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Religion

Authorities permit 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* (LBR), accompanied by *Decree No162/2017/ND-CP Guidelines for Implementation of the Law on Religion and Folk Belief*,⁸ came into effect.⁹ The LBR requires religious groups to register with authorities and obtain official approval for their activities.¹⁰ Not all groups have chosen to or been able to register their organisations; some groups were simply denied registration or had their request to register ignored by authorities.¹¹ While some religious groups noted cooperation from authorities in the registration process – including in the northern provinces – others noted local authorities hindered their efforts to register.¹² On the whole, central authorities have actively sought to train local officials to correctly implement the LBR and have

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 '2020 Report on International Religious Freedom: Vietnam', US Department of State, 12 May 2021, p 1, 2021051310273; 'DFAT Country Information Report - VIETNAM - 11 January 2022', Department of Foreign Affairs and Trade, 11 January 2022, p 14, 20220111094403 ; 'World Report 2021. Events of 2020', Human Rights Watch, 13 January 2021, p.748, 20210114072851. Don't think that the text requires these references

⁵ '2020 Report on International Religious Freedom: Vietnam', US Department of State, 12 May 2021, Sect II, p 6, 2021051310273

⁶ 'DFAT Country Information Report - VIETNAM - 11 January 2022', Department of Foreign Affairs and Trade, 11 January 2022, p 14, 20220111094403 '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 'Country Reports on Human Rights Practice for 2020 – Vietnam', US Department of State, 30 March 2021, S2B, p.24, 20210331114522

¹¹ '2020 Report on International Religious Freedom: Vietnam', US Department of State, 12 May 2021, Exec.Summ., p.1, 20210513102732

¹² '2020 Report on International Religious Freedom: Vietnam', US Department of State, 12 May 2021, Exec.Summ., p.1, 20210513102732

successfully established an online portal to help religious organisations expedite the registration process.¹³

The 2018 Law on Belief and Religion has had mixed consequences for registered and unregistered religious groups. For some already registered groups the LBR has provided clarity about which activities are permitted with a number able to obtain permission for activities previously disallowed.¹⁴ These groups tend to be larger, urban and well-established, with good relations with authorities.¹⁵ The US Commission on International Religious Freedom (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.¹⁶ The LBR also permits religious organizations to participate in education, vocational training, healthcare and social services, previously curtailed.¹⁷ However, religious groups which choose not to register with the authorities for reasons of conscience, or have had their application for registration rejected or ignored, may be subject to various levels of harassment, intimidation and violence (see below).¹⁸

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.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 in their own facilities, and religious leaders noted increased enrolment in these education programs in recent years.²² Specific to religion among ethnic minority groups, Vietnamese officials advised the UN Committee on the Elimination of Racial Discrimination in January 2021 that the Central Highlands comprises 500,000 Protestant followers and the Northern mountainous region some 250,000 Protestant believers (mainly from the Hmong ethnic group), across some 1,600 groups, more than 900 of which have been registered by local authorities.²³ The Ministry of Public Security estimated there were approximately 70 Protestant groups with nearly 200,000 members operating outside of the legal framework

¹³ '2020 Report on International Religious Freedom: Vietnam', US Department of State, 12 May 2021, S2, pp.14,22, 20210513102732

¹⁴ 'Vietnam: General Briefing', Christian Solidarity Worldwide, March 2021, p.1, 20220117150216

¹⁵ 'Vietnam: General Briefing', Christian Solidarity Worldwide, March 2021, p.1, 20220117150216

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.1, 20191122090923

¹⁷ 'Report on Human Rights in Vietnam 2019-2020', Vietnam Human Rights Network, 14 May 2020, p.49, 20200521115120

¹⁸ 'Vietnam: General Briefing', Christian Solidarity Worldwide, March 2021, p.1, 20220117150216

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; '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.

²⁰ '2020 Report on International Religious Freedom: Vietnam', US Department of State, 12 May 2021, p.5, 20210513102732

²¹ 'Report on Human Rights in Vietnam 2019-2020', Vietnam Human Rights Network, 14 May 2020, p.53, 20200521115120

²² '2020 Report on International Religious Freedom: Vietnam', US Department of State, 12 May 2021, p.23, 20210513102732

²³ '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.73, pp.19-20, 20210215153650

mandated by the LBR. These groups neither sought nor received registration certificates or recognition.²⁴

The degree to which Vietnamese people can freely practice religion varies widely; urban groups tend to enjoy better treatment than rural ones. Implementation of the LBR 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 Credible sources note that conditions for religious groups tend to be better in urban centres than rural settings.²⁷ According to the USDOS, religious leaders in urban areas and among ethnic-majority Kinh adherents largely reported the ability to practice without significant restrictions, so long as they acted transparently to official oversight. This remained true for both officially registered and unregistered religious groups.²⁸ Unregistered and/or ethnic minority religious groups in remote and rural areas by contrast are on occasion subject to ongoing harassment, disruption of services, arbitrary detention and other violations (see below).²⁹ Unlike their unregistered neighbours, recognised religious denominations in highlands areas reported rapid growth and generally fewer problems with officials throughout 2020.³⁰ Some reports have noted instances of progress in the relationship between authorities and ethno-religious minorities. In August 2020, for example, local authorities in Lam Dong Province 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, thugs or cadres mobilized by the government.³⁴ Groups such as USCIRF, CSW and Human Rights Watch continued to report throughout 2021/22 on serious violations targeting unregistered, independent and ethnic minority religious groups.³⁵ Violations listed

²⁴ '2020 Report on International Religious Freedom: Vietnam', US Department of State, 12 May 2021, S2, p.13, 20210513102732

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

²⁷ 'Written statement* submitted by Christian Solidarity Worldwide, a non-governmental organization in special consultative status', Christian Solidarity Worldwide, 17 June 2021, para.3, p.2, 20220117114221; '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 '2020 Report on International Religious Freedom: Vietnam', US Department of State, 12 May 2021, S2, p.16, 20210513102732

²⁹ 'Written statement* submitted by Christian Solidarity Worldwide, a non-governmental organization in special consultative status', Christian Solidarity Worldwide, 17 June 2021, para.3, p.2, 20220117114221; 'DFAT Country Information Report: Vietnam - 11 January 2022', Department of Foreign Affairs and Trade, 11 January 2022, para.3.15, p.14, 20220111094403

³⁰ '2020 Report on International Religious Freedom: Vietnam', US Department of State, 12 May 2021, S2, p.16,

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 Is this the most recent on this?

³⁴ 'Vietnam: General Briefing', Christian Solidarity Worldwide, March 2021, p.1, 20220117150216; 'Thien An Abbey – 45 Years Under The Government's Fist', The Vietnamese, 6 October 2020, 20201008153405

³⁵ See: 'Written statement* submitted by Christian Solidarity Worldwide, a non-governmental organization in special consultative status', Christian Solidarity Worldwide, 17 June 2021, para.3, p.2, 20220117114221; 'Vietnam: General Briefing', Christian Solidarity Worldwide, March 2021, p.1, 20220117150216; 'United States Commission on International Religious Freedom Annual Report 2021', United States Commission on International Religious Freedom (USCIRF), 21 April 2021, p.52, 20210422095313; 'Human Rights Watch World Report 2022', Human Rights Watch (HRW), 13 January 2022, p.747 20220114100636'

by these groups included harassment, disruption of services, arbitrary detention,³⁶ intimidation and intrusive monitoring, arrest, imprisonment and torture,³⁷ physical assault, banishment, detention, imprisonment, and forced renunciation of faith,³⁸ constant surveillance, public criticism, forced renunciation of faith, detention, interrogation, torture, and imprisonment.³⁹

While acknowledging reports of violations, credible sources note the difficulty in attributing their motivation to 'religion'. The USDOS, for example, while recognising reports documenting violations of religious adherents in Vietnam, in its 2021 religious freedom report on Vietnam observed the challenge – particularly in relation to ethnic minority people in the Central Highlands – raised by the religion-ethnicity-politics nexus, meaning that 'it was not clear the reported cases [of abuse] were related to religious affiliation'.⁴⁰ According to the USDOS, the majority of freedom of religion and belief victims it was aware of were members of unregistered groups engaged in political or human rights advocacy or had ties to overseas individuals and organizations that were outspoken and critical of authorities.⁴¹ DFAT similarly noted at several points in its 2022 country report on Vietnam that 'it can be difficult to distinguish between religious and political claims'.⁴²

Sources note some improvements in religious freedoms in recent years. The USDOS noted in 2021 reporting from religious leaders countrywide indicating some improving conditions compared with prior years, highlighting better relations between unregistered religious groups and local authorities, while also reporting incidents of harassment, including police questioning and brief periods of detention.⁴³ Members of recognized groups or those with certificates of registration said they were generally more able to practice their beliefs with less government interference, although some recognized groups, including the Evangelical Church of Vietnam (North) (ECVN), reported harassment in gathering in certain provinces.⁴⁴ Unlike their unregistered neighbours, recognized religious denominations in highlands areas reported rapid growth and generally fewer problems with officials throughout 2020.⁴⁵ Some religious groups also reported that they could engage in charitable activities, particularly in response to severe flooding during the year in Central Vietnam.⁴⁶ In a growing trend, local authorities permitted religious organizations to operate social services and to gather for training; for example, in Hanoi and surrounding areas, city officials continued to allow Protestant house churches to operate drug rehabilitation centres.⁴⁷

Religious adherence per se does not appear to compromise economic opportunities. Most representatives of religious groups continued to report anecdotally that adherence to a registered religious group generally did not seriously disadvantage individuals in nongovernmental, civil,

³⁶ 'Written statement* submitted by Christian Solidarity Worldwide, a non-governmental organization in special consultative status', Christian Solidarity Worldwide, 17 June 2021, para.3, p.2, 20220117114221

³⁷ 'Vietnam: General Briefing', Christian Solidarity Worldwide, March 2021, p.1, 20220117150216

³⁸ 'United States Commission on International Religious Freedom Annual Report 2021', United States Commission on International Religious Freedom (USCIRF), 21 April 2021, p.52, 20210422095313

³⁹ 'Human Rights Watch World Report 2022', Human Rights Watch (HRW), 13 January 2022, p.747 20220114100636'

⁴⁰ '2020 Report on International Religious Freedom: Vietnam', US Department of State, 12 May 2021, S2, p.9, , 20210513102732; see also 'DFAT Country Information Report: Vietnam - 11 January 2022', Department of Foreign Affairs and Trade, 11 January 2022, para.3.18, p.14, 20220111094403

⁴¹ '2020 Report on International Religious Freedom: Vietnam', US Department of State, 12 May 2021, S2, p.9, , 20210513102732

⁴² 'DFAT Country Information Report: Vietnam - 11 January 2022', Department of Foreign Affairs and Trade, 11 January 2022, para.3.18, p.14, 20220111094403 (see also para.3.26)

⁴³ '2020 Report on International Religious Freedom: Vietnam', US Department of State, 12 May 2021, Exec.Summ., p.1, 20210513102732

⁴⁴ '2020 Report on International Religious Freedom: Vietnam', US Department of State, 12 May 2021, Exec.Summ., p.1, 20210513102732

⁴⁵ '2020 Report on International Religious Freedom: Vietnam', US Department of State, 12 May 2021, S2, p.16,

⁴⁶ '2020 Report on International Religious Freedom: Vietnam', US Department of State, 12 May 2021, S2, p.21, 20210513102732

⁴⁷ '2020 Report on International Religious Freedom: Vietnam', US Department of State, 12 May 2021, S2, p.21, 20210513102732

economic, and secular life, but that adherence to an unregistered group was more disadvantageous.⁴⁸ Religious leaders said that actual religious belief was not a cause of official discrimination, but rather it was the implication of being affiliated with any type of extralegal group that could attract additional scrutiny from authorities.⁴⁹ Practitioners of various registered religious groups served in local and provincial government positions and were represented in the National Assembly.⁵⁰

Land continues to be a flashpoint for religious organisation and state relations. Provincial and local authorities exercise eminent domain over land belonging to individuals and religious organizations in the name of social and economic development projects.⁵¹ Authorities continued many such projects that required the revocation of land rights and demolition of properties of religious organizations or individuals across the country.⁵² Authorities reportedly fail to intervene effectively in many land disputes that involve religious organizations or believers, and in most of these cases, the religious organizations or believers were unsuccessful in retaining land use rights.⁵³ Such actions resulted in land disputes involving both registered and unregistered religious organizations.⁵⁴

DFAT's assessment of conditions for religious adherents generally aligns with the preceding analysis, differentiating between registered and unregistered groups, and noting the relationship between urban setting and religious freedom. In its 2022 country report for Vietnam, DFAT assessed 'that adherents of officially recognised religious groups are generally able to practise their faith with minimal interference from national authorities, but the situation differs from place to place. Those in large cities are particularly free to practise. Adherents associated with unregistered religious groups generally face more restrictions, which vary depending on region, ethnicity, and any perceived or actual involvement in religious freedom advocacy or political activism'.⁵⁵ This assessment holds true for Catholics, of whom DFAT assessed that those 'belong[ing] to registered churches and are not politically active face a low risk of official harassment' and Protestants, of whom DFAT assessed 'members of registered Protestant churches face a low risk of official discrimination or harassment in relation to their faith [while] adherents of unregistered Protestant churches face a moderate risk of official discrimination if they are engaged in political expression, protests or criticism of the Government'.⁵⁶

Particular social groups

⁴⁸ '2020 Report on International Religious Freedom: Vietnam', US Department of State, 12 May 2021, S2, pp.21-22, 20210513102732

⁴⁹ '2020 Report on International Religious Freedom: Vietnam', US Department of State, 12 May 2021, S2, p.22, 20210513102732

⁵⁰ '2020 Report on International Religious Freedom: Vietnam', US Department of State, 12 May 2021, S2, p.22, 20210513102732

⁵¹ '2020 Report on International Religious Freedom: Vietnam', US Department of State, 12 May 2021, S2, p.18, 20210513102732

⁵² '2020 Report on International Religious Freedom: Vietnam', US Department of State, 12 May 2021, S2, pp.18-19, 20210513102732

⁵³ '2020 Report on International Religious Freedom: Vietnam', US Department of State, 12 May 2021, S2, pp.18-19, 20210513102732

⁵⁴ '2020 Report on International Religious Freedom: Vietnam', US Department of State, 12 May 2021, S2, p.19, 20210513102732

⁵⁵ 'DFAT Country Information Report: Vietnam - 11 January 2022', Department of Foreign Affairs and Trade, 11 January 2022, para.3.21, p.14, 20220111094403

⁵⁶ 'DFAT Country Information Report: Vietnam - 11 January 2022', Department of Foreign Affairs and Trade, 11 January 2022, paras.3.31,39, pp.15-16, 20220111094403

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.⁵⁷ 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.⁵⁸ According to the 2019 National Survey on Violence against Women in Vietnam, nearly 63 per cent of women experienced one or more forms of physical, sexual, emotional, and economic violence, and nearly 32 per cent of women had experienced violence during the past 12 months.⁵⁹ Of approximately 1.4 million divorce cases processed by local courts between 2008 and 2018, around 1 million, involved domestic violence.⁶⁰ Social stigma prevents many survivors from coming forward due to fear of harassment from their spouses or family.⁶¹ Covid-19 has been linked to a rising incidence of violence against women, while simultaneously compromising the capacity of organisations to provide assistance to survivors.⁶²

While domestic violence is criminalised in Vietnam, the authorities may not be equipped to adequately respond. Vietnamese law criminalises rape – including spousal rape – and prohibits violence or threats against women.⁶³ Rapists are subject to prison terms of up to 15 years in severe cases.⁶⁴ Authorities prosecute rape cases but do not release arrest, prosecution, conviction, or punishment statistics.⁶⁵ Vietnamese law also outlines acts that constitute domestic violence and stipulates punishments, ranging from warnings and probation to imprisonment,⁶⁶ although the law calls for the state to initiate criminal as opposed to civil procedures only when the victim is seriously injured.⁶⁷ Credible sources indicate that the police and the legal system are unequipped to deal with cases of domestic violence and a mixed response by police towards those who do report domestic violence crimes.⁶⁸ Police reportedly often encourage victims of domestic violence to 'solve their problems within the family' rather than bringing criminal charges.⁶⁹

Covid has exacerbated inequality faced by women, particularly in the labor market. While the law provides for gender equality, women continue to face societal discrimination, including in the

⁵⁷ '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

⁵⁸ 'Country Reports on Human Rights Practice for 2020 - Vietnam', US Department of State, 30 March 2021, S6, pp.29-30, 20210331114522

⁵⁹ 'Report on Human Rights in Vietnam 2020-2021', Vietnam Human Rights Network, 20 June 2021, p.74, 20210706094451; see also: 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.3.75, p.22, 20220111094403

⁶⁰ 'Report on Human Rights in Vietnam 2020-2021', Vietnam Human Rights Network, 20 June 2021, p.74, 20210706094451

⁶¹ 'Country Reports on Human Rights Practice for 2020 - Vietnam', US Department of State, 30 March 2021, S6, p.29, 20210331114522

⁶² 'Human Rights Watch World Report 2022', Human Rights Watch (HRW), 13 January 2022, p.747, 20220114100636

⁶³ 'Country Reports on Human Rights Practice for 2020 - Vietnam', US Department of State, 30 March 2021, S6, p.29, 20210331114522

⁶⁴ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, pp.28-29, 20200312104733

⁶⁵ 'Country Reports on Human Rights Practice for 2020 - Vietnam', US Department of State, 30 March 2021, S6, p.29, 20210331114522

⁶⁶ '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

⁶⁷ 'Freedom in the World 2021: Vietnam', Freedom House, 3 March 2021, G3, 20210513113317

⁶⁸ 'Country Reports on Human Rights Practice for 2020 - Vietnam', US Department of State, 30 March 2021, S6, pp.29-30, 20210331114522; 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, paras.3.76, 3.79, p. 22, 20220111094403

⁶⁹ 'DFAT Country Information Report: Vietnam - 11 January 2022', Department of Foreign Affairs and Trade, 11 January 2022, para.3.76, p.22, 20220111094403

workplace, and in their treatment in employment, education and housing, particularly in rural areas.⁷⁰ Women continue to face discrimination in wages and promotions,⁷¹ earning an average of one month's income less than male workers.⁷² Given their over-representation in the informal economy, women also lost their jobs, or faced reduced hours, at higher rates than their male counterparts during the Covid-19 pandemic.⁷³

Support services

Support services to victims of domestic violence are available, though at limited capacity.

Government, NGO and other grassroots shelters or support services assisting women who have experienced domestic violence operate across the country, though availability or resources remains a problem.⁷⁴ Domestic violence shelters saw a surge in women seeking their services during the Covid pandemic.⁷⁵ With limited spaces, shelters such as Peace House – a network of shelters across Vietnam – ramped up their online and hotline services to women experiencing violence during the pandemic, providing crisis counselling and trauma-informed care.⁷⁶ Residents of shelters are given clothes, food, healthcare, legal and psychological support as well as vocational training.⁷⁷ Residents are assessed at the end of six months and may then be returned to their communities or other locations; in practice, most women requiring assistance are not able to do so from the shelter network, especially women in remote or rural areas.⁷⁸

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.⁷⁹ Trusted households are private homes that women can go to if they are unable to seek overnight shelter elsewhere.⁸⁰ 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.⁸¹

Forced/early marriage

⁷⁰ 'Country Reports on Human Rights Practice for 2020 - Vietnam', US Department of State, 30 March 2021, S6, pp. 30-31, 20210331114522

⁷¹ 'Freedom in the World 2021: Vietnam', Freedom House, 3 March 2021, F4, 20210513113317

⁷² 'Country Reports on Human Rights Practice for 2020 - Vietnam', US Department of State, 30 March 2021, S6D, p.41, 20210331114522

⁷³ 'Report on Human Rights in Vietnam 2020-2021', Vietnam Human Rights Network, 20 June 2021, p.74, 20210706094451

⁷⁴ 'DFAT Country Information Report: Vietnam - 11 January 2022', Department of Foreign Affairs and Trade, 11 January 2022, paras.3.77-3.78, p.22, 20220111094403

⁷⁵ 'Survivors of abuse find shelter at UN Women-supported Peace House in Viet Nam', UN Women, 30 March 2021, 20220120101658; 'COVID-19 lockdown doubles demand for women's shelters in Viet Nam', Spotlight Initiative, 22 April 2020, 20220120100832

⁷⁶ 'COVID-19 lockdown doubles demand for women's shelters in Viet Nam', Spotlight Initiative, 22 April 2020, 20220120100832; 'Survivors of abuse find shelter at UN Women-supported Peace House in Viet Nam', UN Women, 30 March 2021, 20220120101658

⁷⁷ 'Survivors of abuse find shelter at UN Women-supported Peace House in Viet Nam', UN Women, 30 March 2021, 20220120101658

⁷⁸ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, paras.3.77-3.78, p.22, 20220111094403

⁷⁹ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121

⁸⁰ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121

⁸¹ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.31, 20191213145121

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.⁸² 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.⁸³ Non-government sources provide lower figures – reporting that approximately 10-11 per cent of girls under 18 are married.⁸⁴ Reports of pregnant girls as young as 14 pressured into marriage by family continue to surface in rural areas such as Quang Nam Province,⁸⁵

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.⁸⁶ In 2015, the government repealed a ban on same-sex marriage.⁸⁷ 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.⁸⁸ However, while same-sex sexual conduct is legal, there are no laws to prohibit discrimination on the basis of sexual orientation or gender identity.⁸⁹ Also, while same-sex marriage is not banned, same-sex marriages are not officially recognised.⁹⁰

Vietnam increasingly accepts the rights of LGBTIQ+ people. The government does not consider LGBTIQ+ issues to be politically sensitive.⁹¹ Numerous civil society organisations advocating for LGBTIQ+ rights have emerged in recent years⁹² and operate relatively freely.⁹³ Mainstream Vietnamese media – which is controlled by the government – increasingly promotes the view that being gay is normal.⁹⁴ Vietnam's first pride rally took place in 2012,⁹⁵ and has become an annual

⁸² 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.32, 20200312104733

⁸³ '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

⁸⁴ '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

⁸⁵ 'Child marriage remains the norm in central mountains', Dac Thanh, VNExpress, 21 August 2019, 20190822090141

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

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

⁸⁸ 'Vietnam's first LGBT-friendly clinic provides relief from illness and prejudice', VNExpress, 29 January 2019, 20190130103506

⁸⁹ 'Freedom in the World 2021: Vietnam', Freedom House, 3 March 2021, F4, 20210513113317; 'Human Rights Watch World Report 2022', Human Rights Watch (HRW), 13 January 2022, p.747, 20220114100636; 'Country Reports on Human Rights Practice for 2020 - Vietnam', US Department of State, 30 March 2021, 6, p.36, p.4, 20210331114522

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; 'DFAT Country Information Report Vietnam', 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.3.95, p.24, 20220111094403

⁹¹ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.3.95, p.24, 20220111094403

⁹² 'Being LGBT in Asia – Vietnam country report', USAID & UNDP, August 2014, p.21, CX324893

⁹³ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.3.94, p.24, 20220111094403

⁹⁴ 'Gay Vietnam', Travel Gay Asia, n.d., accessed 3 July 2017, CISED50AD4725

⁹⁵ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.32, 20191213145121

event.⁹⁶ Authorities have allowed pride marches and gatherings to proceed despite not being registered.⁹⁷ LGBTIQ+-friendly spaces, including cafes, shops and galleries exist in urban centres.⁹⁸ Many LGBTIQ+ people use smart phone applications and directories to engage in physical and online communities and social media apps to network and find communities.⁹⁹ Despite these societal advances, DFAT advises that most LGBTIQ+ people hide their sexual/gender orientation/identity in order to avoid discrimination.¹⁰⁰

Stigma and discrimination against LGBTIQ+ people remains widespread in Vietnamese society. Credible sources observe that sexual orientation and gender identity remain the basis for stigma and societal discrimination.¹⁰¹ This is particularly true for transgender people¹⁰² and youth.¹⁰³ Vietnamese LGBTIQ+ youth face widespread discrimination and violence at home and at school.¹⁰⁴ Covid-19 may have exacerbated this situation, forcing many people to return from cities to family homes in rural areas where they may be subject to familial abuse or discrimination.¹⁰⁵ The belief that same-sex attraction is a diagnosable, treatable, and curable mental health condition is common,¹⁰⁶ and some LGBTIQ+ people – especially lesbians – may be forced by their families to attend conversion therapy.¹⁰⁷ Violence against LGBTIQ+ people is much less common than other forms of discrimination, such as verbal insults and online abuse,¹⁰⁸ and rarely occurs on the street.¹⁰⁹ According to DFAT, violence is more likely to occur in domestic settings, particularly from parents and intimate partners.¹¹⁰

Transgender people who have undergone sex re-assignment surgery can register their new status. The civil code gives individuals who have undergone a 'sex change' the right to register their

⁹⁶ 'Freedom in the World 2021: Vietnam', Freedom House, 3 March 2021, F4, 20210513113317 'Love in the air at gay pride parade in Ho Chi Minh City', Tuoi Tre Online, 25 September 2017, CXC90406620464

⁹⁷ '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

⁹⁸ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.3.94, p.24, 20220111094403

⁹⁹ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.3.94, p.24, 20220111094403

¹⁰⁰ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.3.94, p.24, 20220111094403

¹⁰¹ 'Freedom in the World 2021: Vietnam', Freedom House, 3 March 2021, F4, 20210513113317; 'Country Reports on Human Rights Practice for 2020 - Vietnam', US Department of State, 30 March 2021, 6, p.36, p.4, 20210331114522; 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.3.96, p.24, 20220111094403

¹⁰² '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

¹⁰³ 'Human Rights Watch World Report 2022', Human Rights Watch (HRW), 13 January 2022, p.747, 20220114100636'

¹⁰⁴ 'World Report 2021. Events of 2020', Human Rights Watch, 13 January 2021, p.747, 20210114072851

¹⁰⁵ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.3.97, pp.24-25, 20220111094403

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, pp.2, 13-14, 20200214091242; 'World Report 2021. Events of 2020', Human Rights Watch, 13 January 2021, p.747, 20210114072851

¹⁰⁷ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.3.97, pp.24-25, 20220111094403

¹⁰⁸ '“Is it because I am LGBT?” Discrimination based on sexual orientation in Viet Nam', UNDP, 21 June 2016, p.18, CIS38A80124354

¹⁰⁹ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.3.99, p.25, 20220111094403

¹¹⁰ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.3.99, p.25, 20220111094403

new status¹¹¹ and access health care.¹¹² 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.¹¹³ Moreover, transgender people in practice may be unable to access trans-appropriate healthcare, or may not have their gender identity recognised by healthcare providers.¹¹⁴ Sources 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 implementation and enforcement laws not yet being passed.¹¹⁵

Political Opinion

Government responses to public criticism

Sources diverge significantly in their assessment of people's ability to publicly criticise the government **and on the authorities' response to such activities**. A broad academic consensus asserts that public criticism of authorities is both common and a core feature of Vietnam's political landscape.¹¹⁶ This academic consensus also holds that public criticism is met with a range of responses from authorities: it is often responded to positively, it is frequently tolerated, while on occasion it is met with repression.¹¹⁷ Government and NGO sources tend to focus on the 'repression' response, often ignoring the more normative instances of positive response or tolerance (see below).¹¹⁸

¹¹¹ 'Country Reports on Human Rights Practice for 2020 - Vietnam', US Department of State, 30 March 2021, 6, p.36, p.4, 20210331114522

¹¹² '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

¹¹³ '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

¹¹⁴ Department of Foreign Affairs and Trade, 11 January 2022, para.3.98, p.24, 20220111094403

¹¹⁵ 'It is time for Vietnam to walk the talk on trans rights', VNExpress, 14 December 2021, 20220119124737; 'Trans Legal Mapping Report: Recognition Before the Law', ILGA, 30 September 2020, p.109, 20201001140359; 'Vietnam's transgender citizens suffer in a grey area', VNExpress, 2 January 2020, 20201118134044

¹¹⁶ Examples include: 'Conflicted Citizenship in Vietnam: Between grassroots mobilization and state repression', Mirjam Le and Franziska S. Nicolaisen, in *Vietnam at the Vanguard: New perspectives across time, space and community*, eds. Jamie Gillen et al, Springer, Oct 2021, p.34, 20220202105539; 'Benedict J. Kerkvliet on Speaking out in Vietnam', The Diplomat, 1 July 2020, 20210317120924; 'Citizens are speaking out in Vietnam', Benedict J Tria Kerkvliet, East Asia Forum, 23 August 2019, 20190827083841; 'Speaking Out in Vietnam: Public Political Criticism in a Communist Party-Ruled Nation', Thaveeporn Vasavakul, Contemporary Southeast Asia, 01 December 2019, 20210326133233; 'Buckley on Kerkvliet, 'Speaking Out in Vietnam: Public Political Criticism in a Communist Party-Ruled Nation'', H-Net, 1 December 2019, 20210323101336; 'Postdoc Spotlight: Nhu Truong Compares Government Responsiveness in China and Vietnam', Stanford University, 25 May 2021, 20220201151634; 'Domestic and Foreign Policy in Vietnam: The Future of Vietnamese Civil Society', Carl Thayer, Georgetown Journal of Asian Affairs, 2019, pp.122-123, 20210326145456; 'Vietnam's Communist Party is in a weaker position than it seems', The Economist, 21 January 2021, 20211026100712

¹¹⁷ 'Benedict J. Kerkvliet on Speaking out in Vietnam', The Diplomat, 1 July 2020, 20210317120924; 'Citizens are speaking out in Vietnam', Benedict J Tria Kerkvliet, East Asia Forum, 23 August 2019, 20190827083841; 'Speaking Out in Vietnam: Public Political Criticism in a Communist Party-Ruled Nation'; 'In the Shadow of Authoritarian Expropriation: From Reactive to Institutionalized Responsiveness in Vietnam and China', Nhu Truong, Doctoral Thesis submitted to McGill University, 2020, p. 14, 20220201154557; Carl Thayer, Georgetown Journal of Asian Affairs, 2019, pp.122-123, 20210326145456

¹¹⁸ For recent examples see: 'Country Reports on Human Rights Practice for 2020 - Vietnam', US Department of State, 30 March 2021, 1D, 2A, 2B, D1, 20210331114522; 'Joint Submission of The 88 Project and the Global

Public criticism of the government is commonplace and has been growing in recent years.

Although the state does not allow any formal opposition, informal criticism has been growing for decades.¹¹⁹ As summarised by one Emeritus Professor (ANU), Vietnamese people since the mid-1990s have been speaking out publicly to such a degree that it has become a prominent feature of Vietnam's political landscape.¹²⁰ According to the professor, public political criticism has emerged and expanded because aggravated people are anxious to be heard, and has been facilitated by the rapid spread and accessibility to most Vietnamese citizens of the internet and mobile phones.¹²¹ Other academic sources also highlight the role of protest and criticism of the government.¹²²

Permitting public criticism is a core aspect of state-society relations in Vietnam intended to maintain party legitimacy. Vietnam's political system has long included a 'dialogical' feature, referring to communication and influence between citizens and party-state authorities.¹²³ Authorities have been unable and to a degree unwilling to stifle public criticism; concerted, aggressive campaigns to halt all political criticism would greatly risk an economic and political crisis that would create even more discontent and greater challenges to party rule.¹²⁴ The government instead can regard protests as helpful, whether in disciplining the foreign owners of factories in Vietnam, rooting out local corruption, signaling displeasure with China, or providing a safety valve for discontent.¹²⁵ The role of local officials at the ward level to mediate practical and flexible solutions to problems has also been described.¹²⁶

Examples of responsiveness to public criticism cover a broad range of topics. Authorities have either responded positively or at least tolerated (with exceptions) public criticism and/or protests on issues such as workers' rights, land issues, China-Vietnam relations and even democracy advocates.¹²⁷ On workers' rights for example, authorities often side with striking workers; on land issues, officials have frequently found that villagers' complaints against corruption and land confiscations are valid; authorities have revised labor and land laws to meet some of workers and

Human Rights Clinic of the University of Chicago Law School to the Universal Periodic Review of the Socialist Republic of Vietnam', The 88 Project & the Global Human Rights Clinic of the University of Chicago Law School, 1 November 2021, p.2, 20211111152816; 'Report on Human Rights in Vietnam 2020-2021', Vietnam Human Rights Network, 20 June 2021, p.41, 20210706094451; 'Freedom in the World 2021: Vietnam', Freedom House, 3 March 2021, D4, 20210513113317; 'Human Rights Watch World Report 2022', Human Rights Watch (HRW), 13 January 2022, p.743, 20220114100636; 'Amnesty International Report 2020/21: The State of the World's Human Rights', Amnesty International, 6 April 2021, pp.395-396, 20210407093348

¹¹⁹ 'Vietnam's Communist Party is in a weaker position than it seems', The Economist, 21 January 2021, 20211026100712

¹²⁰ 'Benedict J. Kerkvliet on Speaking out in Vietnam', The Diplomat, 1 July 2020, 20210317120924

¹²¹ 'Benedict J. Kerkvliet on Speaking out in Vietnam', The Diplomat, 1 July 2020, 20210317120924

¹²² 'Conflicted Citizenship in Vietnam: Between grassroots mobilization and state repression', Mirjam Le and Franziska S. Nicolaisen, in *Vietnam at the Vanguard: New perspectives across time, space and community*, eds. Jamie Gillen et al, Springer, Oct 2021, p.34, 20220202105539; 'Speaking Out in Vietnam: Public Political Criticism in a Communist Party-Ruled Nation', Thaveeporn Vasavakul, Contemporary Southeast Asia, 01 December 2019, 20210326133233

¹²³ 'Benedict J. Kerkvliet on Speaking out in Vietnam', The Diplomat, 1 July 2020, 20210317120924

¹²⁴ 'Citizens are speaking out in Vietnam', Benedict J Tria Kerkvliet, East Asia Forum, 23 August 2019, 20190827083841; 'Benedict J. Kerkvliet on Speaking out in Vietnam', The Diplomat, 1 July 2020, 20210317120924

¹²⁵ 'Speaking Out in Vietnam: Public Political Criticism in a Communist Party-Ruled Nation', Foreign Affairs, Jan/Feb 2020, 20210317120230; 'Citizens are speaking out in Vietnam', Benedict J Tria Kerkvliet, East Asia Forum, 23 August 2019, 20190827083841

¹²⁶ 'Conflicted Citizenship in Vietnam: Between grassroots mobilization and state repression', Mirjam Le and Franziska S. Nicolaisen, in *Vietnam at the Vanguard: New perspectives across time, space and community*, eds. Jamie Gillen et al, Springer, Oct 2021, p.39, 20220202105539

¹²⁷ 'Benedict J. Kerkvliet on Speaking out in Vietnam', The Diplomat, 1 July 2020, 20210317120924; 'Speaking Out in Vietnam: Public Political Criticism in a Communist Party-Ruled Nation', Thaveeporn Vasavakul, Contemporary Southeast Asia, 1 December 2019, 20210326133233; 'Citizens are speaking out in Vietnam', Benedict J Tria Kerkvliet, East Asia Forum, 23 August 2019, 20190827083841; 'Postdoc Spotlight: Nhu Truong Compares Government Responsiveness in China and Vietnam', Stanford University, 25 May 2021, 20220201151634; 'In the Shadow of Authoritarian Expropriation: From Reactive to Institutionalized Responsiveness in Vietnam and China', Nhu Truong, Doctoral Thesis submitted to McGill University, 2020, p. 12, 20220201154557

farmers' concerns; on foreign policy matters officials have countenanced demonstrations and other forms of protest against China and Vietnam-China relations; on democratisation issues, they have tolerated a number of individuals who advocate democratization.¹²⁸ Even though technically illegal, on many occasions over the past 15 years the government has changed course in response to protests and other forms of public pressure.¹²⁹ The UNDP, in its 2021 provincial governance survey, measured 'Responsiveness to Citizen Appeals and Access to Justice Services' which reflects how local governments respond to citizen requests, proposals, denunciations, complaints and/or petitions.¹³⁰ It found mixed results, with 12 provinces making significant progress in 2020 compared to 2019 and 12 provinces seeing significant decline from their 2019 scores.¹³¹

Millions of people have publicly raised grievances in recent years. Between 1995 and late 2018 factory workers across the country organised over 6600 strikes in demand of higher wages, decent working conditions and better labour policies; while illegal, authorities frequently tolerated and even sympathised with strikers and revised several labour laws to meet some of the workers' complaints.¹³² Between 2001 and 2010, millions of villagers openly protested government agencies appropriating millions of acres of agricultural land farmed by 9 million villagers, arguing that corrupt officials improperly implemented relevant lands laws, cheated farmers of fair compensation and ignored the sacrifices that villagers made for the nation during two wars.¹³³ Investigations by government agencies frequently found that such complaints were valid, with officials increasing compensations paid for appropriated land and revamping land-use laws.¹³⁴ In 2018, tens of thousands of Vietnamese defied authorities over plans to establish Chinese special economic zones in the country, marching and circulating petitions and essays condemning Chinese violations of Vietnam's sovereignty, and also castigating Vietnamese leaders for being too compliant with China's claims; authorities abandoned their plans.¹³⁵ Since the late 1990s, thousands of citizens have called for democracy, signing and sending to national authorities petitions and statements campaigning for multiparty elections, freedom of speech and other democratic institutions, with democracy advocates publishing online magazines and newspapers, creating blogs and writing essays and books to advance their cause.¹³⁶ Authorities tend to be more repressive of this category of public critic.¹³⁷

¹²⁸ 'Benedict J. Kerkvliet on Speaking out in Vietnam', The Diplomat, 1 July 2020, 20210317120924; 'Speaking Out in Vietnam: Public Political Criticism in a Communist Party-Ruled Nation', Thaveeporn Vasavakul, Contemporary Southeast Asia, 1 December 2019, 20210326133233; 'Citizens are speaking out in Vietnam', Benedict J Tria Kerkvliet, East Asia Forum, 23 August 2019, 20190827083841; 'Postdoc Spotlight: Nhu Truong Compares Government Responsiveness in China and Vietnam', Stanford University, 25 May 2021, 20220201151634; 'In the Shadow of Authoritarian Expropriation: From Reactive to Institutionalized Responsiveness in Vietnam and China', Nhu Truong, Doctoral Thesis submitted to McGill University, 2020, p. 12, 20220201154557

¹²⁹ 'Vietnam's Communist Party is in a weaker position than it seems', The Economist, 21 January 2021, 20211026100712

¹³⁰ 'The Viet Nam Provincial Governance and Public Administration Performance Index: Measuring Citizens Experiences, 2021.', United Nations Development Program (UNDP), 14 April 2021, p.59, 20210720160328

¹³¹ 'The Viet Nam Provincial Governance and Public Administration Performance Index: Measuring Citizens Experiences, 2021.', United Nations Development Program (UNDP), 14 April 2021, p.59, 20210720160328 (Note that the report maps responsiveness by province – see p.60)

¹³² 'Citizens are speaking out in Vietnam', Benedict J Tria Kerkvliet, East Asia Forum, 23 August 2019, 20190827083841

¹³³ 'Citizens are speaking out in Vietnam', Benedict J Tria Kerkvliet, East Asia Forum, 23 August 2019, 20190827083841

¹³⁴ 'Citizens are speaking out in Vietnam', Benedict J Tria Kerkvliet, East Asia Forum, 23 August 2019, 20190827083841

¹³⁵ 'Citizens are speaking out in Vietnam', Benedict J Tria Kerkvliet, East Asia Forum, 23 August 2019, 20190827083841; 'Vietnam's Communist Party is in a weaker position than it seems', The Economist, 21 January 2021, 20211026100712

¹³⁶ 'Citizens are speaking out in Vietnam', Benedict J Tria Kerkvliet, East Asia Forum, 23 August 2019, 20190827083841

¹³⁷ 'Citizens are speaking out in Vietnam', Benedict J Tria Kerkvliet, East Asia Forum, 23 August 2019, 20190827083841; 'Benedict J. Kerkvliet on Speaking out in Vietnam', The Diplomat, 1 July 2020, 20210317120924

Repression of public criticism

Opposition pro-democracy groups and those with overseas links such as Viet Tan have been proscribed as terrorist organisations. As political opposition parties are illegal within Vietnam,¹³⁸ opposition parties are typically based overseas to avoid harassment, arrest and detention.¹³⁹ 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.¹⁴⁰ 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.¹⁴¹ Other foreign-based opposition groups including the Brotherhood for Democracy, who campaign for human rights and democracy in Vietnam¹⁴² and who are reported to have links to Viet Tan, have been accused of activities aimed at overthrowing the government.¹⁴³ Individuals – including Australian citizens – with links to Viet Tan, have been sentenced to lengthy prison sentences for engaging in terrorist activities.¹⁴⁴

Much contemporary public criticism has turned to the internet; many people use online forums to publicly express criticism, although authorities can and do repress some online critics.

According to one New Zealand-based Vietnamese academic, Vietnam's social-media platforms are 'relatively liberal and free [places] where you can speak out your views'.¹⁴⁵ Diplomatic sources advise a 2019 UK Home Office Fact-Finding mission that 'there is quite a lively protest movement particularly online'.¹⁴⁶ They went on to note that 'If it passes an unwritten red line, ie in a sensitive period, embarrass the government or provincial government or calls for mass protest or is linked up with something else or supported by religious groups, it is in danger of being cracked down on' (see below for further information on 'red lines').¹⁴⁷ Government and NGOs sources present a more ubiquitously bleak picture of online activism, claiming that online space has been criminalised and brought under party control,¹⁴⁸ that no online critics of the government can avoid harassment,¹⁴⁹ with online expression censored and criminalised¹⁵⁰ among a wide-ranging crackdown on online critics.¹⁵¹

Government repression of online activism ranges from electronic harassment, fines and – in some instances – to arrest and imprisonment. Forms of online harassment used to repress online

¹³⁸ '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

¹³⁹ '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

¹⁴⁰ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.25, 20191213145121

¹⁴¹ 'Vietnam declares San Jose-based Viet Tan a terrorist group', Associated Press (AP), 7 October 2016, CX6A26A6E11016

¹⁴² 'Vietnam: Drop Charges Against Rights Campaigner', Human Rights Watch (HRW), 10 September 2018, CXBB8A1DA35489

¹⁴³ '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.26, 20191213145121

¹⁴⁵ 'Vietnam's Communist Party is in a weaker position than it seems', The Economist, 21 January 2021, 20211026100712

¹⁴⁶ '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.48, 20190917095808

¹⁴⁷ '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.48, 20190917095808

¹⁴⁸ '2020 HUMAN RIGHTS REPORT VIETNAM: Our report on political prisoners and activists at risk', The 88 Project, 6 April 2021, p.10, 20220117135940

¹⁴⁹ 'Report on Human Rights in Vietnam 2020-2021', Vietnam Human Rights Network, 20 June 2021, p.41, 20210706094451

¹⁵⁰ 'Country Reports on Human Rights Practice for 2020 – Vietnam', US Department of State, 30 March 2021, S2A, p.20, 20210331114522

¹⁵¹ 'Amnesty International Report 2020/21: The State of the World's Human Rights', Amnesty International, 6 April 2021, pp.395-396, 20210407093348

activists include the removal of offensive content, blocking or illegally shutting down of offending accounts,¹⁵² hacking of activist accounts to enable malware installation and subsequent monitoring of said accounts,¹⁵³ and the severing of activists' internet access.¹⁵⁴ Harassment may extend into offline or 'real-world' scenarios, including summons or invitations to speak to police at police stations,¹⁵⁵ travel restrictions and forced evictions,¹⁵⁶ job losses¹⁵⁷ and fines (of several hundred dollars),¹⁵⁸ confiscation of computers and phones,¹⁵⁹ *de facto* house arrest¹⁶⁰ and short-term detention.¹⁶¹ More serious real-world repressive activities include kidnapping activists who refuse invitations to speak to police,¹⁶² physical assaults,¹⁶³ arrest and detention.¹⁶⁴ Sources also indicate that activists' families are sometimes subject to harassment and abuse.¹⁶⁵

Authorities have pressured social-media companies to censor sensitive or critical online content. The government has applied pressure to firms such as Facebook and Google to eliminate antistate materials.¹⁶⁶ According to government claims, Facebook responded affirmatively to 97 percent, and Google to 98 percent, of the government's requests to remove offending material, usually acting within 24 hours.¹⁶⁷ This has led to the removal of thousands of video clips, Youtube

¹⁵² 'Joint Submission of The 88 Project and the Global Human Rights Clinic of the University of Chicago Law School to the Universal Periodic Review of the Socialist Republic of Vietnam', The 88 Project & the Global Human Rights Clinic of the University of Chicago Law School, 1 November 2021, p.11, 20211111152816; 'Report on Human Rights in Vietnam 2020-2021', Vietnam Human Rights Network, 20 June 2021, p.40, 20210706094451

¹⁵³ 'Joint Submission of The 88 Project and the Global Human Rights Clinic of the University of Chicago Law School to the Universal Periodic Review of the Socialist Republic of Vietnam', The 88 Project & the Global Human Rights Clinic of the University of Chicago Law School, 1 November 2021, p.12, 20211111152816; 'Report on Human Rights in Vietnam 2020-2021', Vietnam Human Rights Network, 20 June 2021, p.40, 20210706094451

¹⁵⁴ 'Freedom on the Net 2021 – Vietnam', Freedom House, 21 September 2021, C7, 20210927103036

¹⁵⁵ 'Joint Submission of The 88 Project and the Global Human Rights Clinic of the University of Chicago Law School to the Universal Periodic Review of the Socialist Republic of Vietnam', The 88 Project & the Global Human Rights Clinic of the University of Chicago Law School, 1 November 2021, p.13, 20211111152816; 'Freedom on the Net 2021 – Vietnam', Freedom House, 21 September 2021, C3, 20210927103036

¹⁵⁶ 'Joint Submission of The 88 Project and the Global Human Rights Clinic of the University of Chicago Law School to the Universal Periodic Review of the Socialist Republic of Vietnam', The 88 Project & the Global Human Rights Clinic of the University of Chicago Law School, 1 November 2021, p.9, 20211111152816; 'Freedom on the Net 2021 – Vietnam', Freedom House, 21 September 2021, C7, 20210927103036

¹⁵⁷ 'Freedom on the Net 2021 – Vietnam', Freedom House, 21 September 2021, C7, 20210927103036

¹⁵⁸ 'Freedom on the Net 2021 – Vietnam', Freedom House, 21 September 2021, C3, 20210927103036

¹⁵⁹ 'Country Reports on Human Rights Practice for 2020 – Vietnam', US Department of State, 30 March 2021, S2A, p.21, 20210331114522

¹⁶⁰ 'Freedom on the Net 2021 – Vietnam', Freedom House, 21 September 2021, C7, 20210927103036

¹⁶¹ 'Country Reports on Human Rights Practice for 2020 – Vietnam', US Department of State, 30 March 2021, S2A, p.21, 20210331114522

¹⁶² 'Joint Submission of The 88 Project and the Global Human Rights Clinic of the University of Chicago Law School to the Universal Periodic Review of the Socialist Republic of Vietnam', The 88 Project & the Global Human Rights Clinic of the University of Chicago Law School, 1 November 2021, pp.9, 13, 20211111152816

¹⁶³ 'Joint Submission of The 88 Project and the Global Human Rights Clinic of the University of Chicago Law School to the Universal Periodic Review of the Socialist Republic of Vietnam', The 88 Project & the Global Human Rights Clinic of the University of Chicago Law School, 1 November 2021, p.9, 20211111152816; 'Freedom on the Net 2021 – Vietnam', Freedom House, 21 September 2021, C7, 20210927103036

¹⁶⁴ 'Joint Submission of The 88 Project and the Global Human Rights Clinic of the University of Chicago Law School to the Universal Periodic Review of the Socialist Republic of Vietnam', The 88 Project & the Global Human Rights Clinic of the University of Chicago Law School, 1 November 2021, p.9, 20211111152816; 'Country Reports on Human Rights Practice for 2020 – Vietnam', US Department of State, 30 March 2021, S2A, p.21, 20210331114522

¹⁶⁵ 'Joint Submission of The 88 Project and the Global Human Rights Clinic of the University of Chicago Law School to the Universal Periodic Review of the Socialist Republic of Vietnam', The 88 Project & the Global Human Rights Clinic of the University of Chicago Law School, 1 November 2021, p.9, 20211111152816

¹⁶⁶ 'Country Reports on Human Rights Practice for 2020 – Vietnam', US Department of State, 30 March 2021, S2A, p.21, 20210331114522

¹⁶⁷ 'Human Rights Watch World Report 2022', Human Rights Watch (HRW), 13 January 2022, p.745, 20220114100636

channels, URL links, 'fake' accounts and other material authorities considered defamatory of the CPV or government.¹⁶⁸

The authorities appear to have ramped up efforts to counter offending online activities following the January 2021 National Congress. The Cybersecurity Department employs a large force of public-opinion shapers called Forced 47 which is tasked with fighting against 'misrepresented' views of the CPV.¹⁶⁹ This force employs around 10,000 people and is reported to be present in all grassroots units, regions, and military sectors.¹⁷⁰ Critics contend that Force 47's main objective is to spread smear campaigns aimed at opponents of the government.¹⁷¹ Following the January 2021 National Congress, party officials announced a plan to establish a team to combat 'peaceful evolution' on social networks and to implement the Congress' resolution on the need to 'step up the struggle to defeat all the conspiracies and anti-destructive activities of hostile forces'.¹⁷² An investigative report by *BBC News Vietnam* published in April 2021 confirmed a recent expansion of Force 47 into the district military branches of numerous provinces.¹⁷³

Red-lines, recent trends and profiles of targets

Several credible sources note that there are fairly well-understood 'red-lines' which function as thresholds past which authorities are unlikely to tolerate criticism. A UNSW Emeritus Professor argues that the party pursues a mantra of 'three no's' – no political opposition, no political pluralism, and no multi-party system.¹⁷⁴ He proceeds to state that 'those who make common cause with political activists abroad to promote democracy, religious freedom, and human rights are arrested, given perfunctory trials, and imprisoned'.¹⁷⁵ According to the USDOS, thresholds topics included criticism of individual government leaders or the party, promotion of political pluralism or multiparty democracy, questioning policies on sensitive matters, such as human rights, religious freedom, or sovereignty disputes with China.¹⁷⁶ Online activists and relevant experts interviewed by human rights groups articulated a similar if slightly expanded set of topics deemed off-limits for online discussion: 'criticism of the country, government or the Communist Party, criticism of state officials, particularly high-level leaders like members of the Politburo, criticism of the police, criticism of the army, issues considered 'state secrets' anything that may 'undermine the unity of the State', such as advocating for or appearing sympathetic to ethnic and religious minorities, human rights issues, corruption in State institutions and restrictions on freedoms.¹⁷⁷ Freedom House suggested that the

¹⁶⁸ 'Country Reports on Human Rights Practice for 2020 – Vietnam', US Department of State, 30 March 2021, S2A, p.21, 20210331114522; 'Human Rights Watch World Report 2022', Human Rights Watch (HRW), 13 January 2022, p.745, 20220114100636

¹⁶⁹ 'Report on Human Rights in Vietnam 2020-2021', Vietnam Human Rights Network, 20 June 2021, p.42, 20210706094451

¹⁷⁰ 'Report on Human Rights in Vietnam 2020-2021', Vietnam Human Rights Network, 20 June 2021, p.42, 20210706094451

¹⁷¹ 'Freedom on the Net 2021 – Vietnam', Freedom House, 21 September 2021, B5, 20210927103036

¹⁷² 'Report on Human Rights in Vietnam 2020-2021', Vietnam Human Rights Network, 20 June 2021, p.42, 20210706094451

¹⁷³ 'Freedom on the Net 2021 – Vietnam', Freedom House, 21 September 2021, B5, 20210927103036

¹⁷⁴ 'Domestic and Foreign Policy in Vietnam: The Future of Vietnamese Civil Society', Carl Thayer, Georgetown Journal of Asian Affairs, 2019, 20210326145456

¹⁷⁵ 'Domestic and Foreign Policy in Vietnam: The Future of Vietnamese Civil Society', Carl Thayer, Georgetown Journal of Asian Affairs, 2019, 20210326145456

¹⁷⁶ 'Country Reports on Human Rights Practice for 2020 – Vietnam', US Department of State, 30 March 2021, S2A, p.16, 20210331114522

¹⁷⁷ 'Joint Submission of The 88 Project and the Global Human Rights Clinic of the University of Chicago Law School to the Universal Periodic Review of the Socialist Republic of Vietnam', The 88 Project & the Global Human Rights Clinic of the University of Chicago Law School, 1 November 2021, p.12, 20211111152816

unpredictable and non-transparent ways in which topics become prohibited make it difficult for online users to know what areas might be off-limits.¹⁷⁸

Many sources claim that repression of public criticism has intensified in recent years. One prominent local human rights group wrote of a notable crackdown on dissent in the months leading up to the National Party Congress in January 2021, as evidenced by the arrests of high profile dissidents that had been evading government harassment for years.¹⁷⁹ A second prominent local human rights group wrote of a 'crackdown on opposition voices' intensifying in 2020-2021 prior to the 2021 Congress and National Assembly elections in May 2021.¹⁸⁰ Amnesty International similarly wrote of 'a major crackdown on all forms of dissent' Ahead of the 2021 Congress.¹⁸¹ Other sources adopted a longer-term perspective claiming that arrests and convictions of political prisoners and harassment of activists has intensified under Communist Party General Secretary Nguyen Phu Trong during the past five years.¹⁸² The ANU Professor Emeritus notes that authorities began to intensify their repression of pro-democracy dissidents in 2017,¹⁸³ while also acknowledging that 'numerous dissidents have not been arrested'.¹⁸⁴

Other sources simply note ongoing repression of public criticism throughout 2020 and 2021. A joint 2021 NGO paper commented: 'Vietnam continues to actively and systematically suppress the right to freedom of expression of its citizens. [...] Vietnam's infringements on speech are particularly egregious in the online sphere. For merely attempting to exercise their rights to free expression, Vietnamese citizens are regularly harassed by police, arrested, denied access to legal counsel, tried, and sentenced to lengthy prison terms.¹⁸⁵ The same source also wrote that 'repressive laws, as enshrined in the Law on Cybersecurity and several provisions of the Criminal Code, combined with multiple means of surveillance, coercion and abuse of state power, have effectively stifled freedom of expression in the country.¹⁸⁶ A local human rights group claimed its 2020-21 annual report that no bloggers or Facebookers who published articles against government policies or reprinted copies of them could avoid surveillance and harassment.¹⁸⁷ The USDOS stated that authorities suppressed online political expression by direct action against bloggers, such as arrests, short-term detentions, surveillance, intimidation, and the illegal confiscation of computers and cell phones from activists and their family members,¹⁸⁸ punished those who used the internet to organize protests or publish content critical of the government¹⁸⁹ and routinely prevented activists from peacefully assembling.¹⁹⁰ Freedom House note that authorities continue to attack and imprison those who openly criticize the state,

¹⁷⁸ 'Freedom on the Net 2021 – Vietnam', Freedom House, 21 September 2021, B4, 20210927103036

¹⁷⁹ '2020 HUMAN RIGHTS REPORT VIETNAM: Our report on political prisoners and activists at risk', The 88 Project, 6 April 2021, p.6, 20220117135940

¹⁸⁰ 'Report on Human Rights in Vietnam 2020-2021', Vietnam Human Rights Network, 20 June 2021, p.40, 20210706094451

¹⁸¹ 'Amnesty International Report 2020/21: The State of the World's Human Rights', Amnesty International, 6 April 2021, p.395, 20210407093348

¹⁸² '2020 HUMAN RIGHTS REPORT VIETNAM: Our report on political prisoners and activists at risk', The 88 Project, 6 April 2021, p.10, 20220117135940

¹⁸³ 'Citizens are speaking out in Vietnam', Benedict J Tria Kerkvliet, East Asia Forum, 23 August 2019, 20190827083841

¹⁸⁴ 'Citizens are speaking out in Vietnam', Benedict J Tria Kerkvliet, East Asia Forum, 23 August 2019, 20190827083841

¹⁸⁵ 'Joint Submission of The 88 Project and the Global Human Rights Clinic of the University of Chicago Law School to the Universal Periodic Review of the Socialist Republic of Vietnam', The 88 Project & the Global Human Rights Clinic of the University of Chicago Law School, 1 November 2021, p.2, 20211111152816

¹⁸⁶ 'Joint Submission of The 88 Project and the Global Human Rights Clinic of the University of Chicago Law School to the Universal Periodic Review of the Socialist Republic of Vietnam', The 88 Project & the Global Human Rights Clinic of the University of Chicago Law School, 1 November 2021, p.2, 20211111152816

¹⁸⁷ 'Report on Human Rights in Vietnam 2020-2021', Vietnam Human Rights Network, 20 June 2021, p.41, 20210706094451

¹⁸⁸ 'Country Reports on Human Rights Practice for 2020 – Vietnam', US Department of State, 30 March 2021, S2A, p.21, 20210331114522

¹⁸⁹ 'Country Reports on Human Rights Practice for 2020 – Vietnam', US Department of State, 30 March 2021, S2A, p.20, 20210331114522

¹⁹⁰ 'Country Reports on Human Rights Practice for 2020 – Vietnam', US Department of State, 30 March 2021, S2B p.23, 20210331114522

including on social media;¹⁹¹ Human Rights Watch similarly wrote 'critics of the government or party face police intimidation, harassment, restricted movement, arbitrary arrest and detention, and imprisonment after unfair trials'.¹⁹²

Empirical data indicate that while ongoing, repression (arrests/trials) of public criticism doesn't appear to have intensified in recent years. Some local human rights groups acknowledged that fewer people were arrested and tried in Vietnam in 2020 than in 2019.¹⁹³ Local human rights group The 88 Project's online 'database of persecuted activists in Vietnam' recorded a decline in arrests throughout 2018-2021: 149 activists were arrested in 2018, 42 in 2018, 35 in 2020 and 30 in 2021. In terms of trials, the same source recorded fluctuating numbers throughout the same period: 49 trials (101 people) in 2018, 32 trials (66 people) in 2019, 17 (79 people) in 2020 and 26 (34 people) in 2021.¹⁹⁴ According to the database, there were 59 incidents of harassment in 2020, targeting well-known civil society leaders, independent activists and religious practitioners.¹⁹⁵ The 88 Project's online database indicated that, as of 20 January 2022, there were 208 activists in prison and a further 318 activists at risk,¹⁹⁶ defined as individuals 'not currently in prison, but who are otherwise harassed and face the risk of being arrested'.¹⁹⁷ The same source indicated that 39 people were arrested between 2019 and late 2021 due to online activism.¹⁹⁸ Focusing on conviction numbers, Human Rights Watch state that 'at least 32 people' were convicted in 2021 for posting critical opinions about the government.¹⁹⁹

Harassment of online users spiked during the Covid pandemic, especially targeting those criticising the government's Covid response. According to The 88 Project, while not technically activists, there was 'rampant harassment of people in 2020 who posted news about Covid-19 or shared misinformation online'.²⁰⁰ Harassment took the form of being questioned by police or fined for the offending posts.²⁰¹ By mid-March 2020, almost 700 people had been summoned to police stations in relation to Covid-19 posts on Facebook.²⁰² By May 2021, Brookings Institute appears able to have written a more normative role for online bloggers and activists in relation to the state's Covid-19 response, noting their constructive role in ensuring government transparency on case numbers and fatalities.²⁰³

¹⁹¹ 'Freedom in the World 2021: Vietnam', Freedom House, 3 March 2021, D4, 20210513113317

¹⁹² See 'Human Rights Watch World Report 2022', Human Rights Watch (HRW), 13 January 2022, p.743, 20220114100636

¹⁹³ '2020 HUMAN RIGHTS REPORT VIETNAM: Our report on political prisoners and activists at risk', The 88 Project, 6 April 2021, p.5, 20220117135940

¹⁹⁴ see <<https://the88project.org/timeline/>> (Accessed 20 January 2022, applying filters of 'relevant year' and 'arrests' or 'trials')

¹⁹⁵ '2020 HUMAN RIGHTS REPORT VIETNAM: Our report on political prisoners and activists at risk', The 88 Project, 6 April 2021, p.5, 20220117135940

¹⁹⁶ See: <https://the88project.org/database/> (Accessed 20 January 2022)

¹⁹⁷ '2020 HUMAN RIGHTS REPORT VIETNAM: Our report on political prisoners and activists at risk', The 88 Project, 6 April 2021, p.7, 20220117135940

¹⁹⁸ 'Joint Submission of The 88 Project and the Global Human Rights Clinic of the University of Chicago Law School to the Universal Periodic Review of the Socialist Republic of Vietnam', The 88 Project & the Global Human Rights Clinic of the University of Chicago Law School, 1 November 2021, p.9, 20211111152816; A higher figure is given by the Vietnam Human Rights Network ('at least 46 people expressing their political opinions through social media have been detained and prosecuted for violating the 2015 Penal Code' between January 2020 and May 2021, although their classifying system is not clear – see: 'Report on Human Rights in Vietnam 2020-2021', Vietnam Human Rights Network, 20 June 2021, p.40, 20210706094451

¹⁹⁹ 'Human Rights Watch World Report 2022', Human Rights Watch (HRW), 13 January 2022, p.744, 20220114100636

²⁰⁰ '2020 HUMAN RIGHTS REPORT VIETNAM: Our report on political prisoners and activists at risk', The 88 Project, 6 April 2021, p.37, 20220117135940

²⁰¹ '2020 HUMAN RIGHTS REPORT VIETNAM: Our report on political prisoners and activists at risk', The 88 Project, 6 April 2021, p.37, 20220117135940

²⁰² '2020 HUMAN RIGHTS REPORT VIETNAM: Our report on political prisoners and activists at risk', The 88 Project, 6 April 2021, p.37, 20220117135940

²⁰³ 'Reopening Vietnam: How the country's improving governance helped it weather the COVID-19 pandemic', Brookings Institution, 20 May 2021, 20220117152722

Profiles of those targeted throughout 2020 and 2021 included both high profile activists and those with little to no history of activism. As summarised by local human rights advocates, people continued to be arrested and convicted for activities ranging from posting their opinions online to criticizing government policies to supporting land rights petitioners.²⁰⁴ Profiles of those targeted in 2020 and 2021 include leaders of their respective activist movements and/or members of prominent civil society groups,²⁰⁵ people with little to no history of activism, well-known activists, ordinary citizens, journalists, land petitioners and 'online commentators' (arrested solely for expressing their opinions online).²⁰⁶ The profiles of online activists arrested in 2020 was diverse, ranging from Facebook group administrators to those sharing items with relatively large groups of followers (5000 to 50,000²⁰⁷) to those posting items with small followings (for example one case with 130 likes and 50 shares).²⁰⁸ The latter posts related to the deadly Dong Tam land dispute in which three policemen were killed in January 2020.²⁰⁹ The top areas of activism of those arrested in 2020 were democracy (16 activists), land rights (11), human rights (9), and freedom of expression (8).²¹⁰

High-profile activists may be actively engaged by authorities upon return to Vietnam.

Diplomatic sources advised a 2019 Fact-Finding Mission to Vietnam that 'high-level activists will face more monitoring than low-level who will face less. There may be some people who are of particular interest and they might be required to have regular chats or 'catch ups' with officials so they can garner their views on particular issues'.²¹¹ The same sources clarified to the fact-finding mission that a person's interest upon return would 'depend on information and what the person had done previously'.²¹²

While membership of the CPV remains beneficial for career advancement, it is no longer essential for success. 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.²¹³ 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.²¹⁴

The Formosa Steel Corp. toxic spill

²⁰⁴ '2020 HUMAN RIGHTS REPORT VIETNAM: Our report on political prisoners and activists at risk', The 88 Project, 6 April 2021, p.5, 20220117135940

²⁰⁵ '2020 HUMAN RIGHTS REPORT VIETNAM: Our report on political prisoners and activists at risk', The 88 Project, 6 April 2021, p.21, 20220117135940

²⁰⁶ '2020 HUMAN RIGHTS REPORT VIETNAM: Our report on political prisoners and activists at risk', The 88 Project, 6 April 2021, p.14 20220117135940; On 'everyday users' arrested see 'Freedom on the Net 2021 – Vietnam', Freedom House, 21 September 2021, C3, 20210927103036

²⁰⁷ The case of an online activist with 50,000 followers being arrested comes from 'Country Reports on Human Rights Practice for 2020 – Vietnam', US Department of State, 30 March 2021, S2A, p.21, 20210331114522

²⁰⁸ '2020 HUMAN RIGHTS REPORT VIETNAM: Our report on political prisoners and activists at risk', The 88 Project, 6 April 2021, pp.18-19, 20220117135940

²⁰⁹ '2020 HUMAN RIGHTS REPORT VIETNAM: Our report on political prisoners and activists at risk', The 88 Project, 6 April 2021, pp.16, 18-19, 20220117135940

²¹⁰ '2020 HUMAN RIGHTS REPORT VIETNAM: Our report on political prisoners and activists at risk', The 88 Project, 6 April 2021, p.15, 20220117135940

²¹¹ '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.53, 20190917095808

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.53, 20190917095808

²¹³ 'BTI 2020 Country Report - Vietnam', Bertelsmann Stiftung, 29 April 2020, p.24, 20200429143402

²¹⁴ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.25, 20191213145121; 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.3.49, p.18, 20220111094403 'Vietnam's Divide: Slow Healing, Fewer Prospects for Children of U.S. Allies', Bloomberg, 24 December 2015, CXBD6A0DE19603

While some activists have been prosecuted, protests responding to the Formosa Steel environmental disaster have ended. 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.²¹⁵ The company eventually agreed to pay \$500 million in damages.²¹⁶ 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.²¹⁷ While the protests were generally permitted,²¹⁸ throughout 2017-2018 several activists were sentenced to lengthy prison terms associated with their protests over the incident.²¹⁹ DFAT advised in their 2022 country report on Vietnam that Formosa protests are no longer occurring, at least on a large scale, due to a deal made with the company to provide compensation to victims.²²⁰

State Protection

Police

Internal security is the responsibility of the Ministry of Public Security. Police operate at national, provincial, district, and commune levels.²²¹ There are two main security forces under the Ministry of Public Security (MPS), the People's Security Force which primarily collects intelligence for national security purposes and the People's Police Force which is responsible for social order, public safety, and manages more traditional police work.²²² While the MPS is responsible for internal security and policing, in practice, provincial and local-level police often maintain significant discretion in their

²¹⁵ '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

²¹⁶ '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

²¹⁷ 'Vietnam's dead fish may spawn a stronger culture of dissent', Hoang C, cogitASIA, 30 September 2016, CIS38A80122116

²¹⁸ '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

²¹⁹ '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

'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; 'Vietnamese environmental activists handed prison terms in Nghe An', Radio Free Asia, 6 February 2018, CXBB8A1DA21459; 'Vietnamese Catholics Demonstrate to Mark Anniversary of Formosa Chemical Spill', Radio Free Asia (RFA), 6 April 2017, CXC9040666018; 'Jailed Vietnamese Activist Goes on Hunger Strike Over Beatings by Police', Radio Free Asia (RFA), 28 February 2019, 20190305131350

²²⁰ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.3.66, p.20, 20220111094403

²²¹ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.5.2, p.29, 20220111094403

²²² 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.5.1, p.29, 20220111094403

activities,²²³ and may be subject to the authority of local people's committees.²²⁴ Recruits to the police force must be members of the Communist Party of Vietnam or the Communist Youth League.²²⁵

Police effectiveness in responding to crime is uneven and may depend on police perceptions of the crime's seriousness. Police are generally well-trained,²²⁶ albeit commune (local) level police may not have received the same levels of training as their district, provincial and national-level counterparts.²²⁷ Due to a lack of cross-agency coordination within the police, delays in dealing with cases are common.²²⁸ However, according to sources consulted by the UK Home Office, if police arrest a person and begin the investigation process, they do follow the rules as set out in the Vietnamese Criminal Code.²²⁹ In-country sources advised DFAT that police sometimes take very strong and effective action to investigate crime, although this is not always the case.²³⁰ As a general rule, police lack proper funding and training, with local police only initiating investigations for crimes they determine serious.²³¹

Police abuse is commonplace in situations of arrest or interrogating suspects; limited oversight for such actions exists. Reports of police commonly mistreating or torturing suspects during arrest, interrogation, or detention continue.²³² Police, prosecutors, and government oversight agencies seldom investigated such reports.²³³ Police frequently use excessive force when making an arrest.²³⁴ Arrestees frequently report abuse and mistreatment.²³⁵ Police have been implicated in arbitrary and unlawful killings.²³⁶ Although the Supreme People's Procuracy has authority to investigate security force abuse, police organisations operate with little transparency and limited public oversight.²³⁷ There is no independent body to investigate complaints against police by citizens.²³⁸ Police frequently ill-treat or torture suspects to elicit confessions, which has resulted in deaths in custody²³⁹ - at least 11

²²³ '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

²²⁴ 'Country Report on Human Rights Practices 2018 – Vietnam', US Department of State, 13 March 2019, p. 7, 20190314094839

²²⁵ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.40, 20191213145121

²²⁶ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.5.2, p.29, 20220111094403

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.11, 20190917095808

²²⁹ '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

²³⁰ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.5.3, p.29, 20220111094403

²³¹ 'Vietnam 2020 Crime & Safety Report: Hanoi', Overseas Security Advisory Council, US Department of State, 9 March 2020, 20200505210105

²³² 'Country Reports on Human Rights Practice for 2020 – Vietnam', US Department of State, 30 March 2021, 1C, 20210331114522

²³³ 'Country Reports on Human Rights Practice for 2020 – Vietnam', US Department of State, 30 March 2021, 1C, 20210331114522

²³⁴ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.3, 20200312104733

²³⁵ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.3, 20200312104733

²³⁶ 'Country Reports on Human Rights Practices for 2019 – Vietnam', United States Department of State, 11 March 2020, p.2, 20200312104733

²³⁷ '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

²³⁸ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.40, 20191213145121

²³⁹ '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

people died in custody in 2019.²⁴⁰ Excessive force is used in responding to protests over evictions, land confiscation, and other social issues.²⁴¹

Corruption is prevalent throughout the police force. Corruption occurs at every level of the police and bribery is widespread.²⁴² A 2019 Transparency International survey on corruption found that more than 61 per cent of Vietnamese people had paid a bribe to police in the last 12 months.²⁴³ These may involve low-level instances of corruption – colloquially termed ‘coffee money’ – which typically involve small payments at the side of the road, and which then circulate through police patronage networks.²⁴⁴ DFAT distinguishes these from acts of high-level corruption, which are much less tolerated.²⁴⁵ There are reports of organised crime groups bribing local police to not respond in specific situations.²⁴⁶ An academic source cited by a UK Home Office fact-finding team states that it is possible for members of criminal gangs to discover the location of a person attempting to flee that gang by persuading police to provide the relevant information.²⁴⁷ Police at the village level are aware of who lives in their area and who is registered there.²⁴⁸

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.²⁴⁹ The law provides for an independent judiciary, though this is not always the case in practice, particularly in politically sensitive cases.²⁵⁰ Trials related to free expression are often brief, and apparently predetermined.²⁵¹ Political influence, endemic corruption and inefficiency strongly distort the judicial system and trials of human rights activists consistently fail to meet international standards.²⁵²

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.²⁵³ As few as one fifth of defendants can obtain

²⁴⁰ 'Human Rights in Asia-Pacific: Review of 2019', Amnesty International, 29 January 2020, p.66, 20200130115738

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.12, 20190917095808; 'Human Rights Watch World Report 2016: Events of 2015 – Vietnam', 27 January 2016, NGE43874C8

²⁴² '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

²⁴³ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.5.3, p.29, 20220111094403

²⁴⁴ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.5.5, p.29, 20220111094403

²⁴⁵ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.5.5, p.29, 20220111094403

²⁴⁶ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.5.4, p.29, 20220111094403

²⁴⁷ '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

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.25, 20190917095808

²⁴⁹ 'Country Reports on Human Rights Practice for 2020 – Vietnam', US Department of State, 30 March 2021, 1E, 20210331114522

²⁵⁰ '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

²⁵¹ 'Freedom on the Net 2020 – Vietnam', Freedom House, 14 October 2020, Sect.C1, 20201026102433

²⁵² '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

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.14, 20190917095808

access to legal counsel, including in cases subject to the death penalty.²⁵⁴ 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.²⁵⁵ There are widespread complaints that judges often appear to have made a determination of guilt prior to conducting a trial.²⁵⁶ Corruption is common in the courts, including among judges, though more commonly in civil than criminal cases.²⁵⁷ DFAT advises that corruption is common in the courts, that court outcomes may effectively become 'auctions' of who pays a higher bribe; while more common in civil cases, criminal judges also take bribes which may affect the outcome (sentences and verdicts).²⁵⁸ 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.²⁵⁹

Corruption

Public administration corruption remains widespread, though at declining levels. Transparency International rated Vietnam equal 87th of 180 countries in its *Corruptions Perception Index 2021*, an improvement from previous years (104th in 2020).²⁶⁰ Both Transparency International figures and Vietnamese media report that public perceptions of corruption levels are falling, but that corruption remains a key concern of everyday Vietnamese people.²⁶¹ The UNDP's 2021 assessment of provincial governance and public administration performance found that 'while overall levels of corruption remain substantial, citizens were less likely in 2020, compared to 2019, to see bribes as necessary to secure public services or public sector employment'.²⁶² The UNDP also found that personal relationships have become less important as a means of accessing public services in all provinces, implying that local governments may have paid greater attention to the fair recruitment of state employees.²⁶³

Authorities have demonstrated a willingness to tackle corruption, if unevenly, and sometimes for political reasons. As Freedom House recognise, CPV and government leaders have acknowledged growing public discontent with corruption, leading to an increase in corruption-related arrests in recent years.²⁶⁴ In 2019 for example, the government reported that it had disciplined over 53,000 officials and other party members for graft.²⁶⁵ Despite such efforts, in its 2021 country report on Vietnam, the USDOS noted that the government did not implement relevant anti-corruption laws effectively, with officials engaging in corrupt practices with impunity.²⁶⁶ Freedom House wrote that

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.14, 20190917095808; 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p. 41, 20191213145121

²⁵⁵ 'Country Reports on Human Rights Practice for 2020 – Vietnam', US Department of State, 30 March 2021, 1E, 20210331114522

²⁵⁶ 'Country Reports on Human Rights Practice for 2020 – Vietnam', US Department of State, 30 March 2021, 1E, 20210331114522

²⁵⁷ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.5.7, p.30, 20220111094403

²⁵⁸ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.5.7, p.30, 20220111094403

²⁵⁹ 'Country Reports on Human Rights Practice for 2020 – Vietnam', US Department of State, 30 March 2021, 1E, 20210331114522

²⁶⁰ 'Corruption Perceptions Index 2021', Transparency International, 25 January 2022, p.3, 20220125192959

²⁶¹ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.2.11, p.8, 20220111094403

²⁶² 'The Viet Nam Provincial Governance and Public Administration Performance Index: Measuring Citizens Experiences, 2021.', United Nations Development Program (UNDP), 14 April 2021, p.xiii, 20210720160328

²⁶³ 'The Viet Nam Provincial Governance and Public Administration Performance Index: Measuring Citizens Experiences, 2021.', United Nations Development Program (UNDP), 14 April 2021, p.xviii, 20210720160328

²⁶⁴ 'Freedom in the World 2021: Vietnam', Freedom House, 3 March 2021, C2, 20210513113317

²⁶⁵ 'Freedom in the World 2021: Vietnam', Freedom House, 3 March 2021, C2, 20210513113317

²⁶⁶ 'Country Reports on Human Rights Practice for 2020 - Vietnam', US Department of State, 30 March 2021, Sect.4, 20210331114522

despite the 2019 crackdown, enforcement of anticorruption laws is generally selective and often linked to political rivalries.²⁶⁷ Key areas of ongoing corruption include land transfers, and the financial, banking, natural resource mining, and public investment sectors.²⁶⁸

Loan Sharks

Loan sharks charging illegal rates of interest are prevalent throughout Vietnam. Illegal moneylending is widespread in Vietnam, is not necessarily hidden, and may be facilitated by ostensibly legitimate moneylending or pawnshop businesses, online advertising in social media or simply posters in the streets.²⁶⁹ In 2018, authorities detected nearly four thousand business establishments operating in 'black credit' (the authorities' term for illegal moneylending),²⁷⁰ while in 2020 investigators reported around 210 loan-shark rings operating across the country.²⁷¹ Sources indicate that the demand for illegal or unscrupulous moneylenders has increased due to the economic contraction and financial stress associated with Covid.²⁷² For example, the number of black credit cases dealt with by the Ministry of Public Security increased by 700 percent in the first six months of 2020 compared with the same period in 2019.²⁷³ Black credit reportedly accounts for 6-8 percent of total outstanding loans of Vietnam's national economy.²⁷⁴ Sources published during the Covid period indicate that lenders are charging exorbitant interest rates of 300-1,600 percent per annum, beyond the legally stipulated ceiling of 20 per cent.²⁷⁵

Authorities have recognised the seriousness of illegal moneylending and demonstrated a willingness to tackle the activities of illegal moneylenders and loan sharks. The Ministry of Public Security (MPS) told a UK Fact Finding Mission (FFM) in 2019 that due to the seriousness of the nature of the crime of 'black credit', and other crimes related to it, the government had directed MPS to control the issue.²⁷⁶ As such, MPS was reported to have launched campaigns to suppress crimes relating to black credit in 2021,²⁷⁷ having previously increased investigations into illegal moneylenders in recent years through the establishment of dedicated police units in some provinces.²⁷⁸ While authorities have demonstrated a willingness to tackle illegal moneylending,²⁷⁹ they have had difficulty prosecuting loan sharks for charging illegal rates of interest as these are rarely

²⁶⁷ 'Freedom in the World 2021: Vietnam', Freedom House, 3 March 2021, C2, 20210513113317

²⁶⁸ 'Country Reports on Human Rights Practice for 2020 - Vietnam', US Department of State, 30 March 2021, Sect.4, 20210331114522

²⁶⁹ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.3.102, p.25, 20220111094403

²⁷⁰ '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

²⁷¹ 'Chinese loan sharks charging extortionate interest jailed', VNExpress, 19 August 2020, 20200819153543

²⁷² 'Black credit leading people to dead end, with no escape from debt', VietnamNet, 12 November 2020, 20210722142443; 'Vietnam lenders adopt loan shark tactics', Southeast Asia Globe, 18 November 2021, 20211201091809

²⁷³ 'Black credit leading people to dead end, with no escape from debt', VietnamNet, 12 November 2020, 20210722142443

²⁷⁴ 'Black credit leading people to dead end, with no escape from debt', VietnamNet, 12 November 2020, 20210722142443

²⁷⁵ 'Black credit leading people to dead end, with no escape from debt', VietnamNet, 12 November 2020, 20210722142443

²⁷⁶ '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

²⁷⁷ 'Anti-corruption efforts make progress', Viet Nam News, 22 January 2020, 20200122151457

²⁷⁸ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.16, 20191213145121

²⁷⁹ '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

documented on loan papers, given the prevalence of online and digital apps as preferred mechanisms of transacting with customers.²⁸⁰

Authorities have used law enforcement to break up the activities of criminal gangs involved in loan sharking and issued directives instructing financial institutions to assist people in debt.

According to local media reporting, from April 2019 to April 2020, police discovered 1,152 cases and 2,423 subjects related to black credit, prosecuting around 1,400 defendants in 600 cases, and fining a further 900 people in 382 cases.²⁸¹ Authorities have also targeted loan shark gangs, leading to the arrests of thousands of gang members since 2016.²⁸² The Ministry of Public Security investigated 210 loan shark rings in 2019 alone, believed to have been operated by more than 2,000 people.²⁸³ Throughout 2020, authorities issues directives and circulars calling for credit institutions to ease debt requirements for people effected by Covid-19, including waiving or reducing interest rates; the directives were however not legally binding and it is unclear how many institutions complied with them.²⁸⁴

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.²⁸⁵ 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.²⁸⁶ 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.²⁸⁷ Despite such efforts, a study from the World Bank showed that 75 percent of Vietnamese cannot access official financial services though having demand for such products.²⁸⁸

Consequences of non-payment of loans range from harassment to (less-frequently) violence.

Authorities advised the UK FFM that late payment of loans could result in lenders hiring external gangs to carry out debt collection through the use of threats, 'psychological terrorization' such as throwing dirt, sending funeral wreaths/coffins, destroying property, injury or humiliation and causing trouble at residences or the work place.²⁸⁹ Media reported that lenders' activities of harassment included seizing borrowers' assets, entering their homes to watch TV and play loud music, blocking their entrances and iCloud accounts, throwing rotten eggs at their children on their way to school, mailing them obituary notices, and in rare cases, kidnapping and torture.²⁹⁰ The DFAT country

²⁸⁰ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.3.103, p.25, 20220111094403; 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;

²⁸¹ 'Black credit leading people to dead end, with no escape from debt', VietnamNet, 12 November 2020, 20210722142443

²⁸² 'Specialist police unit set up to target loan sharks in Binh Thuan', VietNamNet Bridge, 8 August 2018, CIS7B839419866; '99 years in prison granted to black credit gang', Viet Nam News, 19 February 2020, 20200220083955

²⁸³ 'Vietnam lenders adopt loan shark tactics', Southeast Asia Globe, 18 November 2021, 20211201091809

²⁸⁴ 'Vietnam lenders adopt loan shark tactics', Southeast Asia Globe, 18 November 2021, 20211201091809

²⁸⁵ 'Loan sharks cleaning up ahead of Tet holiday', VietNamNet Bridge, 16 January 2017, CXC9040669853

²⁸⁶ '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

²⁸⁷ '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

²⁸⁸ 'Black credit leading people to dead end, with no escape from debt', VietnamNet, 12 November 2020, 20210722142443

²⁸⁹ '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

²⁹⁰ 'Commentary: Thugs with strong-arm debt collection tactics? Vietnam's misunderstood informal credit sector', Nicolas Lainez, Channel News Asia, 27 October 2019, 20200609164355

information report states that the potential for retaliation for unpaid debt exists and can take different forms, ranging from harassment and public embarrassment to violence.²⁹¹ These actions might be carried out by hired thugs contracted by creditors, and members of families might also face harassment, threats or violence for family members' unpaid debts.²⁹² Some sources suggest that loan sharks may be able to track people throughout the country, particularly if the loan source is a gang,²⁹³ and sometimes with the cooperation of the police.²⁹⁴

Crime

Vietnam has relatively low violent crime rates. Violent crime rates in Vietnam are relatively low, with very little gun or knife crime.²⁹⁵ 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,²⁹⁶ a rate of 1.8 deaths per 100,000 population.²⁹⁷ 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.²⁹⁸ The UNDP's *Public Administration Performance Index (PAPI)* for 2020 found that 9.05 per cent of over 14,000 respondents indicated that they had been a victim of crime, while respondents indicated scores of 2.34 and 2.05 (on a scale of 1-3, three being the highest) on the perceived safety of walking around in the day and at night-time respectively.²⁹⁹

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, organ trafficking, prostitution, human trafficking, and the production, supply, distribution and import/export of illicit drugs.³⁰⁰ 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.³⁰¹

Police corruption may hinder internal relocation for a person fleeing a criminal gang. 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

²⁹¹ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.3.104, p.25, 20220111094403

²⁹² 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.3.104, pp.25-26, 20220111094403

²⁹³ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.3.106, p.26, 20220111094403

²⁹⁴ '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

²⁹⁵ '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

²⁹⁶ 'The Small Arms Survey Database on Violent Deaths, 2018', Small Arms Survey, March 2020, 20200507101415

²⁹⁷ 'The Small Arms Survey Database on Violent Deaths, 2018', Small Arms Survey, March 2020, 20200507101415

²⁹⁸ 'The Small Arms Survey Database on Violent Deaths, 2018', Small Arms Survey, March 2020, 20200507101415

²⁹⁹ 'The Viet Nam Provincial Governance and Public Administration Performance Index: Measuring Citizens Experiences, 2021.', United Nations Development Program (UNDP), 14 April 2021, p.102, 20210720160328

³⁰⁰ '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, 11 January 2022, paras.3.91, 3.106, pp.24, 26, 20220111094403

³⁰¹ '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), 9 March 2020, 20200505210105

provide the relevant information. Police at the village level are aware of who lives in their area and who is registered there.³⁰²

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 aims to become a high-income nation by 2045.³⁰³ Economic growth has been equitable, leading to a dramatic reduction in poverty and improved social outcomes.³⁰⁴ For example, between 2002 and 2018, poverty rates declined sharply from over 70 per cent to below 6 per cent.³⁰⁵ The unemployment rate has averaged 2.33 per cent from 1998 until 2019,³⁰⁶ but rose to 3.72 percent in the third quarter of 2021 amidst ongoing affects from the Covid pandemic.³⁰⁷ Women and low-skilled workers were particularly affected by the pandemic with many losing their jobs.³⁰⁸ Formal unemployment occurs within a context of high informal employment – up to 76 per cent according to the World Bank.³⁰⁹ The UNDP's Human Development Index ranked Vietnam 117 out of 189 countries in 2019, and 65 out of 162 countries in the same year on the Gender Inequality Index.³¹⁰

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.³¹¹ Modest old age and unemployment benefits exist.³¹² 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.³¹³ Social benefits for people in

³⁰² '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

³⁰³ '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

³⁰⁴ 'The World Bank in Vietnam', The World Bank, 5 October 2018, p.1, 20190326130544

³⁰⁵ '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

³⁰⁶ 'Vietnam Unemployment Rate 1998-2019', Trading Economics, June 2020, 20200619115555

³⁰⁷ 'Vietnam Unemployment Rate', Trading Economics, 2022, 20220131141958

³⁰⁸ ³⁰⁸ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.2.6, p.8, 20220111094403

³⁰⁹ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.2.6, p.8, 20220111094403

³¹⁰ 'Human Development Report 2020: The next frontier: Human development and the Anthropocene', United Nations Development Program (UNDP), 15 December 2020, pp.2,6, 20210219162633

³¹¹ '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

³¹² '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

³¹³ '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

poverty don't kick in until the age of 60, and are below subsistence level.³¹⁴ In Vietnam, adult children typically provide care and support to elderly or sick parents.³¹⁵

Amid escalating Covid case numbers from mid-2021 onwards, Vietnam's economy has remained resilient. After initially handling the virus with success and high-levels of societal satisfaction,³¹⁶ case numbers began to rise in mid-2021 – current numbers have been running at around 15-30 thousand cases per day throughout late 2021/early 2022.³¹⁷ Around 60 per cent of the population is fully vaccinated as of January 2022.³¹⁸ While some sources describe authorities' response to outbreaks as swift and proactive, imposing restrictions where needed,³¹⁹ others focus on rights abuses associated with response measures. HRW for example states that law enforcement violated rights by using excessive force to make people undergo compulsory Covid-19 tests and quarantine, and in enforcing compliance with the lockdown.³²⁰ According to HRW, authorities provided inadequate pandemic relief, with many people, especially migrant and freelance workers, forced to rely on help from community networks, both for food and medical services.³²¹ Vietnam's economy has remained resilient throughout the pandemic; in late 2021 authorities announced that Vietnam's GDP grew by an estimated 2.6 percent in 2021.³²²

Household Registration System

Household registration booklets are being phased out in Vietnam, replaced by personal ID cards linked to a digitised national data register. According to local news sources, Vietnam's National Assembly agreed to remove household registration books by 2023 and replace them with an online database of citizens' information.³²³ The decision was part of the revised law on residency, which was approved by the National Assembly in late 2020.³²⁴ Although the law was set to take effect from July 2021, people in Vietnam are allowed to continue using their books until the end of 2022.³²⁵ DFAT states in its January 2022 Vietnam country report that it understood that physical household registration books are no longer issued and have been replaced by information held in a national

³¹⁴ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.2.8, p.8, 20220111094403

³¹⁵ '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

³¹⁶ 'Human Rights Watch World Report 2022', Human Rights Watch (HRW), 13 January 2022, p.742, 20220114100636; 'Information received from Viet Nam on follow-up to the concluding observations on its third periodic report', UN Human Rights Committee, 8 April 2021, para.5, p.2, 20220117120318

³¹⁷ 'Southeast Asia Covid-19 Tracker', Centre for Strategic and International Studies (CSIS), 19 January 2022, 20220119110845

³¹⁸ 'Southeast Asia Covid-19 Tracker', Centre for Strategic and International Studies (CSIS), 19 January 2022, 20220119110845

³¹⁹ 'Weekly Southeast Asia Covid-19 Tracker Update - 3 February 2021', Centre for Strategic and International Studies (CSIS), 15 February 2021, 20210215105957

³²⁰ 'Human Rights Watch World Report 2022', Human Rights Watch (HRW), 13 January 2022, p.742, 20220114100636

³²¹ 'Human Rights Watch World Report 2022', Human Rights Watch (HRW), 13 January 2022, p.742, 20220114100636

³²² 'Southeast Asia Covid-19 Tracker', Center for Strategic and International Studies, 5 January 2022, 20220107122434

³²³ 'Vietnam to discard household registration books in 2023', Tuoi Tre Online, 17 November 2020, 20210217141611

³²⁴ 'Vietnam to discard household registration books in 2023', Tuoi Tre Online, 17 November 2020, 20210217141611

³²⁵ 'Vietnam to discard household registration books in 2023', Tuoi Tre Online, 17 November 2020, 20210217141611

database linked to a person's Citizen Identification Card.³²⁶ New cards associated with the national database will be fitted with an electronic chip and a 12-digit personal identification number (PIN) which will remain with an individual throughout their life.³²⁷ 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.³²⁸

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. DFAT is unaware of any cases of relevant legal provisions being used against failed asylum seekers returned from Australia.³²⁹ According to DFAT's 2019 country report for Vietnam, 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.³³⁰ DFAT's 2022 Vietnam country report suggests that authorities on occasion question returnees from Australia upon their arrival in Vietnam, with interviews generally taking between one to two hours and conducted to obtain information about the facilitation of any illegal movement on their part.³³¹ DFAT is unaware of any cases in which returnees from Australia have been held overnight for such purposes.³³² 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'.³³³

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.³³⁴ All individuals involved in people smuggling operations however, whether as organisers or travellers, are typically

³²⁶ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.5.4, p.34, 20220111094403

³²⁷ 'Vietnam: Pass og underlagsdokumenter (Vietnam: Passports and Supporting Documents)', Landinfo, 9 November 2020, p.4, 20201113101704

³²⁸ '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)

³²⁹ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.5.29, p.33, 20220111094403

³³⁰ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.43, 20191213145121

³³¹ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.5.31, p.33, 20220111094403

³³² 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.5.29, p.33, 20220111094403

³³³ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.43, 20191213145121

³³⁴ 'DFAT Country Information Report Vietnam', Department of Foreign Affairs and Trade, 13 December 2019, p.44, 20191213145121

held by authorities for questioning to determine their involvement in operations.³³⁵ Sources described to DFAT cases where people have been detained for multiple days or recalled for further questioning.³³⁶ DFAT understands that would-be migrants who have employed the services of people smugglers at worst only face an administrative fine, including in cases of multiple illegal departures.³³⁷

Activists who return to Vietnam may face ongoing monitoring from authorities. According to DFAT the Vietnamese Government imposes limits on entry and exit for political activists and Government critics through refusing to issue passports.³³⁸ The UK Home Office understands that activists who return to Vietnam after seeking asylum overseas may face monitoring, with high-level activists facing more monitoring than low-level activists.³³⁹ People of particular interest to authorities may be required to have regular conversations or 'catch ups' with officials.³⁴⁰ 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 2019.³⁴¹ Freedom House indicates that activists living outside of Vietnam have had their Facebook accounts suspended for 'violating the platform's community standards', or have been targets of systematic cyberattacks, indicating a level of surveillance of their activities by Vietnamese authorities while abroad.³⁴²

Relocating or leaving the country

Internal relocation is common, despite the requirement to register in one's new location. The DFAT country information report states that while police maintain a close watch over relocation, with citizens staying even one night away from their homes required to register with local police, internal relocation is nonetheless common.³⁴³ The USDOS infer that the household registration system is not enforced uniformly, stating that 'it is less intrusive than in the past', enforced more strictly in some Central and Northern Highlands districts, and that individuals engaged in or suspected of engaging in unauthorized political activities may be monitored through the registration system more closely.³⁴⁴ DFAT acknowledge that in practice police do not strictly enforce laws regarding residence to the extent that it would prevent internal relocation, particularly from rural to urban areas, and consider it 'unlikely' that authorities would refuse a person's request to register in a new location.³⁴⁵ DFAT considers that those attempting to relocate to the major cities may experience bureaucratic difficulties, but that relocation to

³³⁵ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.5.30, p.33, 20220111094403

³³⁶ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.5.30, p.33, 20220111094403

³³⁷ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.5.30, p.33, 20220111094403

³³⁸ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.5.25, p.32, 20220111094403

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, p.31, 20190917095808

³⁴⁰ '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

³⁴¹ '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

³⁴² 'Freedom on the Net 2020 – Vietnam', Freedom House, 14 October 2020, Sect.B2, 20201026102433;

'Freedom on the Net 2021 - Vietnam', Freedom House, 21 September 2021, C8, 20210927103036

³⁴³ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.5.18, p.31, 20220111094403

³⁴⁴ 'Country Reports on Human Rights Practice for 2020 - Vietnam', US Department of State, 30 March 2021, Sects.1F, 2D, 20210331114522

³⁴⁵ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, para.5.19, p.31, 20220111094403

such locales is not impossible.³⁴⁶ NGO and academic sources informed a UKHO Fact-Finding Team that household registration is not a barrier to moving around the country and does not prevent free movement.³⁴⁷

Access to services for newly-registered internal relocates is uneven, and may be restricted for those who can't re-register. DFAT's country information report says that internal migrants might be entitled to basic social services when they relocate to big cities like Ho Chi Minh City and Hanoi, but local authorities may not apply these policies consistently.³⁴⁸ According to the same source without a local registration, access to services such as public education and healthcare becomes difficult; a local registration is required to access government services.³⁴⁹ For example, a child cannot be registered without household registration documents and an identity card.³⁵⁰ The UKHO was told by an academic source in 2019 that over the years more and more services have removed the requirement to have an official household registered in that area.³⁵¹ The UKHO, appearing to cite a UK Upper Tribunal case, stated in 2020 that women, especially single women with no support networks, were more likely to be subject to destitution than men, although this may be mitigated by the existence of shelters and assistance available from government and civil society organisations.³⁵²

³⁴⁶ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, paras.5.21-5.22, pp.31-32, 20220111094403

³⁴⁷ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, para.4.14, p.16, 20190917095808

³⁴⁸ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, paras.5.22, p.32, 20220111094403

³⁴⁹ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, paras.5.23, p.32, 20220111094403

³⁵⁰ 'DFAT Country Information Report: Vietnam', Department of Foreign Affairs and Trade, 11 January 2022, paras.5.23, p.32, 20220111094403

³⁵¹ 'Report of a Home Office fact-finding mission to Vietnam - Conducted between 23 February and 1st March 2019', UK Home Office, 9 September 2019, para.4.13, p.16, 20190917095808

³⁵² 'Country Policy and Information Note: Vietnam: Victims of trafficking', UK Home Office, 21 April 2020, para.2.6.4, p.11, 20200501092155