹ LGBTI people often choose not to report incidents of

⁹⁶ "My Teacher Said I Had a Disease": Barriers to the Right to Education for LGBT Youth in Vietnam', Human Rights Watch, 12 February 2020, p.1, 20200214091242; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.33, 20191213145121

⁹⁷ 'Trans Legal Mapping Report: Recognition Before the Law', ILGA, 30 September 2020, p.109, 20201001140359; 'Vietnam's transgender citizens suffer in a grey area', VNEPress, 2 January 2020, 20201118134044

⁹⁸ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121

⁹⁹ 'Being LGBT in Asia – Vietnam country report', USAID & UNDP, August 2014, p.21, CX324893

¹⁰⁰ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121

¹⁰¹ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121; 'Love in the air at gay pride parade in Ho Chi Minh City', Tuoi Tre Online, 25 September 2017, CXC90406620464

¹⁰² 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.28, 20190917095808

¹⁰³ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121; 'LGBT members join pride parade in Ho Chi Minh City', Tuoi Tre Online, 15 September 2019, 20200227102119

¹⁰⁴ 'Gay Vietnam', Travel Gay Asia, n.d., accessed 3 July 2017, CISED50AD4725

¹⁰⁵ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121

¹⁰⁶ 'Gay Vietnam', Travel Gay Asia, n.d., (accessed 3 July 2017), CISED50AD4725; Gay Hanoi, Travel Gay Asia, n.d., (accessed 3 July 2017), CISED50AD4726; Travel & Resources: HO CHI MINH CITY – SAIGON, Utopia, n.d. (accessed 3 July 2017), CISED50AD4728

¹⁰⁷ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121

¹⁰⁸ 'Freedom in the World 2020 - Vietnam', Freedom House, 2020, p.9, 20200514114358; "Is it because I am LGBT?" Discrimination based on sexual orientation in Viet Nam', UNDP, 21 June 2016, p.14, CIS38A80124354; 'Transgender at work. Livelihoods for transgender people in Vietnam', Hoang T-A and Oosterhoff, P, Institute of Development Studies, February 2016, pp.4, 15, CIS38A80128087

¹⁰⁹ "My Teacher Said I Had a Disease": Barriers to the Right to Education for LGBT Youth in Vietnam', Human Rights Watch, 12 February 2020, p.1, 20200214091242; 'Being LGBT in Asia – Vietnam country report', USAID & UNDP, August 2014, pp.27-31, CX324893; "Is it because I am LGBT?" Discrimination based on sexual orientation in Viet Nam', UNDP, 21 June 2016, p.14, CIS38A80124354; 'Vietnam's transgender citizens suffer in a grey area', VNEPress, 2 January 2020, 20201118134044

¹¹⁰ "My Teacher Said I Had a Disease": Barriers to the Right to Education for LGBT Youth in Vietnam', Human Rights Watch, 12 February 2020, pp.2, 13-14, 20200214091242

¹¹¹ "Is it because I am LGBT?" Discrimination based on sexual orientation in Viet Nam', UNDP, 21 June 2016, p.18, CIS38A80124354

discrimination or violence to police because they perceive it as commonplace, do not believe it will be adequately resolved or fear embarrassment.¹¹²

Political Opinion

While membership of the Vietnamese Communist Party (CPV) remains beneficial for career advancement, it is no longer essential for success. Vietnam is a single-party regime, commonly described as 'authoritarian'.¹¹³ Party membership remains a prerequisite to career advancement for nearly all government and government-linked organisations and businesses, with leadership positions and opportunities for promotion reserved for those who demonstrate political loyalty.¹¹⁴ Recent economic reforms have provided greater opportunities for non-CPV members, and increasingly young Vietnamese no longer see membership of the party as key to economic and social success, particularly with the increasing availability and attractiveness of careers in the private sector.¹¹⁵ The CPV continues to deny membership to individuals whose parents – or the parents of their spouse – worked for the former South Vietnamese regime.¹¹⁶

Freedom of expression

While 're-education camps' ceased operating in Vietnam in the 1990s, mechanisms still remain for detaining and silencing political dissidents. Mechanisms to suppress and silence critics include house arrest, administrative detention or prison sentences, along with the regular movement of dissidents throughout the detention network to isolate them from family and support networks and other detainees.¹¹⁷ Police routinely detain or place activists under house arrest to prevent them from participating in meetings and protests, or to attend trials of fellow activists.¹¹⁸

The Vietnamese government suppresses political expression and protest. Dissent is rarely tolerated in Vietnam, and authorities routinely use a set of vague provisions in the penal code to detain writers and bloggers.¹¹⁹ Authorities arrested at least 23 people on speech-related grounds in 2019.¹²⁰ While numbers vary, local NGO's have identified as many as 257 political prisoners as at September 2020.¹²¹ Those arrested include bloggers, lawyers, unionists, land rights activists, political dissidents, and followers of non-registered minority religions, with many charged under vague provisions of the 2015 penal code (which took effect in 2018) such as 'making, storing, disseminating or propagandizing materials and products that aim to oppose the State of the Socialist Republic of Vietnam', 'disrupting national security' or 'abusing democratic freedom to violate the interests of the

¹¹² "Is it because I am LGBT?" Discrimination based on sexual orientation in Viet Nam, UNDP, 21 June 2016, p.97, CIS38A80124354

¹¹³ Country Reports on Human Rights Practices for 2019 – Vietnam, United States Department of State, 11 March 2020, p.1, 20200312104733

¹¹⁴ BTI 2020 Country Report - Vietnam, Bertelsmann Stiftung, 29 April 2020, p.24, 20200429143402

¹¹⁵ DFAT Country Information Report Vietnam, Department of Foreign Affairs and Trade, 13 December 2019, p.25, 20191213145121; Vietnam's Divide: Slow Healing, Fewer Prospects for Children of U.S. Allies, Bloomberg, 24 December 2015, CXBD6A0DE19603

¹¹⁶ DFAT Country Information Report Vietnam, Department of Foreign Affairs and Trade, 13 December 2019, para.3.46, p.25, 20191213145121

¹¹⁷ Human Rights in Asia-Pacific: Review of 2019, Amnesty International, 29 January 2020, pp.65-66, 20200130115738

¹¹⁸ World Report 2020. Events of 2019, Human Rights Watch (HRW), 14 January 2020, p.636, 20200115082903

¹¹⁹ Jailed Vietnamese RFA Blogger's Appeal Trial Set For Aug. 14, Radio Free Asia, 10 August 2020, 20200812120858;

Vietnamese Political Prisoners Stage Hunger Strike, Radio Free Asia (RFA), 24 September 2020, 20200925160042

¹²⁰ Human Rights in Asia-Pacific: Review of 2019, Amnesty International, 29 January 2020, p.65, 20200130115738

¹²¹ Torture and Inhumane Treatment of Political Prisoners in Vietnam: 2018 – 2019, The 88 Project, 5 November 2020, p.9, 20201109162103. See also: Rights Lawyer Dang Dinh Manh to Defend Vietnamese Blogger in Anti-State Crimes Trial, Radio Free Asia (RFA), 13 October 2020, 20201014155154

state.¹²² Provisions frequently invoked under the penal code carry penalties of prison sentences of up to 20 years, and in some instances life imprisonment or capital punishment.¹²³ DFAT is not aware of any recent cases of the death penalty being applied for political activities,¹²⁴ although in September 2020 two men were sentenced to death for their roles in a land-dispute clash with authorities in which three police officers died.¹²⁵

The government has harassed independent publishers, journalists and students. Since 2019, authorities have harassed independent book publishers and arrested four members of the Independent Journalists Association of Vietnam.¹²⁶ University authorities have been told by the Ministry of Public Security to expel activists from their universities;¹²⁷ while there have been reports that university students who participated in human rights advocacy have been prevented from graduating.¹²⁸

Tolerance of dissent is likely to worsen in the lead up to the January 2021 CPV Congress. Reports suggest that Vietnam's already low tolerance of dissent has deteriorated sharply in 2020 with a spate of arrests of independent journalists and Facebook personalities.¹²⁹ Activists indicate that the situation is likely to decline further in the run-up to the ruling Communist Party congress in January 2021.¹³⁰ For example, a court in Vietnam's Ho Chi Minh City in late July 2020 imposed prison terms of two and a half to six years on a group of eight activists convicted of planning protests on Vietnam's National Day in September 2018.¹³¹ In October 2020, a prominent human rights journalist (Pham Doan Trang) was charged with 'propaganda against the state', one of a tranche of journalists similarly threatened or detained in recent months.¹³² The charge carries a penalty of up to 20 years' incarceration.¹³³

The government regulates the exit and entry of individuals who openly express anti-government views. Several individuals considered to be political dissidents or activists, or their family members, have been prevented from leaving or returning to Vietnam, or have had passports confiscated or withheld on often vague or unexplained grounds.¹³⁴ In March 2019, police stopped Bui Kim Phuong, wife of political prisoner Nguyen Bac Truyen, from leaving Vietnam for Singapore.¹³⁵ In

¹²² "Defend the Defenders' Latest Statistics: Vietnam Holds 242 Prisoners of Conscience", vietnamhumanrightsdefenders (Defend the Defenders), 01 April 2020, 20200403092023; 'Prisoners of Conscience in Viet Nam', Amnesty International, 13 May 2019, p.3, 20190514144113

¹²³ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.25, 20191213145121

¹²⁴ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.36, 20191213145121

¹²⁵ 'Two sentenced to death for cops' murder in Hanoi', VNExpress, 14 September 2020, 20200915131100

¹²⁶ 'Vietnam: Crackdown on Peaceful Dissent Intensifies', Human Rights Watch, 19 June 2020, 20200623141201; 'Arrests, Suspension of Vietnam Media Signal Crackdown', Voice of America (VOA), 18 June 2020, 20200619091437; 'Human Rights in Asia-Pacific: Review of 2019', Amnesty International, 29 January 2020, p.65, 20200130115738

¹²⁷ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.22, 20200312104733

¹²⁸ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.22, 20200312104733; 'Freedom in the World 2019 - Vietnam', Freedom House, 02 August 2019, 20190802161239

¹²⁹ 'Eight Vietnamese Democracy Activists Given Long Terms in Prison', Radio Free Asia (RFA), 31 July 2020, 20200803123006; 'Vietnamese University Professor Arrested for 'Slandering' Local Party Chief', Radio Free Asia (RFA), 30 September 2020, 20201002105603

¹³⁰ 'Eight Vietnamese Democracy Activists Given Long Terms in Prison', Radio Free Asia (RFA), 31 July 2020, 20200803123006; 'Vietnamese University Professor Arrested for 'Slandering' Local Party Chief', Radio Free Asia (RFA), 30 September 2020, 20201002105603; 'Jailed Vietnamese RFA Blogger's Appeal Trial Set For Aug. 14', Radio Free Asia, 10 August 2020, 20200812120858

¹³¹ 'Eight Vietnamese Democracy Activists Given Long Terms in Prison', Radio Free Asia (RFA), 31 July 2020, 20200803123006

¹³² 'Journalist Pham Doan Trang arrested on anti-state charges in Vietnam', Committee to Protect Journalists (CPJ), 7 October 2020, 20201008152801; 'Rights Lawyer Dang Dinh Manh to Defend Vietnamese Blogger in Anti-State Crimes Trial', Radio Free Asia (RFA), 13 October 2020, 20201014155154; 'Law of the Jungle' for Pham Doan Trang', The Vietnamese, 16 October 2020, 20201020153551

¹³³ 'Woman Human Rights Defender at Risk of Torture', Amnesty International, 02 November 2020, 20201113103126

¹³⁴ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.25, 20200312104733; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.42, 20191213145121

¹³⁵ 'World Report 2020. Events of 2019', Human Rights Watch (HRW), 14 January 2020, p.636, 20200115082903

June 2019, police barred environmental activist Cao Vinh Thinh from travelling to Thailand.¹³⁶ In March 2018, at Hanoi Noi Bai airport authorities denied exit permission to a student who was traveling to study overseas due to his involvement in Formosa-related protests.¹³⁷ In May 2017, police stopped Polish-Vietnamese activist Phan Chau Thanh from entering Vietnam, while in June 2017, the authorities stopped former political prisoner Do Thi Minh Hanh from leaving for Austria to visit her ill mother.¹³⁸ The same month, Vietnamese authorities stripped former political prisoner Pham Minh Hoang of his citizenship and deported him to France.¹³⁹ In January 2020, a female human rights activist was exiled to the United States immediately upon her release from prison.¹⁴⁰ She was the fourth political prisoner since 2018 to exchange early release for exile overseas.¹⁴¹

Pro-democracy activists

The government considers opposition pro-democracy groups such as Viet Tan to be terrorist organisations. As political opposition parties are illegal within Vietnam,¹⁴² opposition parties are typically based overseas to avoid harassment, arrest and detention.¹⁴³ The Vietnam Reform Revolutionary Party (or Viet Tan) is a US-based opposition group with an active branch in Australia that advocates for democracy in Vietnam.¹⁴⁴ In 2016, the government declared Viet Tan a terrorist organisation and stated that anyone involved with the group would be considered an accomplice in terrorism.¹⁴⁵ Other foreign-based opposition groups including the Brotherhood for Democracy, who campaign for human rights and democracy in Vietnam¹⁴⁶ and who are reported to have links to Viet Tan, have been accused of activities aimed at overthrowing the government.¹⁴⁷ In November 2019, Chau Van Kham, a Vietnamese/Australian dual citizen and a member of Viet Tan, was sentenced to twelve years' imprisonment after being convicted of 'engaging in terrorist activities to oppose the government' (Article 113.2 of the Penal Code)¹⁴⁸ and in March 2020 lost his appeal against his 12-year prison sentence for 'financing terrorism'.¹⁴⁹ Chau Van Kham entered Vietnam on a false identity and was arrested in Ho Chi Minh City whilst meeting with a member of the Brotherhood for Democracy.¹⁵⁰

Political prisoners are likely to be treated more harshly than ordinary inmates. A 2020 report by local NGO *The 88 Project* highlights the harsh conditions that the Vietnamese state has imposed

¹³⁶ 'World Report 2020. Events of 2019', Human Rights Watch (HRW), 14 January 2020, p.636, 20200115082903

¹³⁷ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 23, 20190314094839

¹³⁸ 'Country Policy and Information Note – Vietnam: Opposition to the State', UK Home Office, September 2018, p.17, CIS7B839419727

¹³⁹ 'Human Rights Watch World Report 2018', Human Rights Watch, 18 January 2018, p.628, NGE867A63

¹⁴⁰ 'Interview with Former Political Prisoner Tran Thi Nga About Effects of Prison on Women and Children', The 88 Project, 10 June 2020, 20200807142948

¹⁴¹ 'Interview with Former Political Prisoner Tran Thi Nga About Effects of Prison on Women and Children', The 88 Project, 10 June 2020, 20200807142948

¹⁴² 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.9, 20190917095808

¹⁴³ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.9, 20190917095808; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.25, 20191213145121

¹⁴⁴ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.25, 20191213145121

¹⁴⁵ 'Vietnam declares San Jose-based Viet Tan a terrorist group', Associated Press (AP), 7 October 2016, CX6A26A6E11016

¹⁴⁶ 'Vietnam: Drop Charges Against Rights Campaigner', Human Rights Watch (HRW), 10 September 2018, CXBB8A1DA35489

¹⁴⁷ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.25, 20191213145121

¹⁴⁸ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.26, 20191213145121

¹⁴⁹ 'Effectively a death sentence: Australian retiree imprisoned in Vietnam loses final appeal', Special Broadcasting Service (SBS), 03 March 2020, 20200303091219

¹⁵⁰ 'Jailed Australian democracy activist has 'disappeared' inside Vietnam's prison system', Ben Doherty, The Guardian, 7 June 2020, 20200609094102; 'Effectively a death sentence: Australian retiree imprisoned in Vietnam loses final appeal', Special Broadcasting Service (SBS), 3 March 2020, 20200303091219

upon political prisoners in recent years.¹⁵¹ The report argues that 'Vietnam has continued practices amounting to torture of political prisoners' who have been detained or imprisoned.¹⁵² According to the report, political prisoners are treated as a different class of person than ordinary inmates, receiving harsher treatment 'which often amounts to torture and inhumane treatment'.¹⁵³ A US citizen recently released from incarceration in Vietnam after being charged with political offences also described being mistreated while in prison.¹⁵⁴

Protests

Public protests and gatherings are regulated by authorities, with restrictions on political events. The law requires people wishing to gather in a group to apply for a permit from local authorities.¹⁵⁵ However, in practice, only those arranging publicised gatherings to discuss sensitive matters appear to require permits.¹⁵⁶ Permits can be denied without explanation, and the government generally does not allow demonstrations seen to be anti-government or political.¹⁵⁷ Despite legal restrictions and threats of crackdown by the police, Vietnamese citizens continue to express their views through numerous protests.¹⁵⁸

Activists seeking to exercise their freedom of expression or association may experience harassment, surveillance, restrictions on their movement, short-term detention and physical attack. Attacks on rights campaigners have taken place in many regions of Vietnam.¹⁵⁹ Female activist Pham Doan Trang, arrested in October 2020, had been previously attacked by authorities on two occasions, in 2015 and 2018, leaving her permanently disabled.¹⁶⁰ In July 2019, plainclothes agents and government supporters attacked approximately 20 human rights activists and relatives of political prisoners who were attempting to visit a prison in Nghe An province.¹⁶¹ In January 2019, unidentified men abducted anti-corruption campaigner Ha Van Nam and drove him around in a van while beating him, before dropping him outside a hospital with two broken ribs.¹⁶² Credible sources state that the use of these plain-clothes 'thugs', many of whom likely work for a government security agency, rose in 2017 and has in some instances allowed the government to distance itself from the

¹⁵¹ ['Torture and Inhumane Treatment of Political Prisoners in Vietnam: 2018 – 2019'](#), The 88 Project, 5 November 2020, p.3, 20201109162103

¹⁵² ['Torture and Inhumane Treatment of Political Prisoners in Vietnam: 2018 – 2019'](#), The 88 Project, 5 November 2020, p.4, 20201109162103

¹⁵³ ['Torture and Inhumane Treatment of Political Prisoners in Vietnam: 2018 – 2019'](#), The 88 Project, 5 November 2020, p.7, 20201109162103

¹⁵⁴ ['Recently Released US Citizen Describes Mistreatment in Vietnamese Prison'](#), Radio Free Asia (RFA), 28 October 2020, 20201030103239; ['American released from Vietnam prison speaks out, describes ordeal'](#), Orange County Register, 28 October 2020, 20201029160046

¹⁵⁵ ['Country Reports on Human Rights Practices for 2019 – Vietnam'](#), United States Department of State, 11 March 2020, p.22, 20200312104733

¹⁵⁶ ['Country Reports on Human Rights Practices for 2019 – Vietnam'](#), United States Department of State, 11 March 2020, p.22, 20200312104733

¹⁵⁷ ['Country Reports on Human Rights Practices for 2019 – Vietnam'](#), United States Department of State, 11 March 2020, p.22, 20200312104733

¹⁵⁸ ['DFAT Country Information Report Vietnam'](#), Department of Foreign Affairs and Trade, 13 December 2019, p.8, 20191213145121

¹⁵⁹ ['World Report 2020. Events of 2019'](#), Human Rights Watch (HRW), 14 January 2020, pp.635-636, 20200115082903; ['No Country for Human Rights Activists: Assaults on Bloggers and Democracy Campaigners in Vietnam'](#), Human Rights Watch, 18 June 2017, p.2, CISED850AD4751

¹⁶⁰ ['Law of the Jungle' for Pham Doan Trang](#), The Vietnamese, 16 October 2020, 20201020153551

¹⁶¹ ['World Report 2020. Events of 2019'](#), Human Rights Watch (HRW), 14 January 2020, p.636, 20200115082903; ['Plainclothes police attack activists and relatives of political prisoners in Nghệ An'](#), Asia News IT, 15 July 2019, 20190820143746

¹⁶² ['World Report 2020. Events of 2019'](#), Human Rights Watch (HRW), 14 January 2020, pp.635-636, 20200115082903

acts of violence.¹⁶³ Also in January 2019, Vietnamese authorities allegedly abducted a dissident blogger who had sought asylum in Thailand, prior to returning him to Vietnam.¹⁶⁴

Anti-government protests

Authorities do not tolerate anti-government protests. Individuals and groups who protest against the Government or openly criticise the Communist Party are likely to attract adverse attention from authorities, experience police intimidation or harassment, or see their protests shut down, sometimes with the use of physical force.¹⁶⁵ In June 2018, there was a string of large demonstrations across Vietnam in protest against a new cybersecurity law and a draft law on special economic zones.¹⁶⁶ Authorities responded by arresting and imprisoning hundreds of those involved.¹⁶⁷ For example, in July 2018 a court in southern Vietnam jailed 15 individuals for their involvement in protest activity,¹⁶⁸ while days earlier 10 people received prison terms of up to three-and-a-half years in central Binh Thuan province.¹⁶⁹

Online protests

Vietnamese authorities have jailed a number of well-known bloggers who posted material critical of the government. Freedom House's most recent report on online freedom states that internet freedom 'declined to an all-time low in Vietnam' during the period covered by the report: June 2019 – May 2020.¹⁷⁰ The government's severe crackdown on online freedom saw several bloggers, activists, and ordinary internet users receive prison sentences of up to 11 years in duration.¹⁷¹ In 2019, Vietnam put on trial at least 14 online activists for 'making, storing, disseminating or propagandizing information, materials and products that aim to oppose the State of the Socialist Republic of Vietnam.'¹⁷² Sentences ranged from five to nine years in prison.¹⁷³ Individuals posting online material critical of public officials have also been charged with offences such as slander in recent months.¹⁷⁴

A new cyber security law came into force in January 2019, giving the government greater surveillance and censorship powers. Under the new cyber security law, introduced on 1 January 2019, service providers are required to take down offending content within 24 hours, while internet companies are required to disclose user data to authorities.¹⁷⁵ The law prohibits people from 'distorting history, denying revolutionary achievements, destroying the national solidarity block' and 'providing false information, causing confusion amongst the Citizens, [and] causing harm to

¹⁶³ 'World Report 2020. Events of 2019', Human Rights Watch (HRW), 14 January 2020, p.635, 20200115082903; 'Australia - Vietnam Human Rights Dialogue - Human Rights Watch Submission - June 2019', Human Rights Watch (HRW), 01 June 2019, p.1, 20190828092550; 'United States Commission on International Religious Freedom Annual Report 2018', US Commission on International Religious Freedom, 25 April 2018, p.123, CIS7B83941863

¹⁶⁴ 'Torture and Inhumane Treatment of Political Prisoners in Vietnam: 2018 – 2019', The 88 Project, 5 November 2020, p.10, 20201109162103; 'A dissident blogger went missing in Thailand. Vietnam is the prime suspect.', The Washington Post, 12 February 2019, 20201120111753

¹⁶⁵ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, pp.9-10, 20190917095808; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.27, 20191213145121

¹⁶⁶ 'Vietnam: a month of mass protests', Lowy Interpreter (The Interpreter), 27 June 2018, CXBB8A1DA30346

¹⁶⁷ 'Vietnam: Investigate Police Response to Mass Protests', Human Rights Watch (HRW), 15 June 2018, CXBB8A1DA30048

¹⁶⁸ 'Vietnamese court imprisons peaceful demonstrators', UCA News (UCAN), 1 August 2018, CXBB8A1DA32816

¹⁶⁹ 'Vietnam jails 10 more for protests over economic zones', Reuters, 23 July 2018, CXBB8A1DA32143

¹⁷⁰ 'Freedom on the Net 2020 – Vietnam', Freedom House, 14 October 2020, 20201026102433

¹⁷¹ 'Freedom on the Net 2020 – Vietnam', Freedom House, 14 October 2020, Sect.C, 20201026102433

¹⁷² 'World Report 2020. Events of 2019', Human Rights Watch (HRW), 14 January 2020, p.635, 20200115082903

¹⁷³ 'World Report 2020. Events of 2019', Human Rights Watch (HRW), 14 January 2020, p.635, 20200115082903

¹⁷⁴ 'Vietnamese University Professor Arrested for 'Slandering' Local Party Chief', Radio Free Asia, 30 September 2020, 20201002105603

¹⁷⁵ 'Submission to the Universal Periodic Review of Vietnam', Human Rights Watch, 13 July 2018, CXBB8A1DA31726; 'Vietnam's New Cyber Law Could Hobble Foreign Investors and Limit Basic Freedoms', Centre for Strategic and International Studies (CSIS), 2 July 2018, CXBB8A1DA30601; 'Vietnam's new cyber law curbs dissents and business', Radio France Internationale (RFI), 01 January 2019, 20190102163306; 'Law on Cybersecurity 2018', Socialist Republic of Vietnam, June 2018, (Date of Effect January 2019), 20200810153745

socioeconomic activities.¹⁷⁶ Social media platforms and technology companies remove content upon request from the government.¹⁷⁷ In early April 2020, full access to Facebook's local servers was restored only after the company agreed to remove significantly more 'antistate' content; another government report noted that Facebook deleted 200 antigovernment pages as of May 2019.¹⁷⁸ Google is reported to have removed over 7,000 videos and 19 YouTube channels of 'malicious, illegal' content as of May 2019.¹⁷⁹ The government also actively seeks to manipulate public opinion online, deploying a cybertroop force of approximately 10,000 people (known as Force 47) to manipulate information on Facebook and YouTube and spread smear campaigns aimed at opponents of the government.¹⁸⁰

Despite online censorship, social media platforms are widely used. In a country where independent media is suppressed, the Internet is a platform for people to express their political views.¹⁸¹ Social media is widely used, with over 68 million Facebook accounts out of a population of about 96 million by March 2020.¹⁸² However, since the introduction of the cybersecurity law, social media users are more cautious in posting their opinions online for fear of arrest.¹⁸³ The government has, for the most part, not shut down popular forms of online communication such as Twitter and Gmail and does not block the websites of major international media such as *The New York Times*, although access to sites such as Human Rights Watch, Radio Free Asia and BBC Vietnamese is unstable and unpredictable.¹⁸⁴ Further, websites critical of the government are generally inaccessible and sites promoting religious groups are blocked to a significant degree.¹⁸⁵

Environmental Protests: Formosa Ha Tinh Steel Corp. Toxic Spill

Local communities protesting about the Formosa Ha Tinh Steel Corporation chemical spill have been accused of deliberately stirring anti-government sentiment. Formosa Steel is a Taiwanese company responsible for an April 2016 chemical spill which decimated fish stocks and devastated fishing communities along Vietnam's central coast.¹⁸⁶ The company eventually agreed to pay \$500 million in damages.¹⁸⁷ The disaster provoked large protests against both Formosa and the government in part due to the heavy impact on the livelihoods of the affected communities.¹⁸⁸ Attempts by fishermen to sue Formosa in a provincial court were dismissed.¹⁸⁹ Protests were also held by diaspora communities in countries including Australia, where in March 2017 about 300 members of the Vietnamese community in Australia protested outside Victoria's Parliament.¹⁹⁰

Authorities have generally tolerated protests relating to the spillage, though some activists have been sentenced to lengthy prison terms. Large protests demanding the Formosa Ha Tinh

¹⁷⁶ 'Human Rights in Asia-Pacific: Review of 2019', Amnesty International, 29 January 2020, p.66, 20200130115738

¹⁷⁷ 'Freedom on the Net 2020 – Vietnam', Freedom House, 14 October 2020, Sect.B2, 20201026102433

¹⁷⁸ 'Freedom on the Net 2020 – Vietnam', Freedom House, 14 October 2020, Sect.B2, 20201026102433

¹⁷⁹ 'Freedom on the Net 2020 – Vietnam', Freedom House, 14 October 2020, Sect.B2, 20201026102433

¹⁸⁰ 'Freedom on the Net 2020 – Vietnam', Freedom House, 14 October 2020, Sect.B5, 20201026102433

¹⁸¹ 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, p.11, 20200429143402

¹⁸² 'Facebook users in Viet Nam', NapoleonCat, March 2020, 20201120115902

¹⁸³ 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, p.11, 20200429143402

¹⁸⁴ 'Freedom on the Net 2020 – Vietnam', Freedom House, 14 October 2020, Sect.B1, 20201026102433; 'Vietnam's New Cyber Law Could Hobble Foreign Investors and Limit Basic Freedoms', Centre for Strategic and International Studies (CSIS), 2 July 2018, CXBB8A1DA30601

¹⁸⁵ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 29, 20191213145121; 'Freedom on the Net 2020 – Vietnam', Freedom House, 14 October 2020, Sect.B1, 20201026102433

¹⁸⁶ 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, p.26, 20200429143402; 'Outrage Over Fish Kill in Vietnam Simmers 6 Months Later', The New York Times, 3 October 2016, CX6A26A6E10573

¹⁸⁷ 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, p.26, 20200429143402; 'Outrage Over Fish Kill in Vietnam Simmers 6 Months Later', The New York Times, 3 October 2016, CX6A26A6E10573

¹⁸⁸ 'Vietnam's dead fish may spawn a stronger culture of dissent', Hoang C, cogitASIA, 30 September 2016, CIS38A80122116

¹⁸⁹ 'Vietnam court swamped by fishermen seeking to sue Taiwan firm's steel unit', Reuters, 27 September 2016, CX6A26A6E10576

¹⁹⁰ 'Vietnamese communities stage anti-Formosa and pro-democracy protests', TiVi Tuan-san, 07 March 2017, 20191004114557

Steel Corporation be closed and further compensation provided to assist with the clean-up have generally not resulted in injuries or arrests by state actors.¹⁹¹ The government however cracked down on Formosa activists connected to a new civil society organisation, The Alliance of Self-Determined People, sentencing four members to prison terms of up to 15 years.¹⁹² On 6 February 2018, a Vietnamese court sentenced two other activists to prison terms of 14 years and two years respectively for protesting against Formosa.¹⁹³ Some supporters of the pair who attended the court building were beaten and detained in a police station until the trial ended at midday.¹⁹⁴ On 6 April 2017, hundreds of Catholic protesters marked the one-year anniversary of the waste spill on the streets and beaches of Vinh diocese, and carried black flags with anti-Formosa slogans on them.¹⁹⁵ In November 2018, Nguyen Van Hoa was jailed by the People's Court of Ha Tinh in Nghe An province after filming protests outside the Taiwan-owned Formosa Plastics Group steel plant. Held for nine days at the Ha Tinh police station following his arrest, Hoa was hung by his hands and beaten by eight police officers, who also threw water in his face.¹⁹⁶

State Protection

Police

Internal security is the responsibility of the Ministry of Public Security. Police organisations operate at the provincial, district and commune (local) levels, the latter over which people's committees also exercise some authority.¹⁹⁷ There are two core forces: the People's Security Force (An ninh Nhan dan), responsible for national security, and the People's Police Force (Canh sat Nhan dan), which is responsible for social order and public safety.¹⁹⁸ The People's Police Force handles traditional police work such as neighbourhood policing, traffic control, household registration, and the issuing of identification cards.¹⁹⁹ Recruits to the police force must be members of the Communist Party of Vietnam or the Communist Youth League.²⁰⁰

Police are effective in maintaining public order but have limited capacity in other areas, especially investigations. While the Ministry of Public Security is responsible for internal security

¹⁹¹ ['Vietnamese rally outside Taiwanese steel plant that spread toxic waste'](#), Reuters, 2 October 2016, CX6A26A6E10045; ['Vietnam's Dead Fish May Spawn a Stronger Culture of Dissent'](#), Chau Hoang, Centre for Strategic & International Studies, 30 September 2016, p.2, CIS38A80122116; ['Formosa Spill Still Roils Public Opinion in Vietnam'](#), Radio Free Asia, 7 December 2016, CX6A26A6E14775

¹⁹² ['Vietnam Cracks Down on Dissenters'](#), Radio Free Asia, 10 November 2016, CX6A26A6E14902; ['Sentences upheld for five members of anti-State organisation'](#), Viet Nam News, 19 March 2019, 20191101101537

¹⁹³ ['More activists sentenced in Vietnam'](#), Voice of America (VOA), 11 February 2018, CXBB8A1DA21834; ['Catholic activist arrested in Vietnam, police beat up protesters'](#), UCA News (UCAN), 23 May 2017, CXC9040668804

¹⁹⁴ ['Vietnamese environmental activists handed prison terms in Nghe An'](#), Radio Free Asia, 6 February 2018, CXBB8A1DA21459

¹⁹⁵ ['Vietnamese Catholics Demonstrate to Mark Anniversary of Formosa Chemical Spill'](#), Radio Free Asia (RFA), 6 April 2017, CXC9040666018

¹⁹⁶ ['Jailed Vietnamese Activist Goes on Hunger Strike Over Beatings by Police'](#), Radio Free Asia (RFA), 28 February 2019, 20190305131350

¹⁹⁷ ['Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019'](#), UK Home Office, 9 September 2019, p.9, 20190917095808; ['Public Insecurity: Deaths in Custody and Police Brutality in Vietnam'](#), Human Rights Watch, 16 September 2014, p.14, CISA447F082797

¹⁹⁸ ['DFAT Country Information Report Vietnam'](#), Department of Foreign Affairs and Trade, 13 December 2019, p.40, 20191213145121; ['Public Insecurity: Deaths in Custody and Police Brutality in Vietnam'](#), Human Rights Watch, 16 September 2014, p.14, CISA447F082797

¹⁹⁹ ['DFAT Country Information Report Vietnam'](#), Department of Foreign Affairs and Trade, 13 December 2019, p.40, 20191213145121; ['Public Insecurity: Deaths in Custody and Police Brutality in Vietnam'](#), Human Rights Watch, 16 September 2014, pp.5-8, CISA447F082797

²⁰⁰ ['DFAT Country Information Report Vietnam'](#), Department of Foreign Affairs and Trade, 13 December 2019, p.40, 20191213145121

and controls the national police,²⁰¹ in practice, provincial and local-level police often maintain significant discretion in their activities.²⁰² People's committees have substantial authority over police forces and prosecutors at the provincial, district and local levels.²⁰³ Police at the commune (local) level tend to have lower salaries, fewer benefits and less adequate training in law and basic police procedures than police at the district, provincial and national levels.²⁰⁴ Due to a lack of cross-agency coordination within the police, delays in dealing with cases are common.²⁰⁵ However, according to sources consulted by the UK Home Office, if police arrest a person and begin the investigation process, then they do follow the rules as set out in the Vietnamese Criminal Code.²⁰⁶ As a general rule, police lack proper funding and training, with local police only initiating investigations for crimes they determine serious.²⁰⁷

Police abuse is commonplace in situations of arrest or interrogating suspects; limited oversight for such actions exists. Police frequently use excessive force when making an arrest.²⁰⁸ Arrestees frequently report abuse and mistreatment.²⁰⁹ Police have been implicated in arbitrary and unlawful killings.²¹⁰ Reports indicate that local police sometimes use contracted 'thugs' and 'citizen brigades' to harass and beat political activists and religious adherents perceived as undesirable or a threat to national security.²¹¹ Although the Supreme People's Procuracy has authority to investigate security force abuse, police organisations operate with little transparency and limited public oversight.²¹² Internal police oversight exists but is subject to political influence.²¹³ Police frequently ill-treat or torture suspects to elicit confessions, which has resulted in deaths in custody²¹⁴ - at least 11 people died in custody in 2019.²¹⁵ Excessive force is used in responding to protests over evictions, land confiscation, and other social issues.²¹⁶ There is no independent body to investigate complaints against police by citizens.²¹⁷

²⁰¹ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.1, 20200312104733

²⁰² 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.1, 20200312104733; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.40, 20191213145121

²⁰³ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 7, 20190314094839

²⁰⁴ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.40, 20191213145121

²⁰⁵ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.11, 20190917095808

²⁰⁶ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.11, 20190917095808

²⁰⁷ 'Vietnam 2020 Crime & Safety Report: Hanoi', Overseas Security Advisory Council, US Department of State, 9 March 2020, 20200505210105

²⁰⁸ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.3, 20200312104733

²⁰⁹ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.3, 20200312104733

²¹⁰ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.2, 20200312104733

²¹¹ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.40, 20191213145121

²¹² 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.12, 20190917095808; 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 7, 20190314094839

²¹³ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.3, 20200312104733; 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 29, 20190314094839

²¹⁴ 'Human Rights in Asia-Pacific: Review of 2019', Amnesty International, 29 January 2020, p.66, 20200130115738; 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.15, 20190917095808

²¹⁵ 'Human Rights in Asia-Pacific: Review of 2019', Amnesty International, 29 January 2020, p.66, 20200130115738

²¹⁶ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.12, 20190917095808; 'Human Rights Watch World Report 2016: Events of 2015 – Vietnam', 27 January 2016, NGE43874C8

²¹⁷ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.40, 20191213145121

Corruption is prevalent throughout the police force. Corruption occurs at every level of the police and bribery is widespread.²¹⁸ According to DFAT, sources have reported that organised crime groups have bribed local police to not respond in specific situations, and there have been instances in which police have not responded when citizens have called for help.²¹⁹ An academic source cited by a UK Home Office fact-finding team states that it is possible for members of criminal gangs to find out the location of a person attempting to flee that gang by persuading police to provide the relevant information.²²⁰ Police at the village level are aware of who lives in their area and who is registered there.²²¹

Judiciary

Vietnamese courts operate under government control. Most judges are members of the Communist Party of Vietnam and are screened by local officials for suitability before appointment.²²² The law provides for an independent judiciary, though this is not always the case in practice, particularly in politically sensitive cases.²²³ Trials related to free expression are often brief, and apparently predetermined.²²⁴ Political influence, endemic corruption and inefficiency strongly distort the judicial system and trials of human rights activists consistently fail to meet international standards.²²⁵

Access to legal remedy is unequal and inadequate. There is a shortage of judges and lawyers, with only around 7,000 lawyers throughout the country.²²⁶ As few as one fifth of defendants can obtain access to legal counsel, including in cases subject to the death penalty.²²⁷ Vietnamese law does not expressly state that defendants have the right to call witnesses and defence lawyers may not have enough time to meet with clients.²²⁸ There are widespread complaints that judges often appear to have made a determination of guilt prior to conducting a trial.²²⁹ Administrative and civil courts are vulnerable to corruption and outside influence, lack of independence, and inexperience.²³⁰ Lawyers

²¹⁸ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.58, 20190917095808; 'Vietnam 2020 Crime & Safety Report: Hanoi', Overseas Security Advisory Council, US Department of State, 9 March 2020, 20200505210105

²¹⁹ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.40, 20191213145121

²²⁰ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.25, 20190917095808

²²¹ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.25, 20190917095808

²²² 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, pp.9-10, 20200312104733

²²³ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.9, 20200312104733; 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.13, 20190917095808

²²⁴ 'Freedom on the Net 2020 – Vietnam', Freedom House, 14 October 2020, Sect.C1, 20201026102433

²²⁵ 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, p.12, 20200429143402;

²²⁶ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.9, 20200312104733

²²⁷ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.14, 20190917095808

²²⁸ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.14, 20190917095808; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 41, 20191213145121

²²⁹ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.11, 20200312104733

²³⁰ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.10, 20200312104733

²³¹ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.14, 20200312104733; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.41, 20191213145121

are pressured to refuse religious and democracy activists as clients, and in some cases defence lawyers are restricted, harassed, and disbarred from representing these clients.²³¹

Corruption

Corruption is widespread throughout public administration, despite criminal penalties.

Corruption remains a serious problem,²³² existing in areas such as the police and the military, in business and banking, and in the allocation of land.²³³ Transparency International rated the country 96 of 180 countries in public sector corruption in 2019,²³⁴ an improvement on its 2018 ranking of 117.²³⁵ Towards Transparency attributes the improvement to the government's efforts in improving and enforcing anticorruption policy and legislation, especially the investigation, prosecution and trial of a number of grand corruption cases.²³⁶ Transparency International notes, however, that Vietnam, despite its economic success, continues to struggle to tackle corruption due to restrictions on participation in public affairs, the silencing of dissenting voices and a lack of public scrutiny of decision making.²³⁷

Government leaders acknowledge widespread public discontent with the level of corruption and the extent to which it undermines the efficiency of the state and support for the Communist Party.

There have been a number of highly publicised prosecutions of senior public officials in recent years.²³⁸ In 2019 the government reported that it had disciplined over 53,000 officials and CPV members for graft, and that several senior officials, including two members of the Central Committee, had faced discipline including prison time.²³⁹ However, despite these, anti-corruption campaigns are pursued intermittently with varying degrees of seriousness,²⁴⁰ and credible sources state they can be as much the result of internal Communist Party rivalries or attempts to maintain the party's image as a genuine desire to promote transparency in politics and business.²⁴¹ The 2019 *Public Administration Performance Index (PAPI)* found that Vietnamese citizens were 'more satisfied with robust efforts to reduce petty and grand corruption at all government levels' but still considered corruption in the public sector to be problematic.²⁴² In 2019, about five per cent more citizens than in 2018 thought corruption was decreasing, most likely due to the government's anti-

²³¹ ['Country Reports on Human Rights Practices for 2019 – Vietnam'](#), United States Department of State, 11 March 2020, p.10, 20200312104733

²³² ['Vietnam: CPI 2019 score is up but corruption remains serious'](#), Towards Transparency, 23 January 2020, p.1, 20200228125554

²³³ ['Freedom in the World 2020 - Vietnam'](#), Freedom House, 2020, pp.4, 9, 20200514114358; ['BTI 2020 Country Report - Vietnam'](#), Bertelsmann Stiftung, 29 April 2020, pp.12-13, 32, 20200429143402

²³⁴ ['Corruption Perceptions Index 2019'](#), Transparency International, 23 January 2020, p.2, 20200205081007

²³⁵ ['Corruption Perceptions Index 2018: Corruption in Vietnam's public sector is still perceived as highly serious'](#), Towards Transparency, 29 January 2019, p.1, 20190326101127

²³⁶ ['Vietnam: CPI 2019 score is up but corruption remains serious'](#), Towards Transparency, 23 January 2020, p.1, 20200228125554

²³⁷ ['Corruption Perceptions Index 2019'](#), Transparency International, 23 January 2020, p.14, 20200205081007

²³⁸ ['Country Reports on Human Rights Practices for 2019 – Vietnam'](#), United States Department of State, 11 March 2020, p.27, 20200312104733; ['Vietnam Communist Party takes aim at corrupt rising stars'](#), Reuters, 26 September 2019, 20190927085651; ['Vietnam jails former deputy labor minister for economic mismanagement'](#), Reuters, 25 September 2019, 20190927090012; ['Ex-chairman of Vietnam's BIDV bank dies in detention'](#), Reuters, 23 July 2019, 20190723102504; ['Stiff sentences bolster Vietnam's anti-graft drive but questions remains over larger reform'](#), Straits Times, The, 23 January 2018, CXBB8A1DA20684; ['Vietnam to move forward with six high-profile graft cases'](#), VietNamNet Bridge, 4 October 2016, CX6A26A6E13892

²³⁹ ['Freedom in the World 2020 - Vietnam'](#), Freedom House, 2020, p.4, 20200514114358

²⁴⁰ ['BTI 2018 Country Report Vietnam'](#), Bertelsmann Stiftung, 22 March 2018, p.33, CIS7B83941599

²⁴¹ ['At Vietnam's biggest corruption trial, some skeptical views'](#), Reuters, 10 January 2018, CXBB8A1DA363; ['Berlin kidnapping: Nowhere to run from Vietnam's anti-corruption campaign'](#), Deutsche Welle, 8 January 2018, CXBB8A1DA329; ['Explainer: What's behind Vietnam's corruption crackdown'](#), Reuters, 8 January 2018, CXBB8A1DA278

²⁴² ['The 2019 Viet Nam Governance and Public Administration Performance Index \(PAPI\): Measuring Citizens' Experiences'](#), United Nations Development Program (UNDP), 28 April 2020, p.V, 20200429094650

corruption campaign as well as actual declines in petty corruption and bribery experienced by citizens in accessing public services such as hospitals.²⁴³

Anti-corruption agencies are often ineffective. A number of anti-corruption offices have been established over the last decade.²⁴⁴ Anti-corruption efforts are, however, generally localised and have a limited overall impact on corruption.²⁴⁵ Punitive measures range from fines to capital punishment, depending on the severity of the corruption case.²⁴⁶ Some prominent party functionaries, government officials and, more recently, top executives of state conglomerates have been prosecuted.²⁴⁷ However, this is motivated in large part by the desire for good publicity and patronage continues to be a significant problem.²⁴⁸

Loan Sharks

Loan sharks charging illegal rates of interest are prevalent throughout Vietnam. Loan sharks are a widespread problem in Vietnam,²⁴⁹ with investigators reporting around 210 loan-shark rings operating across the country.²⁵⁰ According to the Ministry of Public Security, during 2018 police units and localities dealt with more than 600 illegal moneylending or 'black credit' cases.²⁵¹ In December 2018, an official of the Ho Chi Minh City Public Security Department said that the city recorded three deaths related to loan sharks in 2018, and estimated that police officers in the city typically deal with four cases related to loan sharks per month.²⁵² These murders are part of a broader suite of around 60 cases of murder related to loan sharking between 2013 and 2018.²⁵³ Around 400 cases of intentional harm related to loan sharks occurred within this same timeframe.²⁵⁴

Authorities have demonstrated a willingness to tackle the activities of loan sharks. While authorities have demonstrated a willingness to tackle the problem,²⁵⁵ they have had difficulty prosecuting loan sharks for charging illegal rates of interest as these are rarely documented on loan papers.²⁵⁶ A lack of resources, legal loopholes and inadequate implementation of laws also remain problems in tackling loan sharks.²⁵⁷ However, credible sources assess that individuals targeted for unpaid debts are able to obtain protection from the police, who are active at the provincial, district and

²⁴³ 'The 2019 Viet Nam Governance and Public Administration Performance Index (PAPI): Measuring Citizens' Experiences', United Nations Development Program (UNDP), 28 April 2020, p.XIV, 20200429094650

²⁴⁴ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, p.33, CIS7B83941599

²⁴⁵ 'Investment Climate Statements – Vietnam', US Department of State, 2016, CX6A26A6E9812

²⁴⁶ 'Vietnam Corruption Report', Global Advice Net, September 2017, CISED50AD7684

²⁴⁷ 'Freedom in the World 2020 - Vietnam', Freedom House, 2020, p.4, 20200514114358 ; 'Stiff sentences bolster Vietnam's anti-graft drive but questions remains over larger reform', Straits Times, The, 23 January 2018, CXBB8A1DA20684; 'Vietnamese oil executive kidnapped in Berlin gets second life sentence', Deutsche Welle, 5 February 2018, CXBB8A1DA21363

²⁴⁸ 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, p.12, 20200429143402

²⁴⁹ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.16, 20191213145121

²⁵⁰ 'Chinese loan sharks charging extortionate interest jailed', VNEPress, 19 August 2020, 20200819153543

²⁵¹ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.24, 20190917095808

²⁵² 'Arrests raise loan sharks higher on social agenda', Vietnam Investment Review, 10 October 2019, 20191010122619

²⁵³ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.85, 20190917095808

²⁵⁴ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.24, 20190917095808

²⁵⁵ 'Debunking the Informal Credit Myths: Is Credit Liberalization the Magic Solution to Loan Sharking?', Nicolas Lainez, ISEAS (Yusof Ishak Institute Singapore), 22 October 2019, pp.3-4, 20200521211816

²⁵⁶ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.16, 20191213145121; 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.24, 20190917095808; '"Black credit" besieges workers, students before Lunar New Year', VietNamNet Bridge, 29 January 2016, CX6A26A6E9780

²⁵⁷ 'NA approves delay to Penal Code 2015', Viet Nam News, 1 July 2016 CX6A26A6E12697; 'Loan sharks feed off poor, naive workers', Viet Nam News, 11 September 2015 CXBD6A0DE18811; 'Vietnam's gamble: Whether or not to legalise betting', Al Jazeera, 27 January 2016, CX6A26A6E13872

local levels.²⁵⁸ Other sources suggest that loan sharks may be able to track people throughout the country, with the cooperation of the police.²⁵⁹ Police investigations into illegal moneylenders have increased in recent years, including through the establishment of dedicated police units in some provinces.²⁶⁰

Authorities have used law enforcement to break up the activities of criminal gangs involved in loan sharking. In February 2020, a court in Thanh Hóa Province sentenced 21 members of a loan shark gang to a total of 99 years in prison on charges which included deliberately causing injuries and illegally detaining people.²⁶¹ Members of the gang, who were arrested in 2018, ran a company named Nam Long Financial Group which had branches nationwide.²⁶² In 2018, police from southern Binh Thuan Province set up special units to crack down on illegal loan sharks.²⁶³ In other parts of Vietnam, particularly Ho Chi Minh City, authorities have embarked on some high profile crackdowns on gang activity – including gangs involved in loan sharking – that yielded nearly 7,000 arrests in the second half of 2016.²⁶⁴

Chinese loan sharks are reported to have increased their presence in Vietnam following China's tightening of moneylending rules in 2019. Vietnamese police are investigating a rising number of foreign loan sharks, mostly Chinese, targeting low-income workers and charging up to 90 percent monthly interest rates.²⁶⁵ Loan sharks approve loans almost immediately, though require borrowers to provide their ID and access to phone directories.²⁶⁶ Lenders use the latter to harass friends and families in order to recoup borrowers' debts.²⁶⁷ In August, two Chinese nationals were sentenced to 1.5 years jail for loan-sharking activities including charging annual interest rates of over 900 percent.²⁶⁸

In addition to law enforcement efforts, authorities have tried to make it easier to access credit in the formal lending sector. Authorities try to encourage people in need of money to use credible loan sources like the Capital Aid Fund for Employment of the Poor – a non-profit microfinance institution – but the amounts available through these sources can be insufficient.²⁶⁹ In addition, the State Bank of Vietnam has requested Agribank, the biggest state-controlled bank in the country, to significantly expand its services by opening new branches, creating micro-financing services in remote areas through mobile banking, and extending lending programs for the agricultural sector.²⁷⁰ In 2016, Vietnam, along with the rest of the Association of Southeast Asian Nations (ASEAN), made financial inclusion one of their top priorities – including the ability of people to access loans and legitimate forms of credit.²⁷¹

²⁵⁸ 'Upper Tribunal (Immigration And Asylum Chamber) Appeal Number: AA/08316/2014', Government of the United Kingdom and Northern Ireland, 1 April 2016, CIS38A80124972

²⁵⁹ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.25, 20190917095808

²⁶⁰ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.16, 20191213145121

²⁶¹ '99 years in prison granted to black credit gang', Viet Nam News, 19 February 2020, 20200220083955

²⁶² '99 years in prison granted to black credit gang', Viet Nam News, 19 February 2020, 20200220083955; 'Arrests raise loan sharks higher on social agenda', Vietnam Investment Review, 12 December 2018, 20191010122619

²⁶³ 'Specialist police unit set up to target loan sharks in Binh Thuan', VietNamNet Bridge, 8 August 2018, CIS7B839419866

²⁶⁴ 'HCM City cracks down on criminal gangs, thieves', Viet Nam News, 22 October 2016, CX6A26A6E13224; '14 arrested for extorting "protection fee" from sex workers in HCMC', Thanh Nien News, 16 January 2016, CX6A26A6E13879; 'Cops in Vietnam continue to crack down on gangs of smugglers, robbers', Thanh Nien News, 19 August 2014, CX1B9ECAB12445; 'Vietnamese court sentences six to death for drug trafficking', Voice of Vietnam (VOV News), 7 June 2014, CX322895

²⁶⁵ 'Chinese loan sharks infest Vietnam credit waters', VNExpress, 10 June 2020, 20200819153946

²⁶⁶ 'Chinese loan sharks infest Vietnam credit waters', VNExpress, 10 June 2020, 20200819153946

²⁶⁷ 'Chinese loan sharks infest Vietnam credit waters', VNExpress, 10 June 2020, 20200819153946

²⁶⁸ 'Chinese loan sharks charging extortionate interest jailed', VNExpress, 19 August 2020, 20200819153543

²⁶⁹ 'Loan sharks cleaning up ahead of Tet holiday', VietNamNet Bridge, 16 January 2017, CXC9040669853

²⁷⁰ 'Debunking the Informal Credit Myths: Is Credit Liberalization the Magic Solution to Loan Sharking?', Nicolas Lainez, ISEAS (Yusof Ishak Institute Singapore), 22 October 2019, pp.3-4, 20200521211816

²⁷¹ 'How to scale up financial inclusion in ASEAN countries', The World Bank, 2 March 2016, CIS38A80124973; 'Promoting financial inclusion', Nhan Dan, 5 April 2019, 20191101100907

Crime

Vietnam has relatively low violent crime rates. Violent crime rates in Vietnam are relatively low, with very little gun or knife crime.²⁷² According to the Small Arms Survey Database on Violent Deaths, in 2018, the most recent year for which data is available, there were 1,738 violent deaths in Vietnam,²⁷³ a rate of 1.8 deaths per 100,000 population.²⁷⁴ By comparison, Australia has a rate of 1.0 deaths per 100,000 population, and Vietnam's neighbours Thailand, Laos and Cambodia have rates of 4.0, 8.4 and 2.2 respectively.²⁷⁵ In April 2020 the United Nations Development Program (UNDP) released Vietnam's *Public Administration Performance Index (PAPI)* for 2019. Of the 14,138 respondents surveyed for the report, 0.58 per cent said they had been subjected to physical violence by thieves or strangers.²⁷⁶ The same survey found that, in 2019, 97.4 per cent of respondents felt safe walking alone around the area they live during the day, and 80 per cent felt safe walking alone around the area they live during the night.²⁷⁷ Perceptions of safety during the day remained steady from 2016-2019, however, perceptions of safety at night rose steadily from 72 per cent in 2016 to 80 per cent in 2019.²⁷⁸

Organised criminal networks are a continuing problem in Vietnam. Credible sources indicate that organised gangs operate a range of illicit operations including illegal moneylending and gambling, extortion, prostitution, human trafficking, and the production, supply, distribution and import/export of illicit drugs.²⁷⁹ These criminal networks are mainly based in the major cities of Ho Chi Minh City and Hanoi as well as in the country's northern provinces.²⁸⁰

Police corruption may hinder internal relocation for a person fleeing a criminal gang.

Corruption occurs at every level of the police and bribery is widespread.²⁸¹ An academic source cited by a UK Home Office fact-finding team states that it is possible for members of criminal gangs to find out the location of a person attempting to flee that gang by persuading police to provide the relevant information. Police at the village level are aware of who lives in their area and who is registered there.²⁸²

Authorities are active in tackling groups involved in people trafficking but are hampered by inadequate coordination and training of officials. In recent years Vietnamese authorities have demonstrated increased efforts to eliminate people trafficking - including enacting penal code amendments and establishing a new task force to increase law enforcement efforts in vulnerable border areas.²⁸³ However, efforts have been impeded by a lack of government coordination and

²⁷² 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.11, 20190917095808

²⁷³ 'The Small Arms Survey Database on Violent Deaths, 2018', Small Arms Survey, March 2020, 20200507101415

²⁷⁴ 'The Small Arms Survey Database on Violent Deaths, 2018', Small Arms Survey, March 2020, 20200507101415

²⁷⁵ 'The Small Arms Survey Database on Violent Deaths, 2018', Small Arms Survey, March 2020, 20200507101415

²⁷⁶ 'The 2019 Viet Nam Governance and Public Administration Performance Index (PAPI): Measuring Citizens' Experiences', United Nations Development Program (UNDP), 28 April 2020, p.94, 20200429094650

²⁷⁷ 'The 2019 Viet Nam Governance and Public Administration Performance Index (PAPI): Measuring Citizens' Experiences', United Nations Development Program (UNDP), 28 April 2020, p.94, 20200429094650

²⁷⁸ 'The 2019 Viet Nam Governance and Public Administration Performance Index (PAPI): Measuring Citizens' Experiences', United Nations Development Program (UNDP), 28 April 2020, p.94, 20200429094650

²⁷⁹ 'Vietnam 2020 Crime & Safety Report: Ho Chi Minh City', Overseas Security Advisory Council (OSAC), 9 March 2020, 20200505205713; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.16, 20191213145121

²⁸⁰ 'The organisational structure of transnational narcotics trafficking groups in Southeast Asia: a case study of Vietnam's border with Laos', Trends in Organized Crime, 14 April 2020, pp.3-4, 20200506144018; 'Vietnam 2020 Crime & Safety Report: Ho Chi Minh City', Overseas Security Advisory Council (OSAC), 9 March 2020, 20200505205713; 'Vietnam 2020 Crime & Safety Report: Hanoi', Overseas Security Advisory Council (OSAC), 09 March 2020, 20200505210105

²⁸¹ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.58, 20190917095808

²⁸² 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.25, 20190917095808

²⁸³ 'Trafficking in Persons Report 2019', United States Department of State, 20 June 2019, p.498, 20190621103235; '2017 Trafficking in Persons Report - Vietnam', US Department of State, 28 June 2018, p. 454, OGD95BE927701

unfamiliarity among some provincial officials with anti-trafficking law and victim protection,²⁸⁴ and in 2019 the US State Department assessed that the government decreased law enforcement efforts, as well as efforts to protect victims.²⁸⁵ The Ministry of Labour, Invalids and Social Affairs provides protection and reintegration support, operating 400 social protection centres through local authorities for trafficking victims.²⁸⁶

Social infrastructure

Vietnam has experienced rapid economic growth over the past 30 years, transforming itself into a lower middle-income country. Vietnam has experienced rapid economic growth over the past 30 years, with the country's Gross Domestic Product estimated to have increased by 7 per cent in 2019, one of the fastest growth rates in the region.²⁸⁷ Economic growth has been equitable, leading to a dramatic reduction in poverty and improved social outcomes.²⁸⁸ For example, between 2002 and 2018, poverty rates declined sharply from over 70 per cent to below 6 per cent.²⁸⁹ The unemployment rate has averaged 2.33 per cent from 1998 until 2019,²⁹⁰ and sits at 2.5 per cent as at September 2020.²⁹¹ The UNDP's Human Development Index ranked Vietnam 118 out of 189 countries in 2018, placing it in the 'medium human development' category.²⁹²

Vietnam has an expanding if still limited social welfare system, while traditional social roles mean that families provide support for the elderly and sick. Vietnam's social welfare net has expanded in recent years, well beyond the anti-poverty program started in the 1990s.²⁹³ Modest old age and unemployment benefits exist.²⁹⁴ New programs have included assistance of 2.16 million VND (AUD \$119) a year and a free health insurance card for all elderly people from the age of 80 onwards, the provision of assistance to single elderly people with limited incomes and no children; and assistance to disabled people, including victims of Agent Orange.²⁹⁵ However, inequalities in the provision of social welfare exist.²⁹⁶ Vietnam's social insurance has also not achieved universal coverage despite a voluntary social insurance policy having been in force since 2008.²⁹⁷ In Vietnam, adult children typically provide care and support to elderly or sick parents.²⁹⁸

²⁸⁴ 'Trafficking in Persons Report 2019', United States Department of State, 20 June 2019, p.498, 20190621103235; '2017 Trafficking in Persons Report – Vietnam', US Department of State, 28 June 2018, p.454, OGD95BE927701

²⁸⁵ 'Trafficking in Persons Report 2019', United States Department of State, 20 June 2019, pp.498-499, 20190621103235

²⁸⁶ 'Country Policy and Information Note – Vietnam: Opposition to the State', UK Home Office, September 2018, p.18, CIS7B839419727

²⁸⁷ 'The World Bank In Vietnam - Overview - Context', The World Bank, 27 April 2020, 20200529172847

²⁸⁸ 'The World Bank in Vietnam', The World Bank, 5 October 2018, p.1, 20190326130544

²⁸⁹ 'Vibrant Vietnam: Forging the Foundation of a High-Income Economy - Main Report', The World Bank, May 2020, p.2, 20200610092642; 'The World Bank In Vietnam - Overview - Context', The World Bank, 27 April 2020, 20200529172847

²⁹⁰ 'Vietnam Unemployment Rate 1998-2019', Trading Economics, June 2020, 20200619115555

²⁹¹ 'Vietnam Unemployment Rate', CEIC data, 29 September 2020, 20201120144223

²⁹² 'Human Development Report 2019. Beyond income, beyond averages, beyond today: Inequalities in human development in the 21st century', United Nations Development Programme, United Nations Development Program (UNDP), 07 December 2019, p.301, 20191211092717

²⁹³ 'Social Relations, Regional Variation, and Economic Inequality in Contemporary Vietnam: A View from Two Vietnamese Rural Communities', Luong, H V in P Taylor (ed), Connected and Disconnected in Viet Nam: Remaking Social Relations in a Post-socialist Nation, Australian National University Press, ACT, Vietnam Series, 2016, p.66, CIS38A8012636

²⁹⁴ 'Social Security Programs Throughout the World: Asia and the Pacific, 2018', United States of America (USA): Social Security Administration, 21 March 2019, pp.284-289, 20190403103626

²⁹⁵ 'Social Relations, Regional Variation, and Economic Inequality in Contemporary Vietnam: A View from Two Vietnamese Rural Communities', Luong, H V in P Taylor (ed), Connected and Disconnected in Viet Nam: Remaking Social Relations in a Post-socialist Nation, Australian National University Press, ACT, Vietnam Series, 2016, p.66, CIS38A8012636

²⁹⁶ 'Report on Human Rights in Vietnam 2019-2020', Vietnam Human Rights Network, 14 May 2020, p.68, 20200521115120; 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, pp.23-24, 20200429143402

²⁹⁷ 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, pp.23-24, 20200429143402; 'Social Welfare in Vietnam: 30 Years in Reform on and Outlook until 2030', Anh, D N, Vietnam Social Sciences Review, 8 July 2016, p.22, CIS38A80122817

²⁹⁸ 'Establishing activity centers for elderly people in metropolitan areas of Vietnam: preference and willingness-to-pay', Journal of Multidisciplinary Healthcare, 18 September 2019, p.798, 20200529222742; 'JICA and World Bank Jointly Support Vietnam to Meet Needs of Aging Population', The World Bank, 7 August 2019, 20200529221852

To date, Vietnam has effectively contained the coronavirus pandemic. When the outbreak first occurred in China in January 2020, the Vietnamese government responded quickly, becoming the first country in the region to shut down travel to and from China.²⁹⁹ When the epicentre shifted to Europe in March 2020, the government ordered a nationwide shutdown and began one of the world's largest quarantine programs for those returning from abroad.³⁰⁰ Hanoi was also swift to close schools and non-essential business activity.³⁰¹ Vietnam's government has largely been transparent with the public during the COVID 19 crisis.³⁰² As of November 2020, the country had recorded just 1,304 positive cases and 35 deaths.³⁰³ Vietnam's economy has to date been 'surprisingly resilient'; it is the only Southeast Asian nation still projected to have positive economic growth in 2020.³⁰⁴

Asylum seekers and returnees

Treatment of failed asylum seekers

Most individuals who depart Vietnam illegally, for the purpose of seeking asylum, are unlikely to be subjected to relevant laws upon return. Articles 120 and 121 of the Penal Code state that 'Fleeing abroad or defecting to stay overseas with a view to opposing the people's administration' is a criminal offence.³⁰⁵ Individual travellers face imprisonment of between three and 12 years, or between 12 and 20 years in serious cases.³⁰⁶ DFAT has advised that it is unaware of any cases where these provisions have been used against failed asylum seekers returned from Australia and that returns to Vietnam are usually done on the understanding that the individuals in question will not face charges as a result of having made an application for protection.³⁰⁷ In 2016, a Memorandum of Understanding was signed between the Australian Department of Home Affairs and Vietnam's Ministry of Public Security which provides a formal framework for the return of Vietnamese nationals 'with no legal right to enter or remain in Australia, including those intercepted at sea'.³⁰⁸

Individuals who arrived in Australia via people smuggling networks are also unlikely to face criminal sanctions upon return. The government of Vietnam distinguishes between victims and perpetrators of people smuggling and as such views individuals who paid money to organisers of people smuggling operations as victims of people smuggling, not criminally liable.³⁰⁹ All individuals, however, involved in people smuggling operations, whether as organisers or travellers, are typically held by authorities for questioning to determine their involvement in operations, and some cases have

²⁹⁹ 'Containing the coronavirus (COVID-19): Lessons from Vietnam', Sang Minh Le, World Bank, The, 30 April 2020, 20200501083818

³⁰⁰ 'Vietnam's Coronavirus Success Is Built on Repression', Bill Hayton and Tro Ly Ngheo, Foreign Policy, 12 May 2020, 20200514093623

³⁰¹ 'Reopening Vietnam: How the country's improving governance helped it weather the COVID-19 pandemic', Trang (Mae) Nguyen and Edmund Malesky, Brookings Institution, The, 20 May 2020, 20200522090710; 'The Coronavirus Loosens Lips in Hanoi', David Hutt, Foreign Policy, 15 April 2020, 20200416081040

³⁰² 'The Coronavirus Loosens Lips in Hanoi', David Hutt, Foreign Policy, 15 April 2020, 20200416081040

³⁰³ 'Weekly Southeast Asia Covid-19 Tracker Update: November 12, 2020', Center for Strategic and International Studies, 12 November 2020, 20201120150105

³⁰⁴ 'Weekly Southeast Asia Covid-19 Tracker Update: November 12, 2020', Center for Strategic and International Studies, 12 November 2020, 20201120150105

³⁰⁵ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.43, 20191213145121

³⁰⁶ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.43, 20191213145121

³⁰⁷ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.43, 20191213145121

³⁰⁸ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.43, 20191213145121

³⁰⁹ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 44, 20191213145121

taken up to several days.³¹⁰ DFAT understands that would-be migrants who have employed the services of people smugglers typically only face an administrative fine, including in cases of multiple illegal departures.³¹¹

Individuals who are suspected of people smuggling activities are likely to be detained and prosecuted on return to Vietnam. Information indicates individuals suspected of people smuggling may be investigated, arrested and held in long-term detention.³¹² This is consistent with Article 348 of the Criminal Code 2015 which seeks to discourage people trafficking.³¹³ It is also consistent with a number of reports from 2018 and 2016 that detail instances of individuals who have been prosecuted and detained for up to 3 years for organising people smuggling ventures.³¹⁴

Activists who return to Vietnam may face monitoring and, in some cases, imprisonment.

Activists who return to Vietnam after seeking asylum overseas may face monitoring, with high-level activists facing more monitoring than low-level activists.³¹⁵ People of particular interest to authorities may be required to have regular chats or 'catch ups' with officials.³¹⁶ In January 2019, a Radio Free Asia blogger, Truong Duy Nhat, went missing in Thailand amid fears he had been abducted by Vietnamese agents. He later resurfaced in a Hanoi prison and authorities laid official charges in September 2019.³¹⁷ Freedom House indicates that activists living outside of Vietnam have had their Facebook accounts suspended for 'violating the platform's community standards', indicating a level of surveillance of their activities by Vietnamese authorities while abroad.³¹⁸

Montagnard asylum seekers

Vietnam pressures neighbouring countries to return Montagnard asylum seekers. Montagnards are a group of more than 30 indigenous communities who live in Vietnam's Central Highlands.³¹⁹ Estimated to number between one and two million people, they have cultures and languages distinct from the ethnic Kinh majority, with many practicing Christianity.³²⁰ Credible sources report that Vietnam has pressured Cambodia and Thailand to forcibly return Montagnard asylum seekers.³²¹ The government has also reportedly exerted pressure on the family members of minorities who flee to

³¹⁰ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 44, 20191213145121

³¹¹ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 44, 20191213145121

³¹² 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.19, 20190917095808; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 44, 20191213145121

³¹³ 'Vietnamese asylum seekers forcibly returned by Australia face jail', The Guardian, 24 May 2016, CX6A26A6E4619; 'Vietnam: Drop Charges Against Boat Returnees', Human Rights Watch 2016, 24 May 2016, , CX6A26A6E12344; 'Criminal Code, No.100/2015/QH13', The National Assembly. Socialist Republic of Viet Nam, 27 November 2015, CISEC96CF110167

³¹⁴ 'Vietnam probes illegal entry into Australia on fishing boat', VNExpress, 21 November 2018, 20200619183959; 'Vietnamese 'people smuggler' behind Daintree incident was only an organiser, partner says', SBS World News Australia, 26 November 2018, CXBB8A1DA39532; 'Vietnamese asylum seekers forcibly returned by Australia face jail', The Guardian, 24 May 2016, CX6A26A6E4619; 'Vietnam: Drop Charges Against Boat Returnees', Human Rights Watch 2016, 24 May 2016, CX6A26A6E12344; 'Vietnam jails four asylum seekers returned by Australia', Reuters, 27 May 2016, CX6A26A6E4618

³¹⁵ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.31, 20190917095808

³¹⁶ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.31, 20190917095808

³¹⁷ '10 Most Censored Countries', Committee to Protect Journalists (CPJ), New York, 10 September 2019, 20190910171006; 'Unholy alliance'? Southeast Asian authorities accused of trading exiled activists', Reuters, 21 June 2019, 20190624112000; 'RFA Blogger Formally Indicted in Vietnam for 'Abuse of Power'', Radio Free Asia (RFA), 17 September 2019, 20190918084723

³¹⁸ 'Freedom on the Net 2020 – Vietnam', Freedom House, 14 October 2020, Sect.B2, 20201026102433

³¹⁹ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 32, 20191213145121

³²⁰ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 32, 20191213145121

³²¹ 'Country Report on Human Rights Practices 2018 - Vietnam', US Department of State, 13 March 2019, pp.35-36, 20190314094839

neighbouring countries.³²² In August 2018, 85 Montagnards were jailed in Thailand after being arrested during raids in Nonthaburi province.³²³ Thai immigration officials have been silent about the plans for the detained Montagnards.³²⁴ In June 2019, Cambodia returned four Montagnards to Vietnam after one asked to return to be with his family, and the others were refused refugee status.³²⁵

Returned Montagnards may be temporarily detained. Credible sources report that Montagnards returned from neighbouring countries may have been detained and questioned for up to several days and closely monitored by police.³²⁶ A 2015 submission referred to an individual who 'was detained by authorities for 12 days after his return and beaten' and of a group of 36 Montagnards who were held overnight by police and released the next day.³²⁷ A group of Montagnards returned from Cambodia in 2017 claimed that they were subject to ongoing surveillance, as well as restrictions on their ability to move freely; forced confessions admitting their error in fleeing Vietnam and filmed for subsequent broadcast on television were also alleged.³²⁸

Relocating or leaving the country

Residence laws are applied inconsistently by local police. Under the Vietnamese Constitution, all citizens, including migrants, possess equal rights, including freedom of movement and residence.³²⁹ Residency laws are not applied consistently, however, due to lack of guidance and differing interpretations of the law.³³⁰ A 2013 law explicitly recognises the right of local authorities to set their own policies regarding household registration, and some cities have tightened the requirements for obtaining permanent status.³³¹

Internal relocation in Vietnam is closely monitored by authorities. While relocation is common in Vietnam, with large scale urbanisation occurring in recent decades,³³² under the Household Registration System local police in Vietnam often require citizens to register when staying in or moving to any location outside of their own homes.³³³ Moving without permission can hamper individuals seeking legal residence permits, public education, and health-care benefits.³³⁴ Due to the level of official scrutiny and monitoring in Vietnam, there are few options for people wishing to relocate internally in order to seek protection from state authorities.³³⁵

Movement across Vietnam's borders is closely monitored and broad limitations have been placed upon the right to freedom of movement. The Immigration Department of the Ministry of

³²² 'Freedom in the World 2019 – Vietnam', Freedom House, 2019, p.6, 20190802161239

³²³ 'Persecuted in Hanoi, locked up in Bangkok – the Montagnards, Vietnam's forgotten Christians', South China Morning Post, 4 November 2018, CXBB8A1DA37926

³²⁴ 'Persecuted in Hanoi, locked up in Bangkok – the Montagnards, Vietnam's forgotten Christians', South China Morning Post, 4 November 2018, CXBB8A1DA37926

³²⁵ 'Montagnards' Deportation Sparks Fears about Safety', Voice of America (VOA), 30 June 2019, 20190702113623

³²⁶ 'Country Report on Human Rights Practices 2018 - Vietnam', US Department of State, 13 March 2019, pp.35-36, 20190314094839

³²⁷ 'Submission to the Department of Foreign Affairs and Trade: Australia - Viet Nam Human Rights Dialogue Civil Society Consultation', Amnesty International, 31 July 2015, p.7, CISEC96CF13142

³²⁸ 'Returned Montagnards facing intimidation, spying in Vietnam', Cambodia Daily, 3 May 2017, CXC9040666726; Cambodia. Protect Montagnards refugees, Human Rights Watch, 12 September 2017, CXC90406621215

³²⁹ 'Migration, Resettlement and Climate Change in Viet Nam', United Nations Viet Nam, March 2014, pp.13-14, CISA447F083168

³³⁰ 'Migration, Resettlement and Climate Change in Viet Nam', United Nations Viet Nam, March 2014, p.14, CISA447F083168

³³¹ 'Vietnam's Household Registration System', World Bank Group & Vietnam Academy of Social Sciences, June 2016, p.x, CIS38A80121252

³³² 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, p.17, 20200429143402

³³³ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, pp.15-16, 20190917095808; 'No more household registration books: a move to reduce administrative burden', Vietnam Law and Legal Forum, 25 January 2018, CXBB8A1DA37045; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 42, 20191213145121

³³⁴ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.24, 20200312104733

³³⁵ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 42, 20191213145121

Public Security (MPS) is responsible for identifying and recording travellers who pass through international airports, including Vietnamese nationals.³³⁶ The MPS has total discretion to prohibit Vietnamese citizens from leaving or entering the country on the grounds of 'safeguarding national security and social order and safety'.³³⁷ The Vietnamese government has also imposed limitations on the movement of some activists and religious leaders, including those outspoken in their criticism of the government and political dissidents given probation or under house arrest.³³⁸ Dozens of individuals have been prevented from traveling overseas or entering the country, had their passports withheld on vague charges or have been refused a passport without clear explanation.³³⁹ Vietnamese authorities have also routinely physically prevented political activists and family members of political prisoners from meeting with foreign diplomats or from traveling abroad.³⁴⁰

³³⁶ 'Review of Vietnamese Migration Abroad, Consular Department – Ministry of Foreign Affairs of Vietnam', May 2012, p.11, CIS961F9402609

³³⁷ 'Q & A on the Right to Freedom of Movement in Vietnam', Civil Rights Defenders, 14 September 2015, pp.2 & 4, CISEC96CF15116

³³⁸ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.25, 20200312104733

³³⁹ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.25, 20200312104733

³⁴⁰ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.25, 20200312104733; 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.16, 20190917095808; 'Vietnam blocks Catholic priest, sister of labor activist from leaving abroad', Vietnam Human Rights Defenders, 27 June 2017, CXC9040669873



Australian Government
Department of Home Affairs

Common Claims

Vietnam

Country of Origin Information Services Section (COISS)

Effective from 23 February 2021

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Religion

Authorities permit space for religious activity while retaining control over religious organisations through registration and oversight.¹ Diplomatic sources informed a UK Home Office Fact Finding Mission to Vietnam that there is no ideological campaign against religion in Vietnam.² Rather, the Communist Party of Vietnam (CPV) is suspicious of any organised group – including religious ones – that may challenge its authority, and therefore seeks to control them.³ Credible sources indicate that religious organisations who comply with mandated registration requirements (see paragraph below) generally operate with little state interference as do some religious organisations who *do not* comply with registration requirements.⁴ Laws even exist which provide a separate process for unregistered, unrecognized religious groups to receive permission for specific religious activities.⁵ Interference with, or suppression of, religious organisations or individuals tends to intersect with authorities' perception of the organisation/individual as challenging the CPV's authority, interests or policies, particularly through political activism.⁶ For example, official mistreatment of ethnic minority religious groups – typically in highland areas – is generally unconnected with the religious aspects of the group or individuals and more with the perceived threat they pose to the CPV's interests.⁷

Religious practice is regulated by law and official oversight, and in some instances restricted. On 1 January 2018, a new *Law on Belief and Religion*, accompanied by *Decree No162/2017/ND-CP Guidelines for Implementation of the Law on Religion and Folk Belief*,⁸ came into effect.⁹ The laws require all religious groups and most individual clergy to join a party-controlled supervisory body and obtain permission for most religious activities.¹⁰ The laws require religious communities to register their organizations and places of worship with the government via procedures the US Commission on International Religious Freedom (USCIRF) describes as 'complicated and burdensome'.¹¹ Registered and unregistered religious groups report that government agencies sometimes did not respond to registration applications or approval requests for religious activities within stipulated timeframes, if at all, while other groups note suppression of religious activities where they resist close government management of their operations.¹² Some reports indicate that religious groups that choose not to

¹ Adapted from 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.25, 20190917095808

² 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.25, 20190917095808

³ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.25, 20190917095808

⁴ On organisations who comply with registration requirements: '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.1, 20200612161552; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, pp.22-24, 20191213145121; 'World Report 2021. Events of 2020', Human Rights Watch, 13 January 2021, p.748, 20210114072851. On organisation who do not comply with registration requirements: '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, Sect II, pp. 6, 16, 20200612161552; 'Country Policy and Information Note - Vietnam: Hoa Hao Buddhism', UK Home Office, February 2020, pp.11, 14, 20200218104508.

⁵ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, Sect.II, p.6, 20200612161552

⁶ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, pp.22-24, 20191213145121; 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.25, 20190917095808

⁷ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.26, 20190917095808

⁸ 'Decree No162/2017/ND-CP Guidelines for Implementation of the Law on Religion and Folk Belief', Socialist Republic of Vietnam, December 2017, 20200806155359

⁹ 'Country Update: An Assessment of Vietnam's Law on Belief and Religion', United States Commission on International Religious Freedom (USCIRF), 21 November 2019, p.1, 20191122090923

¹⁰ 'Freedom in the World 2020 - Vietnam', Freedom House, 2020, p.6, 20200514114358

¹¹ 'Country Update: An Assessment of Vietnam's Law on Belief and Religion', United States Commission on International Religious Freedom (USCIRF), 21 November 2019, p.1, 20191122090923

¹² '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, pp.1,14, 20200612161552

register, or have their applications rejected or ignored, may be subject to harassment from authorities in the form of intimidation, intrusive monitoring and arrest.¹³ As indicated in the preceding paragraph, not all unregistered groups face official mistreatment.¹⁴ There have also been reports of officials requiring registrants to submit the names of congregants, a requirement not stipulated in the 2018 law.¹⁵

In other instances, the 2018 *Law on Religion and Belief* has had positive impacts, particularly for established groups. While the law places restrictions on new and unregistered groups,¹⁶ many formally recognised, established groups view the law as an improvement.¹⁷ The law has enabled such groups to register as legal entities, with associated rights including the rights to open a bank account, and has reduced waiting periods to apply for official recognition from 23 to 5 years.¹⁸ The USCIRF also reported in 2019 that some interlocutors indicated to them that authorities had generally become more tolerant of religion, with state officials prominently praising the role of religious organizations in promoting social welfare.¹⁹ The law also permits religious organizations to participate in education, vocational training, healthcare and social services, previously curtailed.²⁰

The government recognises a wide range of religious groups. While reports vary, the government recognises between 38 and 43 religious organisations and one dharma practice, which are affiliated with 15 distinct religious traditions.²¹ These comprise Buddhism, Islam, Baha'i, Catholicism, Protestantism, Church of Jesus Christ, Hoa Hao Buddhism, Cao Dai, Buu Son Ky Huong, Tinh Do Cu Si Phat Hoi, Tu An Hieu Nghia, Phat Duong Nam Tong Minh Su Dao, Minh Ly Dao Tam Tong Mieu, Khmer Brahmanism, and Hieu Nghia Ta Lon Buddhism.²² The government only recognizes the state-run Buddhist Sangha of Vietnam.²³ Catholic groups – along with Protestants, Muslims, Baha'i and Buddhist groups – are allowed to provide religious education to adherents.²⁴

The degree to which Vietnamese people can freely practice religion varies widely.

Implementation of the *Law on Religion and Belief* varies significantly across provinces,²⁵ and members of the same group may be treated differently in various locations depending on relationships with local authorities.²⁶ Religious groups in urban, economically developed areas are generally able to

¹³ 'Vietnamese pastor released from prison after more than 4 years behind bars', Premier Christian News, 22 September 2020, 20200923134154; 'Hopes and fears for religious freedom in Vietnam', The Hill 20, August 2020, 20200821153509

¹⁴ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, Sect II, pp. 6, 16, 20200612161552; 'Country Policy and Information Note - Vietnam: Hoa Hao Buddhism', UK Home Office, February 2020, pp.11, 14, 20200218104508

¹⁵ 'Country Update: An Assessment of Vietnam's Law on Belief and Religion', United States Commission on International Religious Freedom (USCIRF), 21 November 2019, p.2, 20191122090923

¹⁶ 'Country Update: An Assessment of Vietnam's Law on Belief and Religion', United States Commission on International Religious Freedom (USCIRF), 21 November 2019, p.3, 20191122090923

¹⁷ 'Country Update: An Assessment of Vietnam's Law on Belief and Religion', United States Commission on International Religious Freedom (USCIRF), 21 November 2019, p.1, 20191122090923

¹⁸ 'Country Update: An Assessment of Vietnam's Law on Belief and Religion', United States Commission on International Religious Freedom (USCIRF), 21 November 2019, p.1, 20191122090923

¹⁹ 'Country Update: An Assessment of Vietnam's Law on Belief and Religion', United States Commission on International Religious Freedom (USCIRF), 21 November 2019, p.1, 20191122090923

²⁰ 'Report on Human Rights in Vietnam 2019-2020', Vietnam Human Rights Network, 14 May 2020, p.49, 20200521115120

²¹ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.4, 20200612161552 states '38' groups; 'Report on Human Rights in Vietnam 2019-2020', Vietnam Human Rights Network, 14 May 2020, p.52, 20200521115120 states '42' groups; 'Combined fifteenth to seventeenth reports submitted by Viet Nam under article 9 of the Convention, due in 2015* (CERD/C/VNM/15-17)', Committee on the Elimination of Racial Discrimination, 13 January 2021, para.70, p.19, 20210215153650 lists 43 groups belonging to 16 religions.

²² '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.4, 20200612161552

²³ 'Report on Human Rights in Vietnam 2019-2020', Vietnam Human Rights Network, 14 May 2020, p.53, 20200521115120

²⁴ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.20, 20200612161552

²⁵ 'Country Update: An Assessment of Vietnam's Law on Belief and Religion', United States Commission on International Religious Freedom (USCIRF), 21 November 2019, pp.1,3, 20191122090923

²⁶ 'Country Policy and Information Note - Vietnam: Hoa Hao Buddhism', UK Home Office, February 2020, pp.11, 14, 20200218104508

exercise their religion or belief freely and without interference.²⁷ While members of officially recognised groups are able to practise their faith without significant interference, those associated with independent organisations may be less able to do so – and particularly where they are involved with political activism or local grievances.²⁸ Reports persist of religious groups who either choose or are unable to register with the government facing elevated risks of harassment or other forms of mistreatment from the authorities.²⁹ The Interfaith Council – a group comprising ‘independent’ Catholics, Lutherans, Buddhists, Cao Dai, and Hoa Hao Buddhists reported to the USCIRF in 2019 that the new law had not reduced levels of official harassment faced by their communities.³⁰ Other reports note instances of progress in the relationship between authorities and religious minorities. Local authorities in Lam Dong Province for example recently announced over USD3 million in funding to help displaced Hmong Christian households to permanently resettle, including through the provision of a medical clinic and community centre.³¹

Reports of repression, violence and harassment of religious activities outside state-approved religious groups persist. As already noted, the Vietnamese government is suspicious of any organised group that may challenge its authority, and continues to closely monitor and disrupt the activities of unrecognised branches of various religious groups, sometimes violently.³² Religious groups report that most harassment is committed by local or provincial authorities,³³ and sometimes through the mobilization of locals and cadres mobilized by the government.³⁴ Modes of harassment reported include physical assault, arrest, prosecution, monitoring, travel restrictions, property seizure, and denial of registration.³⁵ In 2019, local human rights group Vietnam Human Rights Network (VHRN) listed a total of seven ‘violent’ incidents in which authorities targeted religious practitioners; two of these clearly involved bodily assault.³⁶ Religious followers who engage in political activism are more likely to face harassment.³⁷ The VHRN claims that police agents are trained to infiltrate Buddhist temples and other religious institutions both in Vietnam and abroad, including the United States and Australia, to cause disruption.³⁸ The State Committee on Religious Affairs is also reported to extend its activities overseas, conducting meetings with diaspora Vietnamese in order to ‘understand their

²⁷ ‘USCIRF 2020 Annual Report’, United States Commission on International Religious Freedom (USCIRF), 28 April 2020, p.47, 20200429103634; ‘Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019’, UK Home Office, 9 September 2019, p.26, 20190917095808

²⁸ ‘2019 Report on International Religious Freedom - Vietnam’, United States Department of State, 10 June 2020, p.4, 20200612161552; ‘DFAT Country Information Report Vietnam’, Department of Foreign Affairs and Trade, 13 December 2019, p.20, 20191213145121; ‘Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019’, UK Home Office, 9 September 2019, p.25, 20190917095808; ‘World Report 2021. Events of 2020’, Human Rights Watch, 13 January 2021, p.747, 20210114072851

²⁹ ‘DFAT Country Information Report Vietnam’, Department of Foreign Affairs and Trade, 13 December 2019, pp.22-24, 20191213145121; ‘Vietnamese pastor released from prison after more than 4 years behind bars’, Premier Christian News, 22 September 2020, 20200923134154; ‘Hopes and fears for religious freedom in Vietnam’, The Hill 20, August 2020, 20200821153509; ‘Concluding observations on the third periodic report of Viet Nam - CCPR/C/VNM/CO/3’, UN Human Rights Committee, 29 August 2019, p.9, 2021022141835

³⁰ ‘Country Update: An Assessment of Vietnam’s Law on Belief and Religion’, United States Commission on International Religious Freedom (USCIRF), 21 November 2019, p.3, 20191122090923. ‘Independent’ in this context refers to groups who have not registered with the government in contravention of the *Law on Belief and Religion*.

³¹ ‘Hopes and fears for religious freedom in Vietnam’, The Hill 20, August 2020, 20200821153509

³² ‘World Report 2020. Events of 2019’, Human Rights Watch (HRW), 14 January 2020, p.638, 20200115082903; ‘Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019’, UK Home Office, 9 September 2019, p.25, 20190917095808

³³ ‘2019 Report on International Religious Freedom - Vietnam’, United States Department of State, 10 June 2020, p.1, 20200612161552

³⁴ ‘Thien An Abbey – 45 Years Under The Government’s Fist’, The Vietnamese, 6 October 2020, 20201008153405

³⁵ ‘2019 Report on International Religious Freedom - Vietnam’, United States Department of State, 10 June 2020, p.1, 20200612161552; ‘Concluding observations on the third periodic report of Viet Nam - CCPR/C/VNM/CO/3’, UN Human Rights Committee, 29 August 2019, p.9, 2021022141835; ‘USCIRF 2020 Annual Report’, United States Commission on International Religious Freedom (USCIRF), 28 April 2020, p.46, 20200429103634; ‘World Report 2021. Events of 2020’, Human Rights Watch, 13 January 2021, p.748, 20210114072851

³⁶ ‘Report on Human Rights in Vietnam 2019-2020’, Vietnam Human Rights Network, 14 May 2020, p.54, 20200521115120

³⁷ ‘DFAT Country Information Report Vietnam’, Department of Foreign Affairs and Trade, 13 December 2019, pp.22, 23, 24, 20191213145121

³⁸ ‘Report on Human Rights in Vietnam 2019-2020’, Vietnam Human Rights Network, 14 May 2020, p.53, 20200521115120

sentiments and aspirations' and to 'suggest ways to help Vietnamese communities with religious and spiritual activities'.³⁹

Christians

Christians may face barriers in education and employment. Christians employed in state institutions may face career and political barriers.⁴⁰ Christians have, as a rule, been denied membership in the Communist Party of Vietnam (CPV), the state bureaucracy and the security forces, and have not been appointed to leadership positions in schools and universities.⁴¹ Party membership is in turn closely connected with employment opportunities in the public sector.⁴² There are also restrictions on the numbers of students permitted to enrol in Catholic and also in Protestant seminaries, which church leaders say are inadequate to meet demand.⁴³ Many Hmong and Montagnard Christians have been unable to access identity cards and household registration, with some reports indicating this is in retaliation against their refusal to renounce their faith.⁴⁴

Scores of Christian 'religious prisoners' remain incarcerated. The VHRN lists scores of Christians it categorises as 'religious prisoners' in its 2020 Annual Report.⁴⁵ The vast majority of these are ethnic minority people – either Hmong or Montagnard Christians.⁴⁶ Most of those imprisoned were charged with 'undermining the unity code'.⁴⁷ Dozens of them are reportedly pastors.⁴⁸ In a more positive shift, authorities are reported to have begun the process of granting citizenship to Hmong and Montagnard Christians in some provinces.⁴⁹

Catholics

The Vietnamese government regulates the activities of Catholics. Catholics make up approximately 7.4 per cent of the population.⁵⁰ While the Vatican is permitted to select its own bishops and priests, Vietnamese authorities exercise final approval.⁵¹ Government officials have highlighted the expanding opportunities of charitable and social work by the Catholic Church.⁵² In April 2019, authorities in Lai Chau Province denied a Catholic community permission to celebrate Easter Mass, stating that some members of the community were recent converts who were not properly registered.⁵³

Catholics in remote areas often face difficulty registering with provincial authorities. According to many Catholic bishops, congregations in remote areas with majority ethnic minority populations

³⁹ 'Vietnam: What Does The Government Committee For Religious Affairs Do With More Than 64 Billion Dong Every Year?', The Vietnamese, 28 September 2020, 20201008153748

⁴⁰ 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, p.24, 20200429143402

⁴¹ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, pp.8-9, CIS7B83941599

⁴² 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, p.25, 20200429143402

⁴³ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.20, 20190625113215

⁴⁴ 'Hopes and fears for religious freedom in Vietnam', The Hill 20, August 2020, 20200821153509

⁴⁵ 'Report on Human Rights in Vietnam 2019-2020', Vietnam Human Rights Network, 14 May 2020, Appendix 1, pp.83-91, 20200521115120

⁴⁶ 'Report on Human Rights in Vietnam 2019-2020', Vietnam Human Rights Network, 14 May 2020, Appendix 1, pp.83-91, 20200521115120

⁴⁷ 'Report on Human Rights in Vietnam 2019-2020', Vietnam Human Rights Network, 14 May 2020, Appendix 1, pp.83-91, 92, 20200521115120

⁴⁸ 'Rights Group Urges Vietnam to Free Prisoners of Conscience Amid COVID-19', International Christian Concern' 4 June 2020, 20200807155150

⁴⁹ 'Local Vietnamese Government Announces Infrastructure Plan to Aid Ethnic Minority Christians', International Christian Concern (Persecution.org), 24 July 2020, 20200728103907

⁵⁰ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.2, 20200612161552

⁵¹ 'The Vatican is making headway in Hanoi. Will Beijing be next?', Catholic Herald, 29 August 2019, 20190917154848; 'Vietnam deal points way for China-Vatican progress', UCA News (UCAN), 8 October 2018, 20190917155709

⁵² 'HCM City honours exemplary Catholics in charity work', Viet Nam News Agency, 28 August 2018, 20190118120109

⁵³ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.11, 20200612161552

face difficulty registering with provincial authorities due to an inconsistent application of national laws.⁵⁴ Catholic leaders state that the most problematic regions are in the Central Highlands (Gia Lai, Dak Lak, Dak Nong, Kon Tum, and Lam Dong provinces), the Northwest Highlands, and Hoa Binh province.⁵⁵ Bishops also report that authorities in remote areas have prevented or disrupted Catholic services by blocking parishioners' access to unregistered home churches or threatening the hosts of such gatherings.⁵⁶

Reports vary on the status of the Red Flag Association, a pro-government group which harassed Catholics in 2017 and 2018. In 2017 and 2018 there were reports of harassment of Catholics active in political protests⁵⁷ by a pro-government group called the Red Flag Association.⁵⁸ Red Flag groups were highly organised and often worked closely with authorities.⁵⁹ In February 2018, members of the Red Flag Association at a primary school in Nghe An province intimidated and beat Catholic parents at a school meeting.⁶⁰ In December 2017, the group clashed violently with parishioners in Vinh Diocese, Nghe An province, over the construction of a new chapel.⁶¹ According to USCIRF's April 2020 report, there were no reports of attacks by Red Flag Associations in 2019.⁶² However, in June 2020 the US State Department said that reports of harassment of Catholics by Red Flag groups continued, although the group reportedly disbanded in March 2018.⁶³

Catholic leaders have been actively involved in local political issues such as environmental protests. Catholic leaders, particularly in central Vietnam, have helped organise protests calling for stronger environmental protections, and were involved in the widespread June 2018 protests on special economic zones and the cybersecurity law.⁶⁴ Priests have also assisted parishioners in filing complaints and lawsuits against the government over the 2016 Formosa incident in which a Taiwanese company released tons of untreated chemicals into Vietnamese ocean waters, causing significant environmental and economic damage.⁶⁵ In response, state-run media and pro-government blogs published highly critical material against priests who assisted activists and victims of the Formosa incident, with some priests reportedly pressured to leave their parishes.⁶⁶ [See also: [Environmental Protests: Formosa Ha Tinh Steel Corp Toxic Spill](#)]

Protestants

The Vietnamese government controls and monitors the activities of Protestants. The government has recognised nine Protestant organisations, leaving more than 70 groups illegal.⁶⁷ In

⁵⁴ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.14, 20200612161552

⁵⁵ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.14, 20200612161552

⁵⁶ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.11, 20200612161552

⁵⁷ 'Report on Human Rights in Vietnam 2018-2019', Vietnam Human Rights Network, 10 May 2019, p.25, 20190806115309

⁵⁸ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.23, 20191213145121; 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.2, 20190625113215; 'International Religious Freedom Report for 2017 - Vietnam', US Department of State, 29 May 2018, p.26, OGD95BE927542

⁵⁹ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.23, 20191213145121; 'United States Commission on International Religious Freedom Annual Report 2019', United States Commission on International Religious Freedom (USCIRF), 29 April 2019, p.136, 20190508143726

⁶⁰ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.22, 20190625113215

⁶¹ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.23, 20191213145121; 'International Religious Freedom Report for 2017 - Vietnam', US Department of State, 29 May 2018, p.26, OGD95BE927542

⁶² 'USCIRF 2020 Annual Report', United States Commission on International Religious Freedom (USCIRF), 28 April 2020, p.47, 20200429103634

⁶³ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.11, 20200612161552

⁶⁴ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.13, 20190625113215

⁶⁵ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.13, 20190625113215; 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, p.26, 20200429143402

⁶⁶ 'Vietnam 2018 International Religious Freedom Report', US Department of State, 21 June 2019, p.13, 20190625113215

⁶⁷ 'Report on Human Rights in Vietnam 2019-2020', Vietnam Human Rights Network, 14 May 2020, p.53, 20200521115120

August 2019, the People's Court of Gia Lai Province sentenced a Degar Protestant, Rah Lan Hip, to seven years in prison for 'undermining the unity policy' by sharing multiple posts about Degar Protestantism on his Facebook account.⁶⁸ The government considers Degar Christianity to be a separatist political movement rather than a religious group.⁶⁹

Particular social groups

Women

Domestic violence against women in Vietnam is common. The government itself has recently reported to the United Nations (UN) that domestic violence remains common, particularly in areas with low literacy rates.⁷⁰ While precise statistics are difficult to obtain due to victims' frequent reluctance to approach authorities,⁷¹ in November 2019 the Women's Union reported that at least 58 per cent of married women were worried about domestic violence on a daily basis and 87 per cent did not seek help.⁷² Of approximately 1.4 million divorce cases processed by local courts between 2008 and 2018, about 1 million, or 77 per cent, involved domestic violence.⁷³ Domestic violence against women is most prevalent in rural areas where a range of circumstances, such as economic difficulties, family conflicts, addiction and a lack of understanding among women of their rights exacerbate the problem.⁷⁴ Social stigma prevents many survivors from coming forward due to fear of harassment from their spouses or family.⁷⁵

Domestic violence is criminalised in Vietnam, and there are avenues of redress available to victims. Vietnamese law criminalises rape – including spousal rape – and prohibits violence or threats against women.⁷⁶ Rapists are subject to prison terms of up to 15 years in severe cases.⁷⁷ Authorities prosecute rape cases but do not release arrest, prosecution, conviction, or punishment statistics.⁷⁸ Vietnamese law also outlines acts that constitute domestic violence and stipulates punishments, ranging from warnings and probation to imprisonment,⁷⁹ although the authorities treat domestic violence cases as civil cases unless the victim suffers injuries to more than 11 per cent of

⁶⁸ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.9, 20200612161552

⁶⁹ '2019 Report on International Religious Freedom - Vietnam', United States Department of State, 10 June 2020, p.9, 20200612161552

⁷⁰ 'Combined fifteenth to seventeenth reports submitted by Viet Nam under article 9 of the Convention, due in 2015* (CERD/C/VNM/15-17)', Committee on the Elimination of Racial Discrimination, 13 January 2021, para.22, p.9, 20210215153650

⁷¹ 'Vietnam's social mores make it more difficult to fight domestic violence', VNExpress, 20 September 2019, 20190924140401; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.31, 20191213145121

⁷² 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.29, 20200312104733

⁷³ 'Vietnam's social mores make it more difficult to fight domestic violence', VNExpress, 20 September 2019, 20190924140401
⁷⁴ 'Consideration of reports submitted by States parties under article 18 of the Convention: Seventh and eighth periodic reports of States parties due in 2011: Viet Nam', UN Committee on the Elimination of Discrimination against Women, 13 December 2014, pp.67-68, CIS2F827D91319

⁷⁵ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.29, 20200312104733; 'Vietnam's social mores make it more difficult to fight domestic violence', VNExpress, 20 September 2019, 20190924140401

⁷⁶ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.28, 20200312104733

⁷⁷ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, pp.28-29, 20200312104733

⁷⁸ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.29, 20200312104733

⁷⁹ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.29, 20200312104733; 'Country Profile - Social Institutions and Gender Index - Viet Nam', Social Institutions and Gender Index (SIGI), 2019, p.4, 20190820172336

their body.⁸⁰ Police generally seek to initiate a process of reconciliation between the victim and perpetrator for less serious cases of domestic violence,⁸¹ which credible sources indicate favours men over women and can leave a victim without access to effective legal remedy.⁸² Victims and the police can initiate criminal investigations into more serious incidents.⁸³ Authorities, with the help of international and local non-government organisations, train police, lawyers, community advocates and legal system officials in laws related to domestic violence.⁸⁴

Recent UN sources indicate that Vietnam is making progress on some women's issues. In-country UN representatives have stated that the country has developed the 'legal framework to promote gender equality' and that 'overall, the Government of Vietnam has made good progress in women empowerment and gender equality'.⁸⁵ They cite the growing number of women appointed to management positions and high literacy rates among women as indicators of Vietnam's progress on women's issues.⁸⁶ Only 19 out of 200 members of the Communist Party's Central Committee however – the elite organ of the party – are women; and only one woman was elected at January 2021's Communist Party Congress to the Politburo, reducing the number from three in the previous term.⁸⁷

Support services

The Vietnamese government and NGOs provide support services to victims of domestic violence. Support services include crisis centres, hotlines, and 'trusted addresses' which enable women to seek assistance from another family.⁸⁸ Domestic violence rapid response teams have been established with the support of the United Nations,⁸⁹ while judicial officers and legal aid centres are available to victims.⁹⁰ By 2013, Vietnam had developed 10 shelters nationwide that provide women and girls with access to health-care services, counselling, education, vocational and life-skills training.⁹¹ Authorities, with the help of international and local non-government organisations, continue to support workshops and seminars that aim to educate women and men about domestic violence and women's rights, as well as seeking to highlight the problem through public awareness campaigns.⁹²

The Vietnam Women's Union provides support services to victims of domestic violence. The Women's Union provides training to 'trusted households' to provide victims with legal counsel,

⁸⁰ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.29, 20200312104733

⁸¹ 'Country Profile - Social Institutions and Gender Index - Viet Nam', Social Institutions and Gender Index (SIGI), 2019, p.5, 20190820172336; 'Assessment of the situation of women in the criminal justice system in Viet Nam. In support of the Government's efforts towards Effective Gender Equality in the Criminal Justice System', United Nations Office on Drugs and Crime, July 2013, p.19, CIS36DE0BB2142

⁸² 'Compilation on Viet Nam: Report of the Office of the United Nations High Commissioner for Human Rights', United Nations Human Rights Council, 15 November 2018, p.9, 20190723115431

⁸³ 'Freedom in the World 2020 - Vietnam', Freedom House, 2020, p.9, 20200514114358; 'Assessment of the situation of women in the criminal justice system in Viet Nam. In support of the Government's efforts towards Effective Gender Equality in the Criminal Justice System', United Nations Office on Drugs and Crime, July 2013, p. 19, CIS36DE0BB2142

⁸⁴ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.29, 20200312104733

⁸⁵ 'VN develops sound legal framework to promote gender equality', Viet Nam News, 3 November 2020, 20201104134842

⁸⁶ 'VN develops sound legal framework to promote gender equality', Viet Nam News, 3 November 2020, 20201104134842

⁸⁷ 'Vietnam Briefing: VCP's Leadership Formed Amidst COVID-19 Resurgence', The Vietnamese, 8 February 2021, 20210216104414

⁸⁸ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, pp.31-32, 20191213145121

⁸⁹ 'Viet Nam establishes Rapid Response Forces against domestic violence', United Nations Office on Drugs and Crime, 1 January 2015, CXBD6A0DE19214

⁹⁰ 'Access to Justice in the Plural Legal System in Viet Nam: A Case Study of Women Domestic Violence Survivors', UN Women, 2015, p.57-58, CISEC96CF15250

⁹¹ 'Consideration of reports submitted by States parties under article 18 of the Convention: Seventh and eighth periodic reports of States parties due in 2011: Viet Nam', UN Committee on the Elimination of Discrimination against Women, 13 December 2014, pp.67-68, CIS2F827D91319

⁹² 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.29, 20200312104733

clothing, first aid, medicine, and telephone cards.⁹³ Trusted households are private homes that women can go to if they are unable to seek overnight shelter elsewhere.⁹⁴ The Center for Women and Development, supported by the Women's Union, operates a nationwide domestic violence hotline, although this is not widely advertised in rural areas.⁹⁵ The Center also runs three shelters for female victims of domestic violence and trafficking – two in Hanoi known as 'Peace House', and one in Can Tho.⁹⁶ 'Peace House' provides children and women who are affected by domestic violence with counselling services, vocational training, and social programs.⁹⁷

Forced/early marriage

Forced or consensual marriage with an underage person is prohibited in Vietnam. The legal minimum age of marriage is 18 for girls and 20 for boys.⁹⁸ Vietnam's Government recently reported to the UN that the percentage of child marriages decreased from 26.6 per cent in 2015 to 21.9 per cent in 2019, attributing this in part to the introduction of targeted laws.⁹⁹ Non-government sources provide lower figures – reporting that approximately 10-11 per cent of girls under 18 are married.¹⁰⁰ Reports of pregnant girls as young as 14 pressured into marriage by family continue to surface in relation to rural areas such as Quang Nam Province,¹⁰¹

LGBTIQ+

Vietnam has progressively liberalised laws around same-sex conduct in recent-years. In recent years the government has amended legislation to increase recognition of LGBTIQ+ rights and in 2013 removed consensual same-sex relationships from the country's list of forbidden relationships.¹⁰² In 2015, the government repealed a ban on same-sex marriage.¹⁰³ In addition to legal rights, the government has introduced targeted medical services; for example, in January 2019, the Binh Dan Hospital in Saigon opened Vietnam's first clinic catering specifically to members of the LGBT community.¹⁰⁴ However, while same-sex sexual conduct is legal, there are no laws to prohibit

⁹³ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121

⁹⁴ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121

⁹⁵ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.31, 20191213145121

⁹⁶ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.31, 20191213145121

⁹⁷ 'Third periodic report submitted by Vietnam under article 40 of the Covenant', United Nations Human Rights Office of the High Commissioner, 9 January 2018, CIS7B839419944; 'Social activities of the Center for Women and Development', Center for Women and Development, n.d. [Accessed 16 October 2018], CIS7B839419862

⁹⁸ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.32, 20200312104733

⁹⁹ 'Combined fifteenth to seventeenth reports submitted by Viet Nam under article 9 of the Convention, due in 2015* (CERD/C/VNM/15-17)', Committee on the Elimination of Racial Discrimination, 13 January 2021, para.65, p.18, 20210215153650

¹⁰⁰ 'Country Profile - Social Institutions and Gender Index - Viet Nam', Social Institutions and Gender Index (SIGI), 2019, p.1, 20190820172336; 'Viet Nam - Child Marriage', Girls Not Brides, n.d., accessed 16 June 2020, 20200616170159

¹⁰¹ 'Child marriage remains the norm in central mountains', Dac Thanh, VNExpress, 21 August 2019, 20190822090141

¹⁰² 'My Teacher Said I Had a Disease': Barriers to the Right to Education for LGBT Youth in Vietnam', Human Rights Watch, 12 February 2020, p.1, 20200214091242

¹⁰³ 'My Teacher Said I Had a Disease': Barriers to the Right to Education for LGBT Youth in Vietnam', Human Rights Watch, 12 February 2020, p.1, 20200214091242; 'Freedom in the World 2018 – Vietnam', Freedom House, 5 April 2018, NGE0867A684

¹⁰⁴ 'Vietnam's first LGBT-friendly clinic provides relief from illness and prejudice', VNExpress, 29 January 2019, 20190130103506

discrimination on the basis of sexual orientation or gender identity.¹⁰⁵ Also, while same-sex marriage is not banned, same-sex marriages are not officially recognised.¹⁰⁶

Transgender people who have undergone sex re-assignment surgery can register their new status. Article 37 of the revised *Civil Code*, which came into effect in 2017, contains new provisions legalising transgender rights – including the right to change their sex, access health care and change their gender identity on official documents if they have undergone sex re-assignment surgery.¹⁰⁷ Advocates have criticised the requirement for sex re-assignment surgery as not all transgender people wish to undergo surgery, and the surgery is expensive and not covered under the national health insurance scheme for transgender people.¹⁰⁸ Reports indicate that despite the passing of the 2017 *Civil Code*, transgender people are yet to receive official recognition or access rights around gender change on identity documents. This is in part due to Vietnam's failure to legalize sex-reassignment surgery and in part due to a bill on transgender rights still awaiting passage.¹⁰⁹

Vietnam increasingly accepts the rights of LGBTIQ+ people. The government does not consider LGBTIQ+ issues to be politically sensitive.¹¹⁰ Numerous civil society organisations advocating for LGBTIQ+ rights have emerged in recent years.¹¹¹ Vietnam's first pride rally took place in 2012,¹¹² and has become an annual event.¹¹³ Authorities have allowed pride marches and gatherings to proceed despite not being registered.¹¹⁴ In 2019 numerous pride parades and events were held throughout the country.¹¹⁵ Mainstream Vietnamese media – which is controlled by the government – increasingly promotes the view that being gay is normal.¹¹⁶ LGBTIQ+-friendly spaces, including coffee shops and art spaces, exist in Hanoi and Ho Chi Minh City.¹¹⁷ However, places to meet on a day-to-day basis remain limited and many Vietnamese LGBTIQ+ people remain discreet in expressing their sexuality.¹¹⁸ Information and support networks are limited at the provincial level.¹¹⁹

Despite increased tolerance by the government, discrimination against LGBTIQ+ people remains widespread in Vietnamese society. Societal discrimination and stigma against LGBTIQ+ people remains widespread and is worst towards transgender people.¹²⁰ Discrimination is most

¹⁰⁵ 'Freedom in the World 2019 – Vietnam', Freedom House, 02 August 2019, p.6, 20190802161239

¹⁰⁶ "'My Teacher Said I Had a Disease': Barriers to the Right to Education for LGBT Youth in Vietnam', Human Rights Watch, 12 February 2020, p.1, 20200214091242; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121

¹⁰⁷ 'LGBT rights: Vietnam recognises transgender people, but there's a flaw in its law', Sen Nguyen, South China Morning Post, 21 June 2019, 20190814134558; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.33, 20191213145121

¹⁰⁸ "'My Teacher Said I Had a Disease': Barriers to the Right to Education for LGBT Youth in Vietnam', Human Rights Watch, 12 February 2020, p.1, 20200214091242; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.33, 20191213145121

¹⁰⁹ 'Trans Legal Mapping Report: Recognition Before the Law', ILGA, 30 September 2020, p.109, 20201001140359; 'Vietnam's transgender citizens suffer in a grey area', VNEExpress, 2 January 2020, 20201118134044

¹¹⁰ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121

¹¹¹ 'Being LGBT in Asia – Vietnam country report', USAID & UNDP, August 2014, p.21, CX324893

¹¹² 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121

¹¹³ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121; 'Love in the air at gay pride parade in Ho Chi Minh City', Tuoi Tre Online, 25 September 2017, CXC90406620464

¹¹⁴ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.28, 20190917095808

¹¹⁵ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121; 'LGBT members join pride parade in Ho Chi Minh City', Tuoi Tre Online, 15 September 2019, 20200227102119

¹¹⁶ 'Gay Vietnam', Travel Gay Asia, n.d., accessed 3 July 2017, CISED50AD4725

¹¹⁷ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121

¹¹⁸ 'Gay Vietnam', Travel Gay Asia, n.d., (accessed 3 July 2017), CISED50AD4725; Gay Hanoi, Travel Gay Asia, n.d., (accessed 3 July 2017), CISED50AD4726; Travel & Resources: HO CHI MINH CITY – SAIGON, Utopia, n.d. (accessed 3 July 2017), CISED50AD4728

¹¹⁹ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121

¹²⁰ 'Freedom in the World 2020 - Vietnam', Freedom House, 2020, p.9, 20200514114358; 'Is it because I am LGBT?' Discrimination based on sexual orientation in Viet Nam', UNDP, 21 June 2016, p.14, CIS38A80124354; 'Transgender at work.

pervasive in schools, health care and the work place, although it also occurs within some families.¹²¹ Vietnamese LGBTIQ+ youth face widespread discrimination and violence at home and at school.¹²² The belief that same-sex attraction is a diagnosable, treatable, and curable mental health condition is common.¹²³ Violence against LGBTIQ+ people is much less common than other forms of discrimination, such as verbal insults and online abuse.¹²⁴ LGBTIQ+ people often choose not to report incidents of discrimination or violence to police because they perceive it as commonplace, do not believe it will be adequately resolved or fear embarrassment.¹²⁵

Political Opinion

In January 2021, the Communist Party of Vietnam (CPV) held its 13th National Congress.

Described as the country's most important event, the Congress is held every five years to choose new leadership and set major policy goals.¹²⁶ The CPV's overarching goal remains to transition Vietnam to high-income nation status by 2045.¹²⁷ A blueprint for continued economic growth was confirmed at the Congress, with the CPV aiming to increase annual growth from the 6 per cent pre-pandemic figure to 6.5-7.0 per cent for the 2021-2025 period.¹²⁸

While membership of the CPV remains beneficial for career advancement, it is no longer essential for success. Vietnam is a single-party regime, commonly described as 'authoritarian'.¹²⁹ Party membership remains a prerequisite to career advancement for nearly all government and government-linked organisations and businesses, with leadership positions and opportunities for promotion reserved for those who demonstrate political loyalty.¹³⁰ Recent economic reforms have provided greater opportunities for non-CPV members, and increasingly young Vietnamese no longer see membership of the party as key to economic and social success, particularly with the increasing availability and attractiveness of careers in the private sector.¹³¹ The CPV continues to deny membership to individuals whose parents – or the parents of their spouse – worked for the former South Vietnamese regime.¹³²

Criticism of the Government or CPV is generally not tolerated, with authorities particularly sensitive towards criticism in the lead-up to the National Congress. Throughout 2020, those who criticized the government or party faced police intimidation, harassment, restricted movement,

¹²¹ Livelihoods for transgender people in Vietnam, Hoang T-A and Oosterhoff, P, Institute of Development Studies, February 2016, pp.4, 15, CIS38A80128087

¹²² "My Teacher Said I Had a Disease": Barriers to the Right to Education for LGBT Youth in Vietnam, Human Rights Watch, 12 February 2020, p.1, 20200214091242; 'Being LGBT in Asia – Vietnam country report', USAID & UNDP, August 2014, pp.27-31, CX324893; "Is it because I am LGBT?" Discrimination based on sexual orientation in Viet Nam, UNDP, 21 June 2016, p.14, CIS38A80124354; 'Vietnam's transgender citizens suffer in a grey area', VNExpress, 2 January 2020, 20201118134044

¹²³ 'World Report 2021. Events of 2020', Human Rights Watch, 13 January 2021, p.747, 20210114072851

¹²⁴ "My Teacher Said I Had a Disease": Barriers to the Right to Education for LGBT Youth in Vietnam, Human Rights Watch, 12 February 2020, pp.2, 13-14, 20200214091242; 'World Report 2021. Events of 2020', Human Rights Watch, 13 January 2021, p.747, 20210114072851

¹²⁵ "Is it because I am LGBT?" Discrimination based on sexual orientation in Viet Nam, UNDP, 21 June 2016, p.18, CIS38A80124354

¹²⁶ "Is it because I am LGBT?" Discrimination based on sexual orientation in Viet Nam, UNDP, 21 June 2016, p.97, CIS38A80124354

¹²⁷ 'Vietnam's Communists brace for next 5 years after big 2020', Nikkei Asian Review, 22 December 2020, 20201222121413

¹²⁸ 'Vietnam Party Congress Meets to Choose Leaders, Set Policy Direction', Centre for Strategic and International Studies (CSIS), 26 January 2021, 20210201163003

¹²⁹ 'Vietnam targets growth acceleration, shift to hi-tech gear in Communist Party economic blueprint', Reuters, 1 February 2021, 20210201162642

¹³⁰ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.1, 20200312104733

¹³¹ 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, p.24, 20200429143402

¹³² 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.25, 20191213145121; 'Vietnam's Divide: Slow Healing, Fewer Prospects for Children of U.S. Allies', Bloomberg, 24 December 2015, CXBD6A0DE19603

¹³³ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, para.3.46, p.25, 20191213145121

physical assault, arbitrary arrest and detention, and imprisonment.¹³³ Police detained political detainees for months without access to legal counsel and subjected them to abusive interrogations.¹³⁴ In 2020, at least 10 bloggers, land-rights activists and other prominent rights activists were charged with anti-state propaganda under article 117 of the penal code.¹³⁵ At 30 November 2020, Amnesty International recognized at least 170 prisoners of conscience imprisoned in Viet Nam, the highest number since Amnesty began monitoring prisoners of conscience in the country, with increasing numbers imprisoned due to online activity.¹³⁶ Human rights organisation Defend the Defenders claim that as at January 2021, authorities are currently detaining at least 238 prisoners of conscience.¹³⁷

Freedom of expression

The Vietnamese government suppresses political expression and protest. Dissent is rarely tolerated in Vietnam, and authorities routinely use a set of vague provisions in the penal code to detain writers and bloggers.¹³⁸ Profiles of people arrested in 2020 include bloggers, lawyers, unionists, land rights activists, political dissidents, and followers of non-registered minority religions, with many charged under vague provisions of the 2015 penal code (which took effect in 2018) such as 'making, storing, disseminating or propagandizing materials and products that aim to oppose the State of the Socialist Republic of Vietnam', 'disrupting national security' or 'abusing democratic freedom to violate the interests of the state.'¹³⁹ Provisions frequently invoked under the penal code carry penalties of prison sentences of up to 20 years, and in some instances life imprisonment or capital punishment.¹⁴⁰ DFAT is not aware of any recent cases of the death penalty being applied for political activities,¹⁴¹ although in September 2020 two men were sentenced to death for their roles in a land-dispute clash with authorities in which three police officers died.¹⁴²

As with political dissent generally, conditions for freedom of expression deteriorated during 2020, including in online spaces. The Vietnamese government's crackdown on dissidents escalated in 2020 in advance of the national Communist Party Congress.¹⁴³ Authorities detained at least 33 individuals for the peaceful and legitimate exercise of their right to freedom of opinion and expression throughout the year, with at least 23 individuals sentenced to prison terms of up to 12 years.¹⁴⁴ Those deprived of their liberty included human rights defenders, activists, journalists, and government critics.¹⁴⁵ Online dissidents faced routine harassment and intimidation in 2020, with authorities prosecuting numerous of them throughout the year.¹⁴⁶ Freedom House's most recent report on online

¹³³ 'World Report 2021. Events of 2020', Human Rights Watch, 13 January 2021, p.743, 20210114072851

¹³⁴ 'World Report 2021. Events of 2020', Human Rights Watch, 13 January 2021, p.743, 20210114072851

¹³⁵ 'World Report 2021. Events of 2020', Human Rights Watch, 13 January 2021, p.744, 20210114072851

¹³⁶ 'Viet Nam: Let us breathe! Censorship and criminalization of online expression in Viet Nam', Amnesty International, 30 November 2020, p.7, 20201203160417

¹³⁷ 'Vietnam Rights Defenders Weigh Magnitsky Measures as Criticism of Hanoi's Crackdown Mounts', Radio Free Asia (RFA), 12 January 2021, 20210113124630

¹³⁸ 'Jailed Vietnamese RFA Blogger's Appeal Trial Set For Aug. 14', Radio Free Asia, 10 August 2020, 20200812120858; 'Vietnamese Political Prisoners Stage Hunger Strike', Radio Free Asia (RFA), 24 September 2020, 20200925160042

¹³⁹ 'Defend the Defenders' Latest Statistics: Vietnam Holds 242 Prisoners of Conscience', vietnamhumanrightsdefenders (Defend the Defenders), 01 April 2020, 20200403092023; 'Prisoners of Conscience in Viet Nam', Amnesty International, 13 May 2019, p.3, 20190514144113

¹⁴⁰ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.25, 20191213145121

¹⁴¹ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.36, 20191213145121

¹⁴² 'Two sentenced to death for cops' murder in Hanoi', VNExpress, 14 September 2020, 20200915131100

¹⁴³ 'Vietnam: National Party Congress begins amid escalating crackdown on Internet freedom', Article 19, 25 January 2021, 20210215151741; 'World Report 2021. Events of 2020', Human Rights Watch, 13 January 2021, p.743, 20210114072851; 'Vietnam: Crackdown Ahead of Party Congress', Human Rights Watch, 22 January 2021, 20210215152356

¹⁴⁴ 'Party Congress cements repressive rule, rewards rights-abusive leaders', International Federation for Human Rights (FIDH), 1 February 2021, 20210215150614

¹⁴⁵ 'Party Congress cements repressive rule, rewards rights-abusive leaders', International Federation for Human Rights (FIDH), 1 February 2021, 20210215150614

¹⁴⁶ 'World Report 2021. Events of 2020', Human Rights Watch, 13 January 2021, p.743, 20210114072851

freedom states that internet freedom 'declined to an all-time low in Vietnam' during the period covered by the report: June 2019 – May 2020,¹⁴⁷ with several bloggers, activists, and ordinary internet users receiving prison sentences of up to 11 years in duration.¹⁴⁸ According to Amnesty International, the government's systematic repression of online rights to freedom of expression includes significant threats to the freedom and safety of human rights defenders, activists and their families due to their online activism, including threats of 'brutal physical assault'.¹⁴⁹

A new cyber security law came into force in January 2019, giving the government greater surveillance and censorship powers. Under the new cyber security law, introduced on 1 January 2019, service providers are required to take down offending content within 24 hours, while internet companies are required to disclose user data to authorities.¹⁵⁰ The law prohibits people from 'distorting history, denying revolutionary achievements, destroying the national solidarity block' and 'providing false information, causing confusion amongst the Citizens, [and] causing harm to socioeconomic activities'.¹⁵¹ Social media platforms and technology companies remove anti-state content upon request from the government.¹⁵² After repeated negotiations, Facebook agreed in 2020 to comply with 95 per cent of official requests for deletion of 'malicious' messages, and YouTube 90 per cent.¹⁵³ The government also actively seeks to manipulate public opinion online, deploying a cybertroop force of approximately 10,000 people (known as Force 47) to manipulate information on Facebook and YouTube and spread smear campaigns aimed at opponents of the government.¹⁵⁴

The government has harassed independent publishers, journalists and students. Since 2019, authorities have harassed independent book publishers and arrested four members of the Independent Journalists Association of Vietnam.¹⁵⁵ University authorities have been told by the Ministry of Public Security to expel activists from their universities;¹⁵⁶ while there have been reports that university students who participated in human rights advocacy have been prevented from graduating.¹⁵⁷

While 're-education camps' ceased operating in Vietnam in the 1990s, mechanisms still remain for detaining and silencing political dissidents. Mechanisms to suppress and silence critics include house arrest, administrative detention or prison sentences, along with the regular movement of dissidents throughout the detention network to isolate them from family and support networks and other detainees.¹⁵⁸ Police routinely detain or place activists under house arrest to prevent them from participating in meetings and protests, or to attend trials of fellow activists.¹⁵⁹

The government regulates the exit and entry of individuals who openly express anti-government views. Several individuals considered to be political dissidents or activists, or their family members, have been prevented from leaving or returning to Vietnam, or have had passports

¹⁴⁷ 'Freedom on the Net 2020 – Vietnam', Freedom House, 14 October 2020, 20201026102433

¹⁴⁸ 'Freedom on the Net 2020 – Vietnam', Freedom House, 14 October 2020, Sect.C, 20201026102433

¹⁴⁹ 'Viet Nam: Let us breathe! Censorship and criminalization of online expression in Viet Nam', Amnesty International, 30 November 2020, p.7, 20201203160417

¹⁵⁰ 'Submission to the Universal Periodic Review of Vietnam', Human Rights Watch, 13 July 2018, CXBB8A1DA31726; 'Vietnam's New Cyber Law Could Hobble Foreign Investors and Limit Basic Freedoms', Centre for Strategic and International Studies (CSIS), 2 July 2018, CXBB8A1DA30601; 'Vietnam's new cyber law curbs dissents and business', Radio France Internationale (RFI), 01 January 2019, 20190102163306; 'Law on Cybersecurity 2018', Socialist Republic of Vietnam, June 2018, (Date of Effect January 2019), 20200810153745

¹⁵¹ 'Human Rights in Asia-Pacific: Review of 2019', Amnesty International, 29 January 2020, p.66, 20200130115738

¹⁵² 'Freedom on the Net 2020 – Vietnam', Freedom House, 14 October 2020, Sect.B2, 20201026102433

¹⁵³ 'Vietnam's Communists brace for next 5 years after big 2020', Nikkei Asian Review, 22 December 2020, 20201222121413

¹⁵⁴ 'Freedom on the Net 2020 – Vietnam', Freedom House, 14 October 2020, Sect.B5, 20201026102433

¹⁵⁵ 'Vietnam: Crackdown on Peaceful Dissent Intensifies', Human Rights Watch, 19 June 2020, 20200623141201; 'Arrests, Suspension of Vietnam Media Signal Crackdown', Voice of America (VOA), 18 June 2020, 20200619091437; 'Human Rights in Asia-Pacific: Review of 2019', Amnesty International, 29 January 2020, p.65, 20200130115738

¹⁵⁶ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.22, 20200312104733

¹⁵⁷ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.22, 20200312104733; 'Freedom in the World 2019 - Vietnam', Freedom House, 02 August 2019, 20190802161239

¹⁵⁸ 'Human Rights in Asia-Pacific: Review of 2019', Amnesty International, 29 January 2020, pp.65-66, 20200130115738

¹⁵⁹ 'World Report 2020. Events of 2019', Human Rights Watch (HRW), 14 January 2020, p.636, 20200115082903

confiscated or withheld on often vague or unexplained grounds.¹⁶⁰ In March 2019, police stopped Bui Kim Phuong, wife of political prisoner Nguyen Bac Truyen, from leaving Vietnam for Singapore.¹⁶¹ In June 2019, police barred environmental activist Cao Vinh Thinh from travelling to Thailand.¹⁶² In March 2018, at Hanoi Noi Bai airport authorities denied exit permission to a student who was traveling to study overseas due to his involvement in Formosa-related protests.¹⁶³ In May 2017, police stopped Polish-Vietnamese activist Phan Chau Thanh from entering Vietnam, while in June 2017, the authorities stopped former political prisoner Do Thi Minh Hanh from leaving for Austria to visit her ill mother.¹⁶⁴ The same month, Vietnamese authorities stripped former political prisoner Pham Minh Hoang of his citizenship and deported him to France.¹⁶⁵ In January 2020, a female human rights activist was exiled to the United States immediately upon her release from prison.¹⁶⁶ She was the fourth political prisoner since 2018 to exchange early release for exile overseas.¹⁶⁷

Pro-democracy activists

The government considers opposition pro-democracy groups such as Viet Tan to be terrorist organisations. As political opposition parties are illegal within Vietnam,¹⁶⁸ opposition parties are typically based overseas to avoid harassment, arrest and detention.¹⁶⁹ The Vietnam Reform Revolutionary Party (or Viet Tan) is a US-based opposition group with an active branch in Australia that advocates for democracy in Vietnam.¹⁷⁰ In 2016, the government declared Viet Tan a terrorist organisation and stated that anyone involved with the group would be considered an accomplice in terrorism.¹⁷¹ Other foreign-based opposition groups including the Brotherhood for Democracy, who campaign for human rights and democracy in Vietnam¹⁷² and who are reported to have links to Viet Tan, have been accused of activities aimed at overthrowing the government.¹⁷³ In November 2019, Chau Van Kham, a Vietnamese/Australian dual citizen and a member of Viet Tan, was sentenced to twelve years' imprisonment after being convicted of 'engaging in terrorist activities to oppose the government' (Article 113.2 of the Penal Code)¹⁷⁴ and in March 2020 lost his appeal against his 12-year prison sentence for 'financing terrorism'.¹⁷⁵ Chau Van Kham entered Vietnam on a false identity

¹⁶⁰ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.25, 20200312104733; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.42, 20191213145121

¹⁶¹ 'World Report 2020. Events of 2019', Human Rights Watch (HRW), 14 January 2020, p.636, 20200115082903

¹⁶² 'World Report 2020. Events of 2019', Human Rights Watch (HRW), 14 January 2020, p.636, 20200115082903

¹⁶³ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 23, 20190314094839

¹⁶⁴ 'Country Policy and Information Note – Vietnam: Opposition to the State', UK Home Office, September 2018, p.17, CIS7B839419727

¹⁶⁵ 'Human Rights Watch World Report 2018', Human Rights Watch, 18 January 2018, p.628, NGE867A63

¹⁶⁶ 'Interview with Former Political Prisoner Tran Thi Nga About Effects of Prison on Women and Children', The 88 Project, 10 June 2020, 20200807142948

¹⁶⁷ 'Interview with Former Political Prisoner Tran Thi Nga About Effects of Prison on Women and Children', The 88 Project, 10 June 2020, 20200807142948

¹⁶⁸ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.9, 20190917095808

¹⁶⁹ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.9, 20190917095808; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.25, 20191213145121

¹⁷⁰ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.25, 20191213145121

¹⁷¹ 'Vietnam declares San Jose-based Viet Tan a terrorist group', Associated Press (AP), 7 October 2016, CX6A26A6E11016

¹⁷² 'Vietnam: Drop Charges Against Rights Campaigner', Human Rights Watch (HRW), 10 September 2018, CXBB8A1DA35489

¹⁷³ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.25, 20191213145121

¹⁷⁴ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.26, 20191213145121

¹⁷⁵ 'Effectively a death sentence': Australian retiree imprisoned in Vietnam loses final appeal', Special Broadcasting Service (SBS), 03 March 2020, 20200303091219

and was arrested in Ho Chi Minh City whilst meeting with a member of the Brotherhood for Democracy.¹⁷⁶

Political prisoners are likely to be treated more harshly than ordinary inmates. A 2020 report by local NGO *The 88 Project* highlights the harsh conditions that the Vietnamese state has imposed upon political prisoners in recent years.¹⁷⁷ The report argues that 'Vietnam has continued practices amounting to torture of political prisoners' who have been detained or imprisoned.¹⁷⁸ According to the report, political prisoners are treated as a different class of person than ordinary inmates, receiving harsher treatment 'which often amounts to torture and inhumane treatment'.¹⁷⁹ A US citizen recently released from incarceration in Vietnam after being charged with political offences also described being mistreated while in prison.¹⁸⁰

Protests

Public protests and gatherings are regulated by authorities, with restrictions on political events. The law requires people wishing to gather in a group to apply for a permit from local authorities.¹⁸¹ However, in practice, only those arranging publicised gatherings to discuss sensitive matters appear to require permits.¹⁸² Permits can be denied without explanation, and the government generally does not allow demonstrations perceived to be anti-government or political.¹⁸³ Despite legal restrictions and threats of crackdown by the police, Vietnamese citizens continue to express their views through numerous protests.¹⁸⁴

Activists seeking to exercise their freedom of expression or association may experience harassment, surveillance, restrictions on their movement, short-term detention and physical attack. Attacks on rights campaigners have taken place in many regions of Vietnam.¹⁸⁵ Female activist Pham Doan Trang, arrested in October 2020, had been previously attacked by authorities on two occasions, in 2015 and 2018, leaving her permanently disabled.¹⁸⁶ In July 2019, plainclothes agents and government supporters attacked approximately 20 human rights activists and relatives of political prisoners who were attempting to visit a prison in Nghe An province.¹⁸⁷ In January 2019, unidentified men abducted anti-corruption campaigner Ha Van Nam and drove him around in a van while beating him, before dropping him outside a hospital with two broken ribs.¹⁸⁸ Credible sources state that the use of these plain-clothes 'thugs', many of whom likely work for a government security

¹⁷⁶ 'Jailed Australian democracy activist has 'disappeared' inside Vietnam's prison system', Ben Doherty, The Guardian, 7 June 2020, 20200609094102; 'Effectively a death sentence': Australian retiree imprisoned in Vietnam loses final appeal', Special Broadcasting Service (SBS), 3 March 2020, 20200303091219

¹⁷⁷ 'Torture and Inhumane Treatment of Political Prisoners in Vietnam: 2018 – 2019', The 88 Project, 5 November 2020, p.3, 20201109162103

¹⁷⁸ 'Torture and Inhumane Treatment of Political Prisoners in Vietnam: 2018 – 2019', The 88 Project, 5 November 2020, p.4, 20201109162103

¹⁷⁹ 'Torture and Inhumane Treatment of Political Prisoners in Vietnam: 2018 – 2019', The 88 Project, 5 November 2020, p.7, 20201109162103

¹⁸⁰ 'Recently Released US Citizen Describes Mistreatment in Vietnamese Prison', Radio Free Asia (RFA), 28 October 2020, 20201030103239; 'American released from Vietnam prison speaks out, describes ordeal', Orange County Register, 28 October 2020, 20201029160046

¹⁸¹ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.22, 20200312104733

¹⁸² 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.22, 20200312104733

¹⁸³ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.22, 20200312104733

¹⁸⁴ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.8, 20191213145121

¹⁸⁵ 'World Report 2020. Events of 2019', Human Rights Watch (HRW), 14 January 2020, pp.635-636, 20200115082903; 'No Country for Human Rights Activists: Assaults on Bloggers and Democracy Campaigners in Vietnam', Human Rights Watch, 18 June 2017, p.2, CISED850AD4751

¹⁸⁶ "'Law of the Jungle' for Pham Doan Trang', The Vietnamese, 16 October 2020, 20201020153551

¹⁸⁷ 'World Report 2020. Events of 2019', Human Rights Watch (HRW), 14 January 2020, p.636, 20200115082903; 'Plainclothes police attack activists and relatives of political prisoners in Nghệ An', Asia News IT, 15 July 2019, 20190820143746

¹⁸⁸ 'World Report 2020. Events of 2019', Human Rights Watch (HRW), 14 January 2020, pp.635-636, 20200115082903

agency, rose in 2017 and has in some instances allowed the government to distance itself from the acts of violence.¹⁸⁹ Also in January 2019, Vietnamese authorities allegedly abducted a dissident blogger who had sought asylum in Thailand, prior to returning him to Vietnam.¹⁹⁰

Anti-government protests

Authorities do not tolerate anti-government protests. Individuals and groups who protest against the Government or openly criticise the Communist Party are likely to attract adverse attention from authorities, experience police intimidation or harassment, or see their protests shut down, sometimes with the use of physical force.¹⁹¹ In June 2018, there was a string of large demonstrations across Vietnam in protest against a new cybersecurity law and a draft law on special economic zones.¹⁹² Authorities responded by arresting and imprisoning hundreds of those involved.¹⁹³ For example, in July 2018 a court in southern Vietnam jailed 15 individuals for their involvement in protest activity,¹⁹⁴ while days earlier 10 people received prison terms of up to three-and-a-half years in central Binh Thuan province.¹⁹⁵

Environmental Protests: Formosa Ha Tinh Steel Corp. Toxic Spill

Local communities protesting about the Formosa Ha Tinh Steel Corporation chemical spill have been accused of deliberately stirring anti-government sentiment. Formosa Steel is a Taiwanese company responsible for an April 2016 chemical spill which decimated fish stocks and devastated fishing communities along Vietnam's central coast.¹⁹⁶ The company eventually agreed to pay \$500 million in damages.¹⁹⁷ The disaster provoked large protests against both Formosa and the government in part due to the heavy impact on the livelihoods of the affected communities.¹⁹⁸ Attempts by fishermen to sue Formosa in a provincial court were dismissed.¹⁹⁹ Protests were also held by diaspora communities in countries including Australia, where in March 2017 about 300 members of the Vietnamese community in Australia protested outside Victoria's Parliament.²⁰⁰

Authorities have generally tolerated protests relating to the spillage, though some activists have been sentenced to lengthy prison terms. Large protests demanding the Formosa Ha Tinh Steel Corporation be closed and further compensation provided to assist with the clean-up have generally not resulted in injuries or arrests.²⁰¹ The government however cracked down on Formosa

¹⁸⁹ 'World Report 2020. Events of 2019', Human Rights Watch (HRW), 14 January 2020, p.635, 20200115082903; 'Australia - Vietnam Human Rights Dialogue - Human Rights Watch Submission - June 2019', Human Rights Watch (HRW), 01 June 2019, p.1, 20190828092550; 'United States Commission on International Religious Freedom Annual Report 2018', US Commission on International Religious Freedom, 25 April 2018, p.123, CIS7B83941863

¹⁹⁰ 'Torture and Inhumane Treatment of Political Prisoners in Vietnam: 2018 – 2019', The 88 Project, 5 November 2020, p.10, 20201109162103; 'A dissident blogger went missing in Thailand. Vietnam is the prime suspect', The Washington Post, 12 February 2019, 20201120111753

¹⁹¹ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, pp.9-10, 20190917095808; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.27, 20191213145121

¹⁹² 'Vietnam: a month of mass protests', Lowy Interpreter (The Interpreter), 27 June 2018, CXBB8A1DA30346

¹⁹³ 'Vietnam: Investigate Police Response to Mass Protests', Human Rights Watch (HRW), 15 June 2018, CXBB8A1DA30048

¹⁹⁴ 'Vietnamese court imprisons peaceful demonstrators', UCA News (UCAN), 1 August 2018, CXBB8A1DA32816

¹⁹⁵ 'Vietnam jails 10 more for protests over economic zones', Reuters, 23 July 2018, CXBB8A1DA32143

¹⁹⁶ 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, p.26, 20200429143402; 'Outrage Over Fish Kill in Vietnam Simmers 6 Months Later', The New York Times, 3 October 2016, CX6A26A6E10573

¹⁹⁷ 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, p.26, 20200429143402; 'Outrage Over Fish Kill in Vietnam Simmers 6 Months Later', The New York Times, 3 October 2016, CX6A26A6E10573

¹⁹⁸ 'Vietnam's dead fish may spawn a stronger culture of dissent', Hoang C, cogitASIA, 30 September 2016, CIS38A80122116

¹⁹⁹ 'Vietnam court swamped by fishermen seeking to sue Taiwan firm's steel unit', Reuters, 27 September 2016, CX6A26A6E10576

²⁰⁰ 'Vietnamese communities stage anti-Formosa and pro-democracy protests', TiVi Tuan-san, 07 March 2017, 20191004114557

²⁰¹ 'Vietnamese rally outside Taiwanese steel plant that spread toxic waste', Reuters, 2 October 2016, CX6A26A6E10045;

activists connected to a new civil society organisation, The Alliance of Self-Determined People, sentencing four members to prison terms of up to 15 years.²⁰² On 6 February 2018, a Vietnamese court sentenced two other activists to prison terms of 14 years and two years respectively for protesting against Formosa.²⁰³ Some supporters of the pair who attended the court building were beaten and detained in a police station until the trial ended at midday.²⁰⁴ On 6 April 2017, hundreds of Catholic protesters marked the one-year anniversary of the waste spill on the streets and beaches of Vinh diocese, and carried black flags with anti-Formosa slogans on them.²⁰⁵ In November 2018, Nguyen Van Hoa was jailed by the People's Court of Ha Tinh in Nghe An province after filming protests outside the Taiwan-owned Formosa Plastics Group steel plant. Held for nine days at the Ha Tinh police station following his arrest, Hoa was hung by his hands and beaten by eight police officers, who also threw water in his face.²⁰⁶

State Protection

Police

Internal security is the responsibility of the Ministry of Public Security. Police organisations operate at the provincial, district and commune (local) levels, the latter over which people's committees also exercise some authority.²⁰⁷ There are two core forces: the People's Security Force (An ninh Nhan dan), responsible for national security, and the People's Police Force (Canh sat Nhan dan), which is responsible for social order and public safety.²⁰⁸ The People's Police Force handles traditional police work such as neighbourhood policing, traffic control, household registration, and the issuing of identification cards.²⁰⁹ Recruits to the police force must be members of the Communist Party of Vietnam or the Communist Youth League.²¹⁰

Police are effective in maintaining public order but have limited capacity in other areas, especially investigations. While the Ministry of Public Security is responsible for internal security and controls the national police,²¹¹ in practice, provincial and local-level police often maintain

²⁰² 'Vietnam's Dead Fish May Spawn a Stronger Culture of Dissent', Chau Hoang, Centre for Strategic & International Studies, 30 September 2016, p.2, CIS38A80122116; 'Formosa Spill Still Roils Public Opinion in Vietnam', Radio Free Asia, 7 December 2016, CX6A26AE14775

²⁰³ 'Vietnam Cracks Down on Dissenters', Radio Free Asia, 10 November 2016, CX6A26A6E14902; 'Sentences upheld for five members of anti-State organisation', Viet Nam News, 19 March 2019, 20191101101537

²⁰⁴ 'More activists sentenced in Vietnam', Voice of America (VOA), 11 February 2018, CXBB8A1DA21834; 'Catholic activist arrested in Vietnam, police beat up protesters', UCA News (UCAN), 23 May 2017, CXC9040668804

²⁰⁵ 'Vietnamese environmental activists handed prison terms in Nghe An', Radio Free Asia, 6 February 2018, CXBB8A1DA21459

²⁰⁶ 'Vietnamese Catholics Demonstrate to Mark Anniversary of Formosa Chemical Spill', Radio Free Asia (RFA), 6 April 2017, CXC9040666018

²⁰⁷ 'Jailed Vietnamese Activist Goes on Hunger Strike Over Beatings by Police', Radio Free Asia (RFA), 28 February 2019, 20190305131350

²⁰⁸ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.9, 20190917095808; 'Public Insecurity: Deaths in Custody and Police Brutality in Vietnam', Human Rights Watch, 16 September 2014, p.14, CISA447F082797

²⁰⁹ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.40, 20191213145121; 'Public Insecurity: Deaths in Custody and Police Brutality in Vietnam', Human Rights Watch, 16 September 2014, p.14, CISA447F082797

²¹⁰ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.40, 20191213145121; 'Public Insecurity: Deaths in Custody and Police Brutality in Vietnam', Human Rights Watch, 16 September 2014, pp.5-8, CISA447F082797

²¹¹ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.40, 20191213145121

²¹² 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.1, 20200312104733

significant discretion in their activities.²¹² People's committees have substantial authority over police forces and prosecutors at the provincial, district and local levels.²¹³ Police at the commune (local) level tend to have lower salaries, fewer benefits and less adequate training in law and basic police procedures than police at the district, provincial and national levels.²¹⁴ Due to a lack of cross-agency coordination within the police, delays in dealing with cases are common.²¹⁵ However, according to sources consulted by the UK Home Office, if police arrest a person and begin the investigation process, then they do follow the rules as set out in the Vietnamese Criminal Code.²¹⁶ As a general rule, police lack proper funding and training, with local police only initiating investigations for crimes they determine serious.²¹⁷

Police abuse is commonplace in situations of arrest or interrogating suspects; limited oversight for such actions exists. Police frequently use excessive force when making an arrest.²¹⁸ Arrestees frequently report abuse and mistreatment.²¹⁹ Police have been implicated in arbitrary and unlawful killings.²²⁰ Reports indicate that local police sometimes use contracted 'thugs' and 'citizen brigades' to harass and beat political activists and religious adherents perceived as undesirable or a threat to national security.²²¹ Although the Supreme People's Procuracy has authority to investigate security force abuse, police organisations operate with little transparency and limited public oversight.²²² Internal police oversight exists but is subject to political influence.²²³ Police frequently ill-treat or torture suspects to elicit confessions, which has resulted in deaths in custody²²⁴ - at least 11 people died in custody in 2019.²²⁵ Excessive force is used in responding to protests over evictions, land confiscation, and other social issues.²²⁶ There is no independent body to investigate complaints against police by citizens.²²⁷

Corruption is prevalent throughout the police force. Corruption occurs at every level of the police and bribery is widespread.²²⁸ According to DFAT, sources have reported that organised crime groups

²¹² 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.1, 20200312104733; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.40, 20191213145121

²¹³ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 7, 20190314094839

²¹⁴ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.40, 20191213145121

²¹⁵ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.11, 20190917095808

²¹⁶ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.11, 20190917095808

²¹⁷ 'Vietnam 2020 Crime & Safety Report: Hanoi', Overseas Security Advisory Council, US Department of State, 9 March 2020, 20200505210105

²¹⁸ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.3, 20200312104733

²¹⁹ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.3, 20200312104733

²²⁰ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.2, 20200312104733

²²¹ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.40, 20191213145121

²²² 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.12, 20190917095808; 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 7, 20190314094839

²²³ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.3, 20200312104733; 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 29, 20190314094839

²²⁴ 'Human Rights in Asia-Pacific: Review of 2019', Amnesty International, 29 January 2020, p.66, 20200130115738; 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.15, 20190917095808

²²⁵ 'Human Rights in Asia-Pacific: Review of 2019', Amnesty International, 29 January 2020, p.66, 20200130115738

²²⁶ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.12, 20190917095808; 'Human Rights Watch World Report 2016: Events of 2015 – Vietnam', 27 January 2016, NGE43874C8

²²⁷ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.40, 20191213145121

²²⁸ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.58, 20190917095808; 'Vietnam 2020 Crime & Safety Report: Hanoi', Overseas Security Advisory Council, US Department of State, 9 March 2020, 20200505210105

have bribed local police to not respond in specific situations, and there have been instances in which police have not responded when citizens have called for help.²²⁹ An academic source cited by a UK Home Office fact-finding team states that it is possible for members of criminal gangs to find out the location of a person attempting to flee that gang by persuading police to provide the relevant information.²³⁰ Police at the village level are aware of who lives in their area and who is registered there.²³¹

Judiciary

Vietnamese courts operate under government control. Most judges are members of the Communist Party of Vietnam and are screened by local officials for suitability before appointment.²³² The law provides for an independent judiciary, though this is not always the case in practice, particularly in politically sensitive cases.²³³ Trials related to free expression are often brief, and apparently predetermined.²³⁴ Political influence, endemic corruption and inefficiency strongly distort the judicial system and trials of human rights activists consistently fail to meet international standards.²³⁵

Access to legal remedy is unequal and inadequate. There is a shortage of judges and lawyers, with only around 7,000 lawyers throughout the country.²³⁶ As few as one fifth of defendants can obtain access to legal counsel, including in cases subject to the death penalty.²³⁷ Vietnamese law does not expressly state that defendants have the right to call witnesses and defence lawyers may not have enough time to meet with clients.²³⁸ There are widespread complaints that judges often appear to have made a determination of guilt prior to conducting a trial.²³⁹ Administrative and civil courts are vulnerable to corruption and outside influence, lack of independence, and inexperience.²⁴⁰ Lawyers are pressured to refuse religious and democracy activists as clients, and in some cases defence lawyers are restricted, harassed, and disbarred from representing these clients.²⁴¹

²²⁹ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.40, 20191213145121

²³⁰ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.25, 20190917095808

²³¹ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.25, 20190917095808

²³² 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, pp.9-10, 20200312104733

²³³ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.9, 20200312104733; 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.13, 20190917095808

²³⁴ 'Freedom on the Net 2020 – Vietnam', Freedom House, 14 October 2020, Sect.C1, 20201026102433

²³⁵ 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, p.12, 20200429143402;

'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.9, 20200312104733

²³⁶ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.14, 20190917095808

²³⁷ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.14, 20190917095808; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 41, 20191213145121

²³⁸ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.11, 20200312104733

²³⁹ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.10, 20200312104733

²⁴⁰ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.14, 20200312104733; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.41, 20191213145121

²⁴¹ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.10, 20200312104733

Corruption

Corruption is widespread throughout public administration, despite criminal penalties.

Corruption remains a serious problem,²⁴² existing in areas such as the police and the military, in business and banking, and in the allocation of land.²⁴³ Transparency International rated the country equal 104th of 179 countries in its *Corruptions Perception Index* 2020,²⁴⁴ a slight decline from the previous year. Transparency International notes that Vietnam, despite its economic success, continues to struggle to tackle corruption due to restrictions on participation in public affairs, the silencing of dissenting voices and a lack of public scrutiny of decision making.²⁴⁵

Government leaders acknowledge widespread public discontent with the level of corruption and the extent to which it undermines the efficiency of the state and support for the Communist Party.

There have been a number of highly publicised prosecutions of senior public officials in recent years.²⁴⁶ In 2019 the government reported that it had disciplined over 53,000 officials and CPV members for graft, and that several senior officials, including two members of the Central Committee, had faced discipline including prison time.²⁴⁷ However, despite these, anti-corruption campaigns are pursued intermittently with varying degrees of seriousness,²⁴⁸ and credible sources state they can be as much the result of internal Communist Party rivalries or attempts to maintain the party's image as a genuine desire to promote transparency in politics and business.²⁴⁹ The 2019 *Public Administration Performance Index (PAPI)* found that Vietnamese citizens were 'more satisfied with robust efforts to reduce petty and grand corruption at all government levels' but still considered corruption in the public sector to be problematic.²⁵⁰ In 2019, about five per cent more citizens than in 2018 thought corruption was decreasing, most likely due to the government's anti-corruption campaign as well as actual declines in petty corruption and bribery experienced by citizens in accessing public services such as hospitals.²⁵¹

Loan Sharks

Loan sharks charging illegal rates of interest are prevalent throughout Vietnam. Loan sharks are a widespread problem in Vietnam,²⁵² with investigators reporting around 210 loan-shark rings

²⁴² 'Vietnam: CPI 2019 score is up but corruption remains serious', Towards Transparency, 23 January 2020, p.1, 20200228125554

²⁴³ 'Freedom in the World 2020 - Vietnam', Freedom House, 2020, pp.4, 9, 20200514114358; 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, pp.12-13, 32, 20200429143402

²⁴⁴ 'Corruption Perceptions Index 2019', Transparency International, 23 January 2020, p.2, 20200205081007

²⁴⁵ 'Corruption Perceptions Index 2019', Transparency International, 23 January 2020, p.14, 20200205081007

²⁴⁶ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.27, 20200312104733; 'Vietnam Communist Party takes aim at corrupt rising stars', Reuters, 26 September 2019, 20190927085651; 'Vietnam jails former deputy labor minister for economic mismanagement', Reuters, 25 September 2019, 20190927090012; 'Ex-chairman of Vietnam's BIDV bank dies in detention', Reuters, 23 July 2019, 20190723102504; 'Stiff sentences bolster Vietnam's anti-graft drive but questions remains over larger reform', Straits Times, The, 23 January 2018, CXBB8A1DA20684; 'Vietnam to move forward with six high-profile graft cases', VietNamNet Bridge, 4 October 2016, CX6A26A6E13892

²⁴⁷ 'Freedom in the World 2020 - Vietnam', Freedom House, 2020, p.4, 20200514114358

²⁴⁸ 'BTI 2018 Country Report Vietnam', Bertelsmann Stiftung, 22 March 2018, p.33, CIS7B83941599

²⁴⁹ 'At Vietnam's biggest corruption trial, some skeptical views', Reuters, 10 January 2018, CXBB8A1DA363; 'Berlin kidnapping': Nowhere to run from Vietnam's anti-corruption campaign', Deutsche Welle, 8 January 2018, CXBB8A1DA329; 'Explainer: What's behind Vietnam's corruption crackdown', Reuters, 8 January 2018, CXBB8A1DA278; ²⁴⁹ 'Vietnam Party Congress Meets to Choose Leaders, Set Policy Direction', Centre for Strategic and International Studies (CSIS), 26 January 2021, 20210201163003

²⁵⁰ 'The 2019 Viet Nam Governance and Public Administration Performance Index (PAPI): Measuring Citizens' Experiences', United Nations Development Program (UNDP), 28 April 2020, p.V, 20200429094650

²⁵¹ 'The 2019 Viet Nam Governance and Public Administration Performance Index (PAPI): Measuring Citizens' Experiences', United Nations Development Program (UNDP), 28 April 2020, p.XIV, 20200429094650

²⁵² 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.16, 20191213145121

operating across the country.²⁵³ According to the Ministry of Public Security, during 2018 police units and localities dealt with more than 600 illegal moneylending or 'black credit' cases.²⁵⁴ In December 2018, an official of the Ho Chi Minh City Public Security Department said that the city recorded three deaths related to loan sharks in 2018, and estimated that police officers in the city typically deal with four cases related to loan sharks per month.²⁵⁵ These murders are part of a broader suite of around 60 cases of murder related to loan sharking between 2013 and 2018.²⁵⁶ Around 400 cases of intentional harm related to loan sharks occurred within this same timeframe.²⁵⁷

Authorities have demonstrated a willingness to tackle the activities of loan sharks. While authorities have demonstrated a willingness to tackle the problem,²⁵⁸ they have had difficulty prosecuting loan sharks for charging illegal rates of interest as these are rarely documented on loan papers.²⁵⁹ A lack of resources, legal loopholes and inadequate implementation of laws also remain problems in tackling loan sharks.²⁶⁰ However, credible sources assess that individuals targeted for unpaid debts are able to obtain protection from the police, who are active at the provincial, district and local levels.²⁶¹ Other sources suggest that loan sharks may be able to track people throughout the country, with the cooperation of the police.²⁶² Police investigations into illegal moneylenders have increased in recent years, including through the establishment of dedicated police units in some provinces.²⁶³

Authorities have used law enforcement to break up the activities of criminal gangs involved in loan sharking. In February 2020, a court in Thanh Hóa Province sentenced 21 members of a loan shark gang to a total of 99 years in prison on charges which included deliberately causing injuries and illegally detaining people.²⁶⁴ Members of the gang, who were arrested in 2018, ran a company named Nam Long Financial Group which had branches nationwide.²⁶⁵ In 2018, police from southern Binh Thuan Province set up special units to crack down on illegal loan sharks.²⁶⁶ In other parts of Vietnam, particularly Ho Chi Minh City, authorities have embarked on some high profile crackdowns on gang activity – including gangs involved in loan sharking – that yielded nearly 7,000 arrests in the second half of 2016.²⁶⁷

²⁵³ 'Chinese loan sharks charging extortionate interest jailed', VNExpress, 19 August 2020, 20200819153543

²⁵⁴ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.24, 20190917095808

²⁵⁵ 'Arrests raise loan sharks higher on social agenda', Vietnam Investment Review, 10 October 2019, 20191010122619

²⁵⁶ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.85, 20190917095808

²⁵⁷ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.24, 20190917095808

²⁵⁸ 'Debunking the Informal Credit Myths: Is Credit Liberalization the Magic Solution to Loan Sharking?', Nicolas Lainez, ISEAS (Yusuf Ishak Institute Singapore), 22 October 2019, pp.3-4, 20200521211816

²⁵⁹ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.16, 20191213145121; 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.24, 20190917095808; '"Black credit" besieges workers, students before Lunar New Year', VietNamNet Bridge, 29 January 2016, CX6A26A6E9780

²⁶⁰ 'NA approves delay to Penal Code 2015', Viet Nam News, 1 July 2016 CX6A26A6E12697; 'Loan sharks feed off poor, naive workers', Viet Nam News, 11 September 2015 CXBD6A0DE18811; 'Vietnam's gamble: Whether or not to legalise betting', Al Jazeera, 27 January 2016, CX6A26A6E13872

²⁶¹ 'Upper Tribunal (Immigration And Asylum Chamber) Appeal Number: AA/08316/2014', Government of the United Kingdom and Northern Ireland, 1 April 2016, CIS38A80124972

²⁶² 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.25, 20190917095808

²⁶³ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.16, 20191213145121

²⁶⁴ '99 years in prison granted to black credit gang', Viet Nam News, 19 February 2020, 20200220083955

²⁶⁵ '99 years in prison granted to black credit gang', Viet Nam News, 19 February 2020, 20200220083955; 'Arrests raise loan sharks higher on social agenda', Vietnam Investment Review, 12 December 2018, 20191010122619

²⁶⁶ 'Specialist police unit set up to target loan sharks in Binh Thuan', VietNamNet Bridge, 8 August 2018, CIS7B839419866

²⁶⁷ 'HCM City cracks down on criminal gangs, thieves', Viet Nam News, 22 October 2016, CX6A26A6E13224; '14 arrested for extorting "protection fee" from sex workers in HCMC', Thanh Nien News, 16 January 2016, CX6A26A6E13879; 'Cops in Vietnam continue to crack down on gangs of smugglers, robbers', Thanh Nien News, 19 August 2014, CX1B9ECAB12445; 'Vietnamese court sentences six to death for drug trafficking', Voice of Vietnam (VOV News), 7 June 2014, CX322895

Chinese loan sharks are reported to have increased their presence in Vietnam following China's tightening of moneylending rules in 2019. Vietnamese police are investigating a rising number of foreign loan sharks, mostly Chinese, targeting low-income workers and charging up to 90 percent monthly interest rates.²⁶⁸ Loan sharks approve loans almost immediately, though require borrowers to provide their ID and access to phone directories.²⁶⁹ Lenders use the latter to harass friends and families in order to recoup borrowers' debts.²⁷⁰ In August, two Chinese nationals were sentenced to 1.5 years jail for loan-sharking activities including charging annual interest rates of over 900 percent.²⁷¹

In addition to law enforcement efforts, authorities have tried to make it easier to access credit in the formal lending sector. Authorities try to encourage people in need of money to use credible loan sources like the Capital Aid Fund for Employment of the Poor – a non-profit microfinance institution – but the amounts available through these sources can be insufficient.²⁷² In addition, the State Bank of Vietnam has requested Agribank, the biggest state-controlled bank in the country, to significantly expand its services by opening new branches, creating micro-financing services in remote areas through mobile banking, and extending lending programs for the agricultural sector.²⁷³ In 2016, Vietnam, along with the rest of the Association of Southeast Asian Nations (ASEAN), made financial inclusion one of their top priorities – including the ability of people to access loans and legitimate forms of credit.²⁷⁴

Crime

Vietnam has relatively low violent crime rates. Violent crime rates in Vietnam are relatively low, with very little gun or knife crime.²⁷⁵ According to the Small Arms Survey Database on Violent Deaths, in 2018, the most recent year for which data is available, there were 1,738 violent deaths in Vietnam,²⁷⁶ a rate of 1.8 deaths per 100,000 population.²⁷⁷ By comparison, Australia has a rate of 1.0 deaths per 100,000 population, and Vietnam's neighbours Thailand, Laos and Cambodia have rates of 4.0, 8.4 and 2.2 respectively.²⁷⁸ In April 2020 the United Nations Development Program (UNDP) released Vietnam's *Public Administration Performance Index (PAPI)* for 2019. Of the 14,138 respondents surveyed for the report, 0.58 per cent said they had been subjected to physical violence by thieves or strangers.²⁷⁹ The same survey found that, in 2019, 97.4 per cent of respondents felt safe walking alone around the area they live during the day, and 80 per cent felt safe walking alone around the area they live during the night.²⁸⁰ Perceptions of safety during the day remained steady from 2016-2019, however, perceptions of safety at night rose steadily from 72 per cent in 2016 to 80 per cent in 2019.²⁸¹

²⁶⁸ 'Chinese loan sharks infest Vietnam credit waters', VNExpress, 10 June 2020, 20200819153946

²⁶⁹ 'Chinese loan sharks infest Vietnam credit waters', VNExpress, 10 June 2020, 20200819153946

²⁷⁰ 'Chinese loan sharks infest Vietnam credit waters', VNExpress, 10 June 2020, 20200819153946

²⁷¹ 'Chinese loan sharks charging extortionate interest jailed', VNExpress, 19 August 2020, 20200819153543

²⁷² 'Loan sharks cleaning up ahead of Tet holiday', VietNamNet Bridge, 16 January 2017, CXC9040669853

²⁷³ 'Debunking the Informal Credit Myths: Is Credit Liberalization the Magic Solution to Loan Sharking?', Nicolas Lainez, ISEAS (Yusof Ishak Institute Singapore), 22 October 2019, pp.3-4, 20200521211816

²⁷⁴ 'How to scale up financial inclusion in ASEAN countries', The World Bank, 2 March 2016, CIS38A80124973; 'Promoting financial inclusion', Nhan Dan, 5 April 2019, 20191101100907

²⁷⁵ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.11, 20190917095808

²⁷⁶ 'The Small Arms Survey Database on Violent Deaths, 2018', Small Arms Survey, March 2020, 20200507101415

²⁷⁷ 'The Small Arms Survey Database on Violent Deaths, 2018', Small Arms Survey, March 2020, 20200507101415

²⁷⁸ 'The Small Arms Survey Database on Violent Deaths, 2018', Small Arms Survey, March 2020, 20200507101415

²⁷⁹ 'The 2019 Viet Nam Governance and Public Administration Performance Index (PAPI): Measuring Citizens' Experiences', United Nations Development Program (UNDP), 28 April 2020, p.94, 20200429094650

²⁸⁰ 'The 2019 Viet Nam Governance and Public Administration Performance Index (PAPI): Measuring Citizens' Experiences', United Nations Development Program (UNDP), 28 April 2020, p.94, 20200429094650

²⁸¹ 'The 2019 Viet Nam Governance and Public Administration Performance Index (PAPI): Measuring Citizens' Experiences', United Nations Development Program (UNDP), 28 April 2020, p.94, 20200429094650

Organised criminal networks are a continuing problem in Vietnam. Credible sources indicate that organised gangs operate a range of illicit operations including illegal moneylending and gambling, extortion, prostitution, human trafficking, and the production, supply, distribution and import/export of illicit drugs.²⁸² These criminal networks are mainly based in the major cities of Ho Chi Minh City and Hanoi as well as in the country's northern provinces.²⁸³

Police corruption may hinder internal relocation for a person fleeing a criminal gang.

Corruption occurs at every level of the police and bribery is widespread.²⁸⁴ An academic source cited by a UK Home Office fact-finding team states that it is possible for members of criminal gangs to find out the location of a person attempting to flee that gang by persuading police to provide the relevant information. Police at the village level are aware of who lives in their area and who is registered there.²⁸⁵

Authorities are active in tackling groups involved in people trafficking but are hampered by inadequate coordination and training of officials. In recent years Vietnamese authorities have demonstrated increased efforts to eliminate people trafficking - including enacting penal code amendments and establishing a new task force to increase law enforcement efforts in vulnerable border areas.²⁸⁶ However, efforts have been impeded by a lack of government coordination and unfamiliarity among some provincial officials with anti-trafficking law and victim protection,²⁸⁷ and in 2019 the US State Department assessed that the government decreased law enforcement efforts, as well as efforts to protect victims.²⁸⁸ The Ministry of Labour, Invalids and Social Affairs provides protection and reintegration support, operating 400 social protection centres through local authorities for trafficking victims.²⁸⁹

Social infrastructure

Vietnam has experienced rapid economic growth over the past 30 years, transforming itself into a lower middle-income country. Vietnam has experienced rapid economic growth over the past 30 years and, as indicated above, aims to become a high-income nation by 2045.²⁹⁰ Economic growth has been equitable, leading to a dramatic reduction in poverty and improved social outcomes.²⁹¹ For example, between 2002 and 2018, poverty rates declined sharply from over 70 per cent to below 6 per cent.²⁹² The unemployment rate has averaged 2.33 per cent from 1998 until

²⁸² 'Vietnam 2020 Crime & Safety Report: Ho Chi Minh City', Overseas Security Advisory Council (OSAC), 9 March 2020, 20200505205713; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.16, 20191213145121

²⁸³ 'The organisational structure of transnational narcotics trafficking groups in Southeast Asia: a case study of Vietnam's border with Laos', Trends in Organized Crime, 14 April 2020, pp.3-4, 20200506144018; 'Vietnam 2020 Crime & Safety Report: Ho Chi Minh City', Overseas Security Advisory Council (OSAC), 9 March 2020, 20200505205713; 'Vietnam 2020 Crime & Safety Report: Hanoi', Overseas Security Advisory Council (OSAC), 09 March 2020, 20200505210105

²⁸⁴ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.58, 20190917095808

²⁸⁵ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.25, 20190917095808

²⁸⁶ 'Trafficking in Persons Report 2019', United States Department of State, 20 June 2019, p.498, 20190621103235; '2017 Trafficking in Persons Report - Vietnam', US Department of State, 28 June 2018, p. 454, OGD95BE927701

²⁸⁷ 'Trafficking in Persons Report 2019', United States Department of State, 20 June 2019, p.498, 20190621103235; '2017 Trafficking in Persons Report - Vietnam', US Department of State, 28 June 2018, p.454, OGD95BE927701

²⁸⁸ 'Trafficking in Persons Report 2019', United States Department of State, 20 June 2019, pp.498-499, 20190621103235

²⁸⁹ 'Country Policy and Information Note - Vietnam: Opposition to the State', UK Home Office, September 2018, p.18, CIS7B839419727

²⁹⁰ 'Vietnam Party Congress Meets to Choose Leaders, Set Policy Direction', Centre for Strategic and International Studies (CSIS), 26 January 2021, 20210201163003; 'The World Bank In Vietnam - Overview - Context', The World Bank, 27 April 2020, 20200529172847

²⁹¹ 'The World Bank in Vietnam', The World Bank, 5 October 2018, p.1, 20190326130544

²⁹² 'Vibrant Vietnam: Forging the Foundation of a High-Income Economy - Main Report', The World Bank, May 2020, p.2, 20200610092642; 'The World Bank In Vietnam - Overview - Context', The World Bank, 27 April 2020, 20200529172847

2019,²⁹³ and sits at 2.5 per cent as at September 2020.²⁹⁴ The UNDP's Human Development Index ranked Vietnam 118 out of 189 countries in 2018, placing it in the 'medium human development' category.²⁹⁵

Vietnam has an expanding if still limited social welfare system, while traditional social roles mean that families provide support for the elderly and sick. Vietnam's social welfare net has expanded in recent years, well beyond the anti-poverty program started in the 1990s.²⁹⁶ Modest old age and unemployment benefits exist.²⁹⁷ New programs have included assistance of 2.16 million VND (AUD \$119) a year and a free health insurance card for all elderly people from the age of 80 onwards, the provision of assistance to single elderly people with limited incomes and no children; and assistance to disabled people, including victims of Agent Orange.²⁹⁸ However, inequalities in the provision of social welfare exist.²⁹⁹ Vietnam's social insurance has also not achieved universal coverage despite a voluntary social insurance policy having been in force since 2008.³⁰⁰ In Vietnam, adult children typically provide care and support to elderly or sick parents.³⁰¹

To date, Vietnam has effectively contained the coronavirus pandemic. Despite limited resources, Vietnam has been Southeast Asia's biggest success story in managing the coronavirus. Hanoi's response to outbreaks – including a second wave emanating from the city of Danang in July 2020 and a rise in case numbers triggered by the UK variant in January 2021 – has been swift and proactive, with authorities imposing restrictions where needed.³⁰² A large-scale vaccine rollout programme has been announced for 2021, spearheaded by an initial influx of 30 million doses of the AstraZeneca vaccine.³⁰³ Vietnam's economy has been resilient throughout the pandemic; it is the only Southeast Asian nation still expected to experience positive economic growth in 2020 with projected growth anticipated at just under 3 per cent.³⁰⁴

Household Registration System

Household registration booklets are being phased out in Vietnam, replaced by personal ID cards linked to a digitised national data register. Household registration books are currently used

²⁹³ 'Vietnam Unemployment Rate 1998-2019', Trading Economics, June 2020, 20200619115555

²⁹⁴ 'Vietnam Unemployment Rate', CEIC data, 29 September 2020, 20201120144223

²⁹⁵ 'Human Development Report 2019. Beyond income, beyond averages, beyond today: Inequalities in human development in the 21st century', United Nations Development Programme, United Nations Development Program (UNDP), 07 December 2019, p.301, 20191211092717

²⁹⁶ 'Social Relations, Regional Variation, and Economic Inequality in Contemporary Vietnam: A View from Two Vietnamese Rural Communities', Luong, H V in P Taylor (ed), Connected and Disconnected in Viet Nam: Remaking Social Relations in a Post-socialist Nation, Australian National University Press, ACT, Vietnam Series, 2016, p.66, CIS38A8012636

²⁹⁷ 'Social Security Programs Throughout the World: Asia and the Pacific, 2018', United States of America (USA): Social Security Administration, 21 March 2019, pp.284-289, 20190403103626

²⁹⁸ 'Social Relations, Regional Variation, and Economic Inequality in Contemporary Vietnam: A View from Two Vietnamese Rural Communities', Luong, H V in P Taylor (ed), Connected and Disconnected in Viet Nam: Remaking Social Relations in a Post-socialist Nation, Australian National University Press, ACT, Vietnam Series, 2016, p.66, CIS38A8012636

²⁹⁹ 'Report on Human Rights in Vietnam 2019-2020', Vietnam Human Rights Network, 14 May 2020, p.68, 20200521115120; 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, pp.23-24, 20200429143402

³⁰⁰ 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, pp.23-24, 20200429143402; 'Social Welfare in Vietnam: 30 Years in Reform on and Outlook until 2030', Anh, D N, Vietnam Social Sciences Review, 8 July 2016, p.22, CIS38A80122817

³⁰¹ 'Establishing activity centers for elderly people in metropolitan areas of Vietnam: preference and willingness-to-pay', Journal of Multidisciplinary Healthcare, 18 September 2019, p.798, 20200529222742; 'JICA and World Bank Jointly Support Vietnam to Meet Needs of Aging Population', The World Bank, 7 August 2019, 20200529221852

³⁰² 'Weekly Southeast Asia Covid-19 Tracker Update - 3 February 2021', Centre for Strategic and International Studies (CSIS), 15 February 2021, 20210215105957

³⁰³ 'Weekly Southeast Asia Covid-19 Tracker Update - 3 February 2021', Centre for Strategic and International Studies (CSIS), 15 February 2021, 20210215105957

³⁰⁴ 'Vietnam targets growth acceleration, shift to hi-tech gear in Communist Party economic blueprint', Reuters, 1 February 2021, 20210201162642; 'Vietnam Party Congress Meets to Choose Leaders, Set Policy Direction', Centre for Strategic and International Studies (CSIS), 26 January 2021, 20210201163003; 'Weekly Southeast Asia Covid-19 Tracker Update - 3 February 2021', Centre for Strategic and International Studies (CSIS), 15 February 2021, 20210215105957

for around 30 administrative procedures including residential demarcation, birth and death certification and land-use certification.³⁰⁵ The new digitised system will transfer all such matters to the national data register, slated to be finalised by July 2021.³⁰⁶ Household registration books and related papers will no longer be used under the new system, though documents with legal value containing information derived from household registration books may still be used.³⁰⁷ Vietnamese citizens will be issued personal ID cards in early 2021, with the roll-out of cards scheduled to be completed by July 2021.³⁰⁸ The new cards will be fitted with an electronic chip and a 12-digit personal identification number (PIN) which will remain with an individual throughout their life.³⁰⁹ The first three digits of the PIN sequence indicate the person's place of birth, the fourth number indicates the century they were born and their gender, digits five and six represent the person's year of birth, while the last six digits are stated to be random.³¹⁰

Asylum seekers and returnees

Treatment of failed asylum seekers

Most individuals who depart Vietnam illegally, for the purpose of seeking asylum, are unlikely to be subjected to relevant laws upon return. Articles 120 and 121 of the Penal Code state that 'Fleeing abroad or defecting to stay overseas with a view to opposing the people's administration' is a criminal offence.³¹¹ Individual travellers face imprisonment of between three and 12 years, or between 12 and 20 years in serious cases.³¹² DFAT has advised that it is unaware of any cases where these provisions have been used against failed asylum seekers returned from Australia and that returns to Vietnam are usually done on the understanding that the individuals in question will not face charges as a result of having made an application for protection.³¹³ In 2016, a Memorandum of Understanding was signed between the Australian Department of Home Affairs and Vietnam's Ministry of Public Security which provides a formal framework for the return of Vietnamese nationals 'with no legal right to enter or remain in Australia, including those intercepted at sea'.³¹⁴

Individuals who arrived in Australia via people smuggling networks are also unlikely to face criminal sanctions upon return. The government of Vietnam distinguishes between victims and perpetrators of people smuggling and as such views individuals who paid money to organisers of people smuggling operations as victims of people smuggling, not criminally liable.³¹⁵ All individuals, however, involved in people smuggling operations, whether as organisers or travellers, are typically held by authorities for questioning to determine their involvement in operations, and some cases have

³⁰⁵ 'Benefits of the personal identification number', VietnamNet, 29 October 2020, 20210223112943

³⁰⁶ 'Benefits of the personal identification number', VietnamNet, 29 October 2020, 20210223112943

³⁰⁷ 'Vietnam: Pass og underlagsdokumenter (Vietnam: Passports and Supporting Documents)', Landinfo, 9 November 2020, p.4, 20201113101704; 'Benefits of the personal identification number', VietnamNet, 29 October 2020, 20210223112943

³⁰⁸ 'Benefits of the personal identification number', VietnamNet, 29 October 2020, 20210223112943

³⁰⁹ 'Vietnam: Pass og underlagsdokumenter (Vietnam: Passports and Supporting Documents)', Landinfo, 9 November 2020, p.4, 20201113101704

³¹⁰ 'Vietnam: Pass og underlagsdokumenter (Vietnam: Passports and Supporting Documents)', Landinfo, 9 November 2020, p.12, 20201113101704 (Google translation has been used to translate from Norwegian to English)

³¹¹ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.43, 20191213145121

³¹² 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.43, 20191213145121

³¹³ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.43, 20191213145121

³¹⁴ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.43, 20191213145121

³¹⁵ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 44, 20191213145121

taken up to several days.³¹⁶ DFAT understands that would-be migrants who have employed the services of people smugglers typically only face an administrative fine, including in cases of multiple illegal departures.³¹⁷

Individuals who are suspected of people smuggling activities are likely to be detained and prosecuted on return to Vietnam. Information indicates individuals suspected of people smuggling may be investigated, arrested and held in long-term detention.³¹⁸ This is consistent with Article 348 of the Criminal Code 2015 which seeks to discourage people trafficking.³¹⁹ It is also consistent with a number of reports from 2018 and 2016 that detail instances of individuals who have been prosecuted and detained for up to 3 years for organising people smuggling ventures.³²⁰

Activists who return to Vietnam may face monitoring and, in some cases, imprisonment.

Activists who return to Vietnam after seeking asylum overseas may face monitoring, with high-level activists facing more monitoring than low-level activists.³²¹ People of particular interest to authorities may be required to have regular chats or 'catch ups' with officials.³²² In January 2019, a Radio Free Asia blogger, Truong Duy Nhat, went missing in Thailand amid fears he had been abducted by Vietnamese agents. He later resurfaced in a Hanoi prison and authorities laid official charges in September 2019.³²³ Freedom House indicates that activists living outside of Vietnam have had their Facebook accounts suspended for 'violating the platform's community standards', indicating a level of surveillance of their activities by Vietnamese authorities while abroad.³²⁴

Montagnard asylum seekers

Vietnam pressures neighbouring countries to return Montagnard asylum seekers. Montagnards are a group of more than 30 indigenous communities who live in Vietnam's Central Highlands.³²⁵ Estimated to number between one and two million people, they have cultures and languages distinct from the ethnic Kinh majority, with many practicing Christianity.³²⁶ Credible sources report that Vietnam has pressured Cambodia and Thailand to forcibly return Montagnard asylum seekers.³²⁷ The government has also reportedly exerted pressure on the family members of minorities who flee to

³¹⁶ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 44, 20191213145121

³¹⁷ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 44, 20191213145121

³¹⁸ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.19, 20190917095808; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 44, 20191213145121

³¹⁹ 'Vietnamese asylum seekers forcibly returned by Australia face jail', The Guardian, 24 May 2016, CX6A26A6E4619; 'Vietnam: Drop Charges Against Boat Returnees', Human Rights Watch 2016, 24 May 2016, , CX6A26A6E12344; 'Criminal Code, No.100/2015/QH13', The National Assembly. Socialist Republic of Viet Nam, 27 November 2015, CISEC96CF110167

³²⁰ 'Vietnam probes illegal entry into Australia on fishing boat', VNExpress, 21 November 2018, 20200619183959; 'Vietnamese 'people smuggler' behind Daintree incident was only an organiser, partner says', SBS World News Australia, 26 November 2018, CXBB8A1DA39532; 'Vietnamese asylum seekers forcibly returned by Australia face jail', The Guardian, 24 May 2016, CX6A26A6E4619; 'Vietnam: Drop Charges Against Boat Returnees', Human Rights Watch 2016, 24 May 2016, CX6A26A6E12344; 'Vietnam jails four asylum seekers returned by Australia', Reuters, 27 May 2016, CX6A26A6E4618

³²¹ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, p.31, 20190917095808

³²² 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.31, 20190917095808

³²³ '10 Most Censored Countries', Committee to Protect Journalists (CPJ), New York, 10 September 2019, 20190910171006; 'Unholy alliance'? Southeast Asian authorities accused of trading exiled activists', Reuters, 21 June 2019, 20190624112000; 'RFA Blogger Formally Indicted in Vietnam for 'Abuse of Power'', Radio Free Asia (RFA), 17 September 2019, 20190918084723

³²⁴ 'Freedom on the Net 2020 – Vietnam', Freedom House, 14 October 2020, Sect.B2, 20201026102433

³²⁵ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 32, 20191213145121

³²⁶ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 32, 20191213145121

³²⁷ 'Country Report on Human Rights Practices 2018 - Vietnam', US Department of State, 13 March 2019, pp.35-36, 20190314094839

neighbouring countries.³²⁸ In August 2018, 85 Montagnards were jailed in Thailand after being arrested during raids in Nonthaburi province.³²⁹ Thai immigration officials have been silent about the plans for the detained Montagnards.³³⁰ In June 2019, Cambodia returned four Montagnards to Vietnam after one asked to return to be with his family, and the others were refused refugee status.³³¹

Returned Montagnards may be temporarily detained. Credible sources report that Montagnards returned from neighbouring countries may have been detained and questioned for up to several days and closely monitored by police.³³² A 2015 submission referred to an individual who 'was detained by authorities for 12 days after his return and beaten' and of a group of 36 Montagnards who were held overnight by police and released the next day.³³³ A group of Montagnards returned from Cambodia in 2017 claimed that they were subject to ongoing surveillance, as well as restrictions on their ability to move freely; forced confessions admitting their error in fleeing Vietnam and filmed for subsequent broadcast on television were also alleged.³³⁴

Relocating or leaving the country

Residence laws are applied inconsistently by local police. Under the Vietnamese Constitution, all citizens, including migrants, possess equal rights, including freedom of movement and residence.³³⁵ Residency laws are not applied consistently, however, due to lack of guidance and differing interpretations of the law.³³⁶ A 2013 law explicitly recognises the right of local authorities to set their own policies regarding household registration, and some cities have tightened the requirements for obtaining permanent status.³³⁷

Internal relocation in Vietnam is closely monitored by authorities. While relocation is common in Vietnam, with large scale urbanisation occurring in recent decades,³³⁸ under the Household Registration System local police in Vietnam often require citizens to register when staying in or moving to any location outside of their own homes.³³⁹ Moving without permission can hamper individuals seeking legal residence permits, public education, and health-care benefits.³⁴⁰ Due to the level of official scrutiny and monitoring in Vietnam, there are few options for people wishing to relocate internally in order to seek protection from state authorities.³⁴¹

Movement across Vietnam's borders is closely monitored and broad limitations have been placed upon the right to freedom of movement. The Immigration Department of the Ministry of

³²⁸ 'Freedom in the World 2019 – Vietnam', Freedom House, 2019, p.6, 20190802161239

³²⁹ 'Persecuted in Hanoi, locked up in Bangkok – the Montagnards, Vietnam's forgotten Christians', South China Morning Post, 4 November 2018, CXBB8A1DA37926

³³⁰ 'Persecuted in Hanoi, locked up in Bangkok – the Montagnards, Vietnam's forgotten Christians', South China Morning Post, 4 November 2018, CXBB8A1DA37926

³³¹ 'Montagnards' Deportation Sparks Fears about Safety', Voice of America (VOA), 30 June 2019, 20190702113623

³³² 'Country Report on Human Rights Practices 2018 - Vietnam', US Department of State, 13 March 2019, pp.35-36, 20190314094839

³³³ 'Submission to the Department of Foreign Affairs and Trade: Australia - Viet Nam Human Rights Dialogue Civil Society Consultation', Amnesty International, 31 July 2015, p.7, CISEC96CF13142

³³⁴ 'Returned Montagnards facing intimidation, spying in Vietnam', Cambodia Daily, 3 May 2017, CXC9040666726; Cambodia. Protect Montagnards refugees, Human Rights Watch, 12 September 2017, CXC90406621215

³³⁵ 'Migration, Resettlement and Climate Change in Viet Nam', United Nations Viet Nam, March 2014, pp.13-14, CISA447F083168

³³⁶ 'Migration, Resettlement and Climate Change in Viet Nam', United Nations Viet Nam, March 2014, p.14, CISA447F083168

³³⁷ 'Vietnam's Household Registration System', World Bank Group & Vietnam Academy of Social Sciences, June 2016, p.x, CIS38A80121252

³³⁸ 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, p.17, 20200429143402

³³⁹ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, pp.15-16, 20190917095808; 'No more household registration books: a move to reduce administrative burden', Vietnam Law and Legal Forum, 25 January 2018, CXBB8A1DA37045; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 42, 20191213145121

³⁴⁰ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.24, 20200312104733

³⁴¹ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 42, 20191213145121

Public Security (MPS) is responsible for identifying and recording travellers who pass through international airports, including Vietnamese nationals.³⁴² The MPS has total discretion to prohibit Vietnamese citizens from leaving or entering the country on the grounds of 'safeguarding national security and social order and safety'.³⁴³ The Vietnamese government has also imposed limitations on the movement of some activists and religious leaders, including those outspoken in their criticism of the government and political dissidents given probation or under house arrest.³⁴⁴ Dozens of individuals have been prevented from traveling overseas or entering the country, had their passports withheld on vague charges or have been refused a passport without clear explanation.³⁴⁵ Vietnamese authorities have also routinely physically prevented political activists and family members of political prisoners from meeting with foreign diplomats or from traveling abroad.³⁴⁶

³⁴² 'Review of Vietnamese Migration Abroad, Consular Department – Ministry of Foreign Affairs of Vietnam', May 2012, p.11, CIS961F9402609

³⁴³ 'Q & A on the Right to Freedom of Movement in Vietnam', Civil Rights Defenders, 14 September 2015, pp.2 & 4, CISEC96CF15116

³⁴⁴ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.25, 20200312104733

³⁴⁵ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.25, 20200312104733

³⁴⁶ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.25, 20200312104733; 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 09 September 2019, p.16, 20190917095808; 'Vietnam blocks Catholic priest, sister of labor activist from leaving abroad', Vietnam Human Rights Defenders, 27 June 2017, CXC9040669873