

# VIETNAM 2013 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Socialist Republic of Vietnam is an authoritarian state ruled by a single party, the Communist Party of Vietnam (CPV), led by General Secretary Nguyen Phu Trong, Prime Minister Nguyen Tan Dung, and President Truong Tan Sang. The most recent National Assembly elections, held in 2011, were neither free nor fair. Authorities maintained effective control over the security forces. Security forces committed human rights abuses.

The most significant human rights problems in the country continued to be severe government restrictions on citizens' political rights, particularly their right to change their government; increased measures to limit citizens' civil liberties; and corruption in the judicial system and police.

Specific human rights abuses included continued police mistreatment of suspects during arrest and detention, including the use of lethal force as well as austere prison conditions; arbitrary arrest and detention for political activities; and denial of the right to a fair and expeditious trial. Political influence, endemic corruption, and inefficiency continued to distort the judicial system significantly. The government limited freedoms of speech and press and suppressed dissent; increasingly restricted internet freedom; reportedly continued to be involved in attacks against websites containing criticism; maintained surveillance of dissidents; and continued to limit privacy rights and freedoms of assembly, association, and movement. Although authorities allowed more than 100 new places of worship to register, hundreds of others remained unable to register, and citizens who tried to exercise their right to freedom of religion continued to be subject to harassment, differing interpretations and applications of the law, and inconsistent legal protection, especially at provincial and village levels. Police corruption persisted. The government maintained its prohibition of independent human rights organizations. Violence and discrimination against women as well as trafficking in persons of men, women, and children continued, as did gender-based sex selection and sexual exploitation of children. Although societal discrimination based on ethnicity, sexual orientation, gender identity, and HIV/AIDS status persisted, a lively public debate about lesbian, gay, bisexual, and transgender (LGBT) rights took place, and LGBT persons were generally tolerated. The government maintained limits on workers' rights to form and join independent unions and did not enforce safe and healthy working conditions adequately. Child labor persisted.

The government inconsistently took steps to prosecute and punish officials who committed abuses, and police officers sometimes acted with impunity.

## **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

### **a. Arbitrary or Unlawful Deprivation of Life**

Although details were not always available, there were reports indicating that the government or its agents committed arbitrary or unlawful killings, including reports of nine deaths of persons in custody during the year as well as abuses of lethal force. The Bureau of Investigation of the Supreme People's Procuracy examines allegations of abuse by security forces.

On January 29, Nguyen Quoc Tuan died in police custody in Gia Lai Province after two months' detention for alleged theft. Tuan's family challenged the authorities' ruling of death by natural causes, pointing to significant bruising and wounds on Tuan's body. There was no further public information on Tuan's death or the family's request for an investigation.

According to official reports, Tran Van Hien died of brain injury on April 11, after police took him into custody in Binh Tan District. Ho Chi Minh City, after he threatened to film traffic police as they seized his motorbike. Police officers Le Thanh Bang and Le Van Tong later confessed that they beat him. The case remained under police investigation as of November.

### **b. Disappearance**

There was one new report of a politically motivated disappearance: On August 21, police reportedly detained blogger Nguyen Van Dung, also known as Aduku Adk, on a street in downtown Hanoi after he participated in a meeting of the politically oriented "Network of Vietnamese Bloggers." Shortly after his detention, local police searched his house. At year's end, his whereabouts were unknown, and authorities had not filed official charges.

There continued to be no information on the whereabouts of both Thich Tri Khai, a monk from the unregistered Unified Buddhist Church of Vietnam whom authorities arrested in 2008, and Le Tri Tue, a founder of the Independent Workers' Union whom authorities placed in custody in 2007.

On January 28, the UN Working Group on Enforced or Involuntary Disappearances reported that it resubmitted a query regarding the one outstanding case that it had on record but received no response from the government.

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

The law prohibits physical abuse, but police commonly mistreated suspects during arrest or detention, and drug detention-center personnel abused detainees as well. Security officials attacked journalists (see section 2.a.). The government signed the Convention Against Torture on November 7.

There were reports of medical abuse during the year. On January 24, security officers detained blogger Le Anh Hung in a mental institution against his will. He was released on February 5. He had frequently denounced corruption by senior officials in his blogs.

In May blogger Nguyen Hoang Vi, her sister Nguyen Thao Chi, and her mother Nguyen Thi Cuc alleged that police harassed and beat them when they tried to recover a cell phone and computer that police confiscated from Nguyen Hoang Vi the day before.

Land-rights protesters in Hanoi, Ho Chi Minh City, Da Nang, and several provinces in the Mekong Delta continued to report instances of physical harassment and intimidation by local authorities. For example, on September 17, land-rights demonstrators claimed that police and local authorities in Ho Chi Minh City pushed them into the street and injured them in front of a government office building. (Most incidents between local authorities and ethnic minorities involved land, money, or domestic disputes.)

In May the People's Procuracy of Tuy Hoa City found Major Nguyen Minh Quyen, Major Nguyen Tan Quang, Senior Lieutenant Pham Ngoc Man, and police officers Nguyen Than Thao Thanh and Do Nho guilty of using corporal punishment during the interrogation of Ngo Thanh Kieu, who was detained on burglary charges in May 2012. Ngo died from his injuries. The procuracy recommended disciplinary action for 10 other police officers of Tuy Hoa City, including Senior Lieutenant Colonel Le Duc Hoa. The case was pending trial.

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

Prison conditions were austere but generally not life threatening. Overcrowding, insufficient diet, lack of access to potable water, and poor sanitation remained serious problems. State control of the media restricted reporting on living conditions.

Physical Conditions: The number of prisoners and detainees was not publicly available, but the nongovernmental organization (NGO) International Center for Prison Studies reported that the prison population as of mid-2012, including pretrial detainees, totaled 130,180, of whom 12.6 percent were women. Authorities generally hold men and women separately, with some reported exceptions in local detention centers where space is often limited. Authorities generally held juveniles in prison separately from adults, but on rare occasions, they held juveniles in detention with adults for short periods due to the unavailability of space.

Authorities typically sent political prisoners to specially designated prisons that also held regular criminals and, in most cases, kept political prisoners separate from nonpolitical prisoners. Authorities completely isolated some high-profile political prisoners.

Prisoners had access to basic health care, although in many cases officials prevented family members from providing medication to prisoners. In addition, family members of imprisoned activists who experienced health problems claimed medical treatment was inadequate and resulted in greater long-term health complications. In June Cu Huy Ha Vu refused to accept prison food in protest over prison conditions, which included the complaint that conditions had exacerbated his chronic heart condition. In September Dinh Dang Dinh, a high school teacher in Dak Nong Province arrested for his online postings in 2011 and sentenced to six years' imprisonment in August 2012, was allowed to have stomach cancer surgery in Ho Chi Minh City after a long and extensive application process for appropriate medical treatment.

Deaths in prison were mostly related to serious health conditions, exacerbated by poor or delayed medical care, poor sanitation, and malnutrition. Some family members of prisoners alleged that death resulted from lethal force by authorities (see section 1.a.).

Prisoners generally were required to work but received no wages. Authorities sometimes placed prisoners in solitary confinement and deprived them of reading and writing materials for periods of up to several months. Family members

continued to make credible claims that prisoners received benefits by paying bribes to prison officials or undertaking hunger strikes.

Administration: While prison sentences could be extremely lengthy, authorities did not force prisoners to serve beyond the maximum sentence for their charged offenses. There were no prison ombudsmen and no consideration of alternatives to incarceration for nonviolent offenders. Prison administrators did not keep adequate records, and at times statistics were contradictory.

Authorities limited prisoners to one 30-minute family visit per month and generally permitted family members to give supplemental food and bedding to prisoners. Family members of political prisoners continued to report increased government surveillance and harassment by security officials as well as interference with their work, school, and financial activities. In addition, authorities generally prevented foreign diplomats from meeting with prisoners but did allow foreign diplomats to make one limited prison visit during the year to meet with one prominent prisoner.

Authorities routinely transferred prisoners, making it difficult for family members to visit. In February police transferred Nguyen Van Hai (also known by his pen name, Dieu Cay) to a prison in Ba Ria-Vung, Tau Province, without informing his family. Hai claimed that prison authorities forced him to give up all personal belongings, including newspapers, books, notebooks, and pens, and locked him in isolation for more than two months. In April authorities transferred Hai to a prison in Nghe An Province and placed him in solitary confinement, after which he began a hunger strike.

In May authorities transferred Ta Phong Tan, a 2013 International Women of Courage Award winner serving a 10-year prison sentence for antistate propaganda (Article 88), from a prison in Dong Nai Province to one in Thanh Hoa Province. She claimed the transfer would exacerbate her health conditions.

Independent Monitoring: Although permitted, the International Committee of the Red Cross neither requested nor carried out prison visits during the year.

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

The law allows the government to detain persons without charge indefinitely under vague “national security” provisions. The government continued to arrest and detain individuals indefinitely under other legal provisions and subjected several activists throughout the country to administrative detention or house arrest.

## **Role of the Police and Security Apparatus**

Internal security is the responsibility of the Ministry of Public Security, although in some remote areas, the military is the primary government agency and performs public safety functions, including maintaining public order in the event of civil unrest. The ministry controls the police, a special national security investigative agency, and other internal security units.

Police organizations exist at the provincial, district, and local levels and are subject to the authority of people's committees at each level. Although the Supreme People's Procuracy (Public Prosecutor's Office) has authority to investigate security force abuse, police organizations operated with significant discretion and little transparency. At the commune level, guard forces composed of residents commonly assisted police. Police were generally effective at maintaining public order, but police capabilities, especially investigative, were very limited, and training and resources were inadequate. Several foreign governments continued to assist in training provincial police and prison management officials to improve their professional skills.

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

The law outlines the process by which individuals should be taken into custody and treated until authorities adjudicate their cases. The Supreme People's Procuracy issues arrest warrants, generally at the request of police, although police may make an arrest without a warrant based on a complaint filed by any person. The procuracy issues retroactive warrants in such cases. The procuracy must issue a decision to initiate a formal criminal investigation of a detainee within nine days; otherwise, police must release the suspect. Authorities often circumvented the nine-day regulation and did not consistently inform detainees of the charges against them in a timely manner.

By law, detainees are permitted access to lawyers from the time of their detention; however, authorities continued their use of bureaucratic delays to deny access to legal counsel. In cases investigated under national security laws, authorities prohibited defense lawyers' access to clients until after an investigation ended and the suspect was formally charged with a crime, most often after approximately four months. Under regulations, investigations may be continued and access to counsel denied for more than two years. In addition, a scarcity of trained lawyers and insufficient protection of defendant rights made prompt detainee access to an

attorney rare. Only juveniles and persons formally charged with capital crimes were assigned lawyers.

The law requires authorities to inform defense attorneys of interrogations of their clients and allow them to attend, but a defendant first must request the presence of a lawyer. It remained unclear whether authorities always informed defendants of this right. The law also requires authorities to give defense attorneys access to case files and permit them to copy documents. Attorneys were sometimes able to exercise these rights, although those representing politically sensitive detainees reported an inability to carry out their responsibilities to their clients and exercise their rights under the law.

Police generally informed families of detainees' whereabouts, but family members could visit a detainee only with the permission of the investigator, and this permission was not regularly granted. During the investigative period, authorities routinely denied detainees access to family members, especially in national security cases. Before a formal indictment, detainees have the right to notify family members, although a number of detainees suspected of national security violations were held incommunicado. Time spent in pretrial detention counts toward time served upon conviction and sentencing.

Courts may sentence persons to administrative detention of up to five years after completion of a sentence. In addition, police or certain state-sponsored social organizations referred to as "mass organizations" may propose that one of five different "administrative measures" be imposed by people's committee chairs at district and provincial levels without trial. The measures include terms ranging from six to 24 months in either juvenile reformatories or adult detention centers. Authorities generally applied such measures to repeat offenders with a record of minor offenses, such as committing petty theft or "humiliating other persons." Terms of 24 months were standard for drug users and prostitutes. Individuals sentenced to detention facilities were forced to meet work quotas to pay for services and detention costs. Committee chairs may also impose terms of "administrative probation," which generally took the form of restriction on movement. Authorities continued to punish some individuals using vaguely worded national security provisions of law.

Many detainees, especially those held on national security charges, reported irregular access to legal counsel, and limited access to materials and information that would assist in the preparation of their legal defense, including the Penal Code itself.

There is no functioning bail system or equivalent system of conditional release.

Arbitrary Arrest: Arbitrary arrest and detention, particularly for political activists, remained a problem. The government also used decrees, ordinances, and other measures to detain activists for the peaceful expression of opposing political views (see section 2.a.).

Authorities arrested individuals on allegations of revealing state secrets, subversion, taking advantage of democratic freedoms to infringe upon the government's interest, and other crimes as a means to suppress political dissent and public advocacy.

The government reported in early 2012 (the most recent data available) that more than 43,000 drug users--the large majority of whom were administratively assigned to forced detoxification without judicial review--were living in the 121 drug-detention centers countrywide. At these centers, according to a 2011 NGO report, authorities allegedly forced individuals to perform menial work under harsh conditions and mistreated them (see section 7.b.).

The Law on Handling of Administrative Violations passed in June 2012 became effective July 1, except for some provisions related to the handling of cases by the people's courts, which were scheduled to come into effect January 1, 2014. The law outlines new judicial procedures to replace the system of administrative detention with a judicial process for committing individuals to forced detoxification centers. Following the issuance of this law, the Ministry of Justice organized conferences, workshops, and training on its implementation. As of October, the Ministry of Justice reported that it was drafting 26 decrees to implement the law. By year's end, legal provisions providing for due process had not been implemented.

On May 21, police briefly detained bloggers Nguyen Ngoc Nhu Quynh (aka Me Nam Gau), Nguyen Tien Nam (aka Binh Nhi), and Pham Van Hai (aka Sea Free) after they distributed copies of the Universal Declaration of Human Rights (UDHR) and balloons with human rights logos in Nha Trang.

Authorities also subjected religious and political activists to varying degrees of informal detention in their residences. According to widespread independent reports, Ho Chi Minh City and Hanoi police continued to monitor prominent

activists Nguyen Dan Que, Nguyen Bac Truyen, Bui Thi Minh Hang, Nguyen Van Dai, Pham Hong Son, and Le Cong Dinh.

Pretrial Detention: The investigative period typically lasted from three months for less serious offenses (punishable by up to three years' imprisonment), to 16 months for exceptionally serious offenses (punishable by more than 15 years' imprisonment or capital punishment), and to more than two years for national security cases. At times, however, investigations lasted indefinitely. By law, the procuracy may also request additional two-month periods of detention after completing an investigation to consider whether to prosecute a detainee or ask police to investigate further. Investigators sometimes continued to use physical abuse, isolation, excessively lengthy interrogation sessions, and sleep deprivation to compel detainees to confess.

On October 2, a Hanoi court convicted Le Quoc Quan, a businessman and human rights lawyer whom police arrested and detained in December 2012 without trial, on charges of tax evasion and sentenced him to 30 months in jail, together with a fine of 1.2 billion Vietnamese dong (VND) (\$56,800). The court also ordered his company, Vietnam Solution, to pay the allegedly evaded taxes.

Amnesty: In its traditional National Day amnesty, the government announced the release of more than 15,000 prisoners nationwide, including 16 foreigners. Four individuals convicted on national security-related charges were among those released: Duong Duc Phong and Hoang Hung Quyen, who were convicted of spying; and Y Kon Nie and Y Huong Nie, who were jailed for "undermining the unity policy" (Article 87).

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

The law provides for the independence of judges and lay assessors, but the CPV controlled the courts at all levels through its effective control of judicial appointments and other mechanisms and in many cases, determined verdicts. As in past years, political influence, endemic corruption, and inefficiency strongly distorted the judicial system. Most, if not all, judges were members of the CPV and chosen at least in part for their political views. The party's influence was particularly notable in high-profile cases and other instances in which authorities charged a person with challenging or harming the party or state.

There continued to be a shortage of trained lawyers and judges. The Vietnam Bar Federation falls under the supervision of the CPV's Vietnam Fatherland Front

(VFF), an umbrella group that monitors the country's government-sponsored social organizations, and is closely coordinated with the Ministry of Justice and the Vietnam Lawyers Association.

### **Trial Procedures**

The constitution provides that citizens are innocent until proven guilty, although many lawyers complained that judges generally presumed guilt. Trials generally were open to the public, but in sensitive cases judges closed trials or strictly limited attendance. Juries are not used.

The public prosecutor brings charges against an accused person and serves as prosecutor during trials. Defendants have the right to be informed promptly and in detail of the charges levied against them, with free interpretation as necessary, but this was not always implemented. Defendants have the right to be present and have a lawyer at trial, although not necessarily the lawyer of their choice, and this right generally was upheld. Defendants unable to afford a lawyer generally were provided one only in cases involving a juvenile offender or with possible sentences of life imprisonment or capital punishment. Defense lawyers commonly had little time before trials to examine evidence against their clients. The defendant or defense lawyer has the right to cross-examine witnesses, but there were cases in which neither defendants nor their lawyers had access to government evidence in advance of the trial, cross-examined witnesses, or challenged statements.

Defendants have the right not to be compelled to confess guilt and the legal option to refrain from testifying. Investigators sometimes continued to use physical abuse, isolation, excessively lengthy interrogation sessions, and sleep deprivation to compel detainees to confess. In national security cases, judges occasionally silenced defense lawyers who were making arguments on behalf of their clients in court. Convicted persons have the right to appeal. District and provincial courts did not publish their proceedings, but the Supreme People's Court continued to publish the proceedings of all cases it reviewed.

There continued to be credible reports that authorities pressured defense lawyers not to take religious or democracy activists as clients. Authorities also restricted, harassed, arrested, disbarred, and, in some cases, detained human rights attorneys who represented political activists. Authorities prevented lawyers Le Tran Luat, Huynh Van Dong, Le Cong Dinh, and Nguyen Van Dai from practicing law.

### **Political Prisoners and Detainees**

There continued to be no precise estimates of the number of political prisoners, although the number increased during the year. The government reportedly held more than 120 political detainees at year's end, although some international observers claimed there were more. Diplomatic sources maintained that four re-education centers in the country held approximately 4,000 prisoners.

During the year the government sentenced 61 activists. Of those, 54 activists were convicted on national security charges, including 37 for "attempting to overthrow the government" (Article 79), eight for "undermining the unity policy" (Article 87), five for "conducting propaganda against the state" (Article 88), and, four for "fleeing abroad or defecting to stay overseas with a view to opposing the people's administration" (Article 91). In addition to those convicted on national security charges, seven activists were sentenced on different charges, including four for "causing public disorder" (Article 245), one for "resisting persons in the performance of their official duties" (Article 257), one for "abusing democratic freedoms," (Article 258); and one for "tax evasion" (Article 161).

Although authorities increased efforts to suppress political speech through arbitrary arrest and politically motivated convictions, authorities also increasingly used less traditional methods of harassment, including threats against individuals and family members, short-term detentions without charges, and surveillance.

For example, on May 16, the People's Court of southern Long An Province sentenced Nguyen Phuong Uyen to six years' and Dinh Nguyen Kha to eight years' imprisonment, plus three and two years' house arrest, respectively, for "conducting propaganda against the state" (Article 88). Authorities arrested them in November 2012 for allegedly creating and distributing anti-CPV and anti-China leaflets and for links to the political organization "Tuoi tre yeu nuoc" (Young Patriots). On August 16, the Appeals Court released Uyen, commuting her jail term to three years' house arrest. The court reduced Kha's sentence to four years' imprisonment. Following the August Appeals Court decision, security officials reportedly coerced Kha into admitting to having committed terrorist acts. According to the family, authorities dropped the investigation into those charges in November.

The government also detained and prosecuted ethnic minorities for a variety of antistate offenses. For example, on May 28, the Gia Lai Provincial People's Court sentenced eight ethnic minority Montagnards, who were affiliated with an unregistered Catholic church, to three to 11 years' imprisonment under Article 87.

According to the indictment presented by the Gia Lai Provincial People's Procuracy, the Montagnards organized individuals against plans to build a hydroelectric plant in Ha Mon and associated with the foreign-based Front Uni de Lutte des Races Opprimees (widely known as "FULRO") political organization. The eight persons were also found guilty of attempting to establish a "private state" for ethnic minority people in Gia Lai, Dak Lak, Kon Tum, and Lam Dong.

Authorities continued to detain and imprison other individuals who used the internet to publish ideas on human rights, government policies, and political pluralism (see section 2.a.).

Several political dissidents affiliated with illegal political organizations--including the People's Democratic Party, People's Action Party, Free Vietnam Organization, the Democratic Party of Vietnam, United Workers and Farmers Organization, and Bloc 8406-- remained in prison or under house arrest in various locations.

Authorities released some prominent political and religious activists from prison. On February 6, authorities released under a suspended sentence human rights lawyer Le Cong Dinh. He had been sentenced in 2010 to five years in prison and three years' house arrest for his defense of prodemocracy activists. He remained under house arrest at year's end.

### **Civil Judicial Procedures and Remedies**

There is no clear or effective mechanism for pursuing a civil action to redress or remedy abuses committed by authorities. Civil suits are heard by administrative, civil, and criminal courts, all of which follow the same procedures as in criminal cases, and are adjudicated by members of the same body of judges and lay assessors. All three levels continued to be subject to corruption, lack of independence, and inexperience.

By law, a citizen seeking to press a complaint regarding a human rights violation by a civil servant faces difficult barriers and is required first to petition the accused civil servant for permission to refer the complaint to court. If the civil servant refuses a petition, the citizen may appeal to the civil servant's superior. If the civil servant or the superior accepts the complaint for hearing, an administrative court takes up the matter. If that court agrees that the case should be pursued, it is referred either to a civil court for suits involving physical injury seeking redress of less than 20 percent of health-care costs resulting from the alleged abuse, or to a criminal court for redress of more than 20 percent of such costs. As a result of this

elaborate system of referral and permission, citizens had little effective recourse to civil or criminal judicial procedures to remedy human rights abuses, and few legal experts had relevant experience.

The government continued to prohibit class-action lawsuits against government ministries, thus rendering ineffective joint complaints from land-rights petitioners.

### **Property Restitution**

The law provides for compensation, housing, and job training for individuals displaced by development projects. Widespread complaints persisted of inadequate or delayed compensation, official corruption, and a general lack of transparency in the government's process of confiscating land and moving citizens to make way for infrastructure projects. Some members of ethnic minority groups in the Central and Northwest Highlands continued to complain that they did not receive proper compensation for land the government confiscated to develop large-scale, state-owned enterprises. In June the National Assembly postponed passage of the revised Land Law for further study.

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

The law prohibits arbitrary interference with privacy, family, home, or correspondence, but the government did not respect these prohibitions.

Public prosecutorial orders are required for forced entry into homes, although security forces seldom followed procedures to obtain such orders and instead asked permission to enter homes with an implied threat of repercussions for failure to cooperate. Political dissidents, including Truong Duy Nhat, Pham Viet Dao, and Dinh Nhat Uy, reported that police illegally removed personal computers, cell phones, and other material from their respective homes and/or offices.

On September 25, between 20 and 30 uniformed and plainclothes police entered the residence of blogger Nguyen Tuong Thuy in Hanoi without a legal warrant and detained nine individuals, including Nguyen Phuong Uyen, her mother, former prisoner Pham Ba Hai, Duong Thi Tan (Dieu Cay's former wife), Le Quoc Quyet (Le Quoc Quan's brother), and others. Several witnesses reported that Ministry of Public Security officials took the group to a Hanoi police station, interrogated them, and assaulted some. Police released the detainees within five hours. Both Nguyen Phuong Uyen and Le Quoc Quyet displayed noticeable facial bruising in the days after the incident.

During the year authorities occasionally physically prevented political activists and family members of political prisoners from meeting with foreign diplomats. Tactics included setting up barriers or guards outside diplomats' and activists' residences and calling individuals into local police stations for random and repetitive questioning. During the April visit of a senior foreign official who had traveled to the country to assess and discuss human rights conditions, the government detained one prominent activist and blocked the home of another. Consequently, the senior official was unable to meet with the activists as planned. Authorities again prevented another senior foreign official from meeting with one of the two activists in October.

Authorities continued to open and censor targeted persons' mail; confiscate packages and letters; and monitor telephone conversations, e-mail, text messages, blogs, and fax transmissions. The government continued cutting the telephone lines and interrupting the cell phone and internet services of a number of political activists and their family members.

The Ministry of Public Security maintains a system of household registration and block wardens to monitor the population. While this system was less intrusive than in the past, the Ministry of Public Security continued to monitor individuals suspected of engaging, or being likely to engage, in unauthorized political activities. Credible reports suggested that local police continued to use contract thugs and citizen brigades to harass and beat political activists and others, including religious worshippers, perceived as undesirable or a threat to public security. For example, on July 3, plainclothes individuals reportedly attacked the independent Cao Dai Vinh Long Temple in Tien Giang Province and injured 12 followers. Authorities continued to harass persons suspected of being involved in unauthorized political or religious activities.

The government continued to pursue a population and reproductive health strategy that set a target average number of children per couple (see section 6, Women).

Incidents of physical harassment, intimidation, and the questioning of family members by security authorities were reported in several locations, including but not limited to Hanoi, Ho Chi Minh City, and Nghe An Province. Le Quoc Quyet reported that plainclothes police attacked him on several occasions. Activist Bui Thi Minh Hang alleged that plainclothes police surrounded her residence for several days, and that police followed her and some family members and assaulted her son.

CPV membership remained a prerequisite to career advancement for all government and government-linked organizations and businesses. Nevertheless, economic diversification continued to make membership in the CPV and CPV-controlled mass organizations less essential to financial and social advancement.

During the year there were a number of land disputes and related demonstrations involving the government.

On September 11, in Thai Binh City, Dang Ngoc Viet killed local land official Vo Ngoc Dung, the deputy director of Thai Binh City's Land Fund Development Center, and injured four other officials at the municipal people's committee. He killed himself several hours later. The shooting allegedly occurred over a disagreement regarding compensation for site clearance.

On April 3, the Hai Phong People's Court in Tien Lang, Hai Phong, sentenced Doan Van Vuon to five years in prison. Along with several family members, the court found Doan guilty of planting mines and firing homemade guns at police. The charges stemmed from a January 2012 incident whereby authorities tried to evict the family from the land where they ran a shrimp business. On July 31, an appeals court upheld his conviction and sentence.

According to NGO sources, the high level of public concern over land tenure and its links to political and social stability led to widespread calls for revision of the 2003 Land Law. Citizens have acted to defend their land rights through both formal and informal methods. The number of complaints filed over land disputes has increased dramatically in the last decade, constituting 70 percent to 90 percent of all petitions and complaints. In the first 10 months of 2012, NGO sources reported that more than 97 percent of the 3,193 petitions to the government concerned land issues; only 1,106 received responses. The head of the Government Inspectorate, Huynh Phong Tranh, estimated during the year that there were at least 500 formal, unresolved land-dispute cases.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

Although the constitution and law provide for freedom of speech, including for members of the press, the government continued to use broad national security and antidefamation provisions to restrict these freedoms. The law defines the crimes of

“sabotaging the infrastructure of socialism,” “sowing divisions between religious and nonreligious people,” and “propagandizing against the state” as serious offenses against national security. It also expressly forbids “taking advantage of democratic freedoms and rights to violate the interests of the state and social organizations.”

Freedom of Speech: The government continued to restrict speech that criticized individual government leaders; promoted political pluralism or multi-party democracy; or questioned policies on sensitive matters, such as human rights, religious freedom, or sovereignty disputes with China. The government also sought to impede criticism by monitoring meetings and communications of political activists.

On June 15, police arrested Dinh Nhat Uy for “abusing democratic freedoms”(Article 258) for his online postings calling for the release of his brother, Dinh Nguyen Kha, who was sentenced to eight years’ imprisonment in May. A court convicted Dinh Nhat Uy on October 29 and released him with a sentence of 15 months’ house arrest.

The government tolerated some debate about sensitive political topics. From January 2 through September 30, the government solicited comments from the public on a published draft of proposed changes to the constitution. The comment period was originally slated to end March 31, but the government extended the comment period through September 30 to accommodate the high volume of comments from citizens. The government reported that it received more than 26 million comments during the nine-month comment period. Lively public discussions online and in state-owned media attracted the participation of intellectuals and retired government officials. While the National Assembly approved and the president implemented what some democracy advocates described as only minor changes to the constitution, disregarding recommendations to reduce the primacy of the CPV and allow for multi-party democracy, the comment period served to expand the range of public political discussion the government permitted during the year. Nevertheless, although for the most part authorities tolerated political discussion during the comment period, on February 26, owners of the state-run newspaper *Family and Society* dismissed journalist Nguyen Dac Kien immediately after he posted a blog entry criticizing CPV General Secretary Nguyen Phu Trong. Kien had called for the elimination of Article 4 of the constitution, which affirms the primacy of the CPV.

Press Freedoms: The CPV, government, and party-controlled mass organizations controlled all print, broadcast, and electronic media. The government exercised oversight through the Ministry of Information and Communications, under the overall guidance of the CPV Propaganda and Education Commission. Private ownership of any media outlet remained prohibited, as were media outlets run by private citizens. The government permitted foreign-based outlets (including, but not limited to, BBC and CNN), although the law requires foreign television broadcasts to run on a 30-minute delay in order to monitor their content.

Foreign journalists noted that they continued to be required to notify authorities about travel outside Hanoi when it involved a story that the government might consider sensitive or was in an area considered sensitive, such as the Northwest or Central Highlands.

The law limits satellite television access to senior officials, foreigners, luxury hotels, and the press, but persons throughout the country continued to be able to access foreign programming via home satellite equipment or cable. Cable television, including foreign-origin channels, was widely available to urban-area subscribers.

On May 15, Decision 20 went into effect after repeated delays. Among other provisions, this decision requires foreign broadcasters to obtain licenses from the Ministry of Information and Communications and to agree to have a government-approved agency translate the content before a program is broadcast. In some cases, the broadcast channels bear the translation costs. Only 16 channels had licenses when the decision went into effect. In response to the decision, one provider immediately pulled all its foreign channels, and several others cut networks, such as BBC and CNN. Soon afterward, all foreign channels were again available through television providers due to the government's apparent relaxation of implementation of the decision after a public outcry. Observers heavily criticized the decision for its potential to restrict freedom of speech and limit access to independent, outside media sources. At year's end, although the decision remained in effect, the government was not enforcing it strictly.

Violence and Harassment: Security officials attacked or threatened several journalists reportedly because of their coverage of sensitive stories.

On April 24, journalists Hoang Ngoc and Nam Phong of the website Nguoiduatin reported that a traffic police officer confiscated their camera while they were

filming police soliciting bribes and that two unknown assailants threatened them with a knife later the same day.

Multiple foreign journalists reported harassment by security officials, including threats not to renew their visas if they continued to publish stories on “sensitive” topics.

Censorship or Content Restrictions: The Ministry of Information and Communications and the Propaganda and Education Commission frequently intervened directly to dictate or censor a story. More often, however, the party and government maintained control over media content through pervasive self-censorship backed by the threat of dismissal and possible arrest.

Authorities continued efforts to suppress press freedom. Decree 2 stipulates fines of VND 1 million to VND 42 million (\$47 to \$1,990) for journalists, newspapers, and online media that fail to provide “honest domestic and international news in accordance with the interests of the country and the people.” The decree also authorizes the government to fine journalists and newspapers for infringing content at any time, based on nontransparent determinations by various ministries and officials. Furthermore, the decree establishes fines ranging from VND 10.5 million to VND 21 million (\$497 to \$994) for journalists who fail to publish their sources of information and for journalists and newspapers that “use documents and materials from organizations and personal letters and materials from individuals.”

Under government regulations, the Ministry of Information and Communications has the authority to revoke licenses for foreign publishers, and each foreign publisher must reapply annually to maintain its license. Nonetheless, street peddlers and shops oriented to tourists openly sold foreign-language editions of some banned books. Foreign-language periodicals were widely available in cities, although the government occasionally censored articles.

Libel Laws/National Security: The law requires journalists to pay monetary damages to individuals or organizations whose reputations were harmed by reporting, even if the reports were accurate. Independent observers noted that the law severely limited investigative reporting. Although there were some press reports during the year on topics that generally were considered sensitive, such as the prosecution of high-ranking CPV and government officials on corruption charges as well as occasional criticism of officials and official associations, the freedom to criticize the CPV and its senior leadership remained restricted.

On June 15, police arrested Pham Viet Dao, a writer and blogger who had become increasingly critical of government officials in the blog he published under the pen name of Phu Loc Tho. Dao is a member of the Association of Vietnamese Writers and the Association of Vietnamese Journalists and former head of the Press and Publications Inspection Bureau.

In August the Ministry of Information and Communication's Publishing Department banned the two-volume novel *Dai Gia (Tycoons)* by Nguyen Xuan Hoang (also known as Thien Son). The novel details hidden connections between corrupt government officials and state-run corporations.

### **Internet Freedom**

The government continued to exercise various forms of control over internet access, including disincentives to its use by citizens. It allowed access to the internet, but only through a limited number of internet service providers (ISPs), all of which were state-controlled companies or companies with substantial state control. According to government statistics, nearly 36 percent of citizens had access to the internet.

The government used firewalls to block websites it deemed politically or culturally inappropriate, including sites operated by overseas Vietnamese political groups. In addition, the government continued at times throughout the year to block Radio Free Asia and the BBC Vietnamese and English websites.

Vague provisions of law and regulation, such as the prohibition of propagandizing against the state, prohibit bloggers from posting material that the government believes would undermine national security, disclose state secrets, or incite violence or crimes. These provisions prohibit individuals from downloading and disseminating documents the government deems offensive. During the year the government continued its efforts to suppress blogging through politically motivated arrests and convictions of bloggers. Authorities also increasingly deployed less traditional methods to harass bloggers, including through short-term detentions, surveillance, hacking, direct and veiled threats to individuals and family members, and searches of individual property.

Regulations also require global internet companies with blogging platforms operating in the country to report to the government every six months and, if requested, to provide information about individual bloggers. A number of prominent print and online news journalists maintained their own professional

blogs, several of which observers considered far more controversial than their mainstream writing. In a few instances, the government fined or punished these individuals for the content of their blogs.

Ministry of Information and Communications regulations require internet companies, social networking sites, and websites that provide information in the areas of “politics, economics, culture, and society,” including those owned domestically, to continue to register and obtain a government license before operation. The ministry also requires such owners to submit their planned content and scope to the government for approval. Enforcement remained selective.

The government forbids direct access to the internet through foreign ISPs, requires domestic ISPs to store information transmitted on the internet for at least 15 days, and requires ISPs to provide technical assistance and workspace to public security agents to allow them to monitor internet activities. The government requires cybercafes to register the personal information of their customers and store records of internet sites visited by customers. It also requires ISPs and cybercafes to participate in investigations of online activity. ISP compliance with these government regulations remained unclear. Although citizens enjoyed increasing access to the internet, the government monitored e-mail, searched for sensitive key words, and regulated internet content.

On July 15, the government promulgated Decree 72/2013/ND-CP, which came into effect on September 1. The decree adds new restrictions on the sharing of news articles published on government and media-outlet websites. The broad, vague language contained throughout Decree 72 potentially limits freedom of expression and increased uncertainty regarding how businesses legally may store, transmit, and share online information in the country. The decree also strictly forbids the use of internet services to oppose the government; harm national security, social order, and safety; or propagandize war, terrorism, hatred, violence, or superstition.

City and provincial authorities issued additional local regulations to control online access. In compliance, internet cafes continued to install and use government-approved software to monitor customers’ online activities. Internet cafes located within 220 yards of a school continued to require a curfew on operations, and ISPs were obliged to cut online access to internet cafes between 11 p.m. and 6 a.m. for the official purpose of curbing online gaming.

The blocking of Facebook was less common than in previous years and remained inconsistent among ISPs, areas, and times. Some domestic subscribers reported using workarounds, such as virtual private networks, to access blocked sites. In October some estimates of the total number of Facebook users countrywide reached 20 million.

Authorities detained and imprisoned some activists who used the internet to criticize the government and publish material on human rights and political pluralism. Authorities charged most of these individuals under Article 258 (abusing democratic freedoms) or Article 79 (attempting to overthrow the state).

On January 9, a Nghe An Province court convicted 13 Roman Catholic Redemptorist bloggers for “attempting to overthrow the state” (Article 79). The court sentenced Ho Duc Hoa, Dang Xuan Dieu, and Ly Van Son to 13 years’ imprisonment each for their links to the banned prodemocracy group Viet Tan. The other 10 received sentences from three to six years’ imprisonment.

State-owned ISPs routinely blocked Vietnamese-language websites within the country when they contained content criticizing the CPV or promoting political reform. The government also filtered Vietnamese-language websites operating outside of the country, particularly those that criticized the government or contained negative news stories about Vietnam. In addition, two websites associated with the Dega ethnic minority community in the Central Highlands were routinely blocked.

Political dissidents and bloggers continued to report that security services routinely ordered the disconnection of their home internet service.

### **Academic Freedom and Cultural Events**

The government asserted the right to restrict academic freedom, and authorities sometimes questioned and monitored foreign field researchers. Foreign academic professionals temporarily working at universities in the country could discuss nonpolitical topics widely and freely in classes, but government observers regularly attended classes taught by both foreigners and nationals. Academic publications usually reflected the views of the CPV and government.

The government continued to restrict the ability of some international and domestic organizations to host conferences with international sponsorship or participation by requiring government approval at least 20 days in advance.

The government continued to prohibit independent scientific and technical organizations from publicly criticizing party and state policy and to deny educational opportunity to individuals who do so. Activist Nguyen Phuong Uyen reported that her university did not allow her to resume her studies after she was released from prison on August 16. Uyen reported that her university expelled her in November, effective immediately.

Although the government controlled art exhibits, music, and other cultural activities, it continued to allow artists broader latitude than in past years to choose themes for their works. The government also allowed universities more autonomy over international exchanges and cooperation programs.

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

### **Freedom of Assembly**

The law limits freedom of assembly, and the government continued to restrict and monitor all forms of public protest or gathering. Law and regulation require persons wishing to gather in a group to apply for a permit, which local authorities may issue or deny arbitrarily. Only those arranging publicized gatherings to discuss sensitive matters appeared to require permits, and persons routinely gathered in informal groups without government interference. The government generally did not permit demonstrations perceived to be political. The government also restricted the right of several unregistered religious groups to gather in worship.

Peaceful protests continued during the year in Hanoi to oppose Chinese sovereignty claims in the South China Sea (East Sea) and resulted in the temporary detention and surveillance of several protest organizers. There were also reports that local security officials prevented individuals from leaving their homes to take part in the demonstrations.

On May 5, police prevented activists from holding peaceful “human rights” outdoor picnics and distributing copies of the UDHR in parks in Hanoi, Ho Chi Minh City, and Nha Trang. Several individuals who attempted to participate were reportedly beaten and temporarily detained. In December over a several-day period, activists who gathered in Hanoi, Ho Chi Minh City, Nha Trang, and Da Nang to celebrate Human Rights Day reported multiple cases of harassment,

surveillance, impeded movement, confiscation of documents and cell phones, and at least two short-term detentions by police.

### **Freedom of Association**

The government continued to restrict freedom of association severely and neither permitted nor tolerated opposition political parties, despite efforts by several former CPV officials to form opposition parties during the year. The government prohibited the establishment of private, independent organizations, insisting that persons work within established, party-controlled, mass organizations, usually under the aegis of the VFF. Some entities, including unregistered religious groups, were able to operate outside of this framework with little or no government interference.

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

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt/](http://www.state.gov/j/drl/irf/rpt/).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government imposed some limits on the movement of certain individuals. The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Local government authorities did not hinder the UNHCR fact-finding and monitoring visits to the Mekong Delta, Hue, Da Nang, and the Northwest Highlands. Provincial governments generally continued to honor their obligations to reintegrate peacefully ethnic minority returnees from Cambodia.

In-country Movement: Several political dissidents, amnestied with probation or under house arrest, were officially restricted in their movements. These included Le Cong Dinh, Pham Hong Son, Nguyen Van Dai, Nguyen Phuong Uyen, and Dinh Nhat Uy.

A government restriction regarding travel to certain areas requires citizens and resident foreigners to obtain a permit to visit border areas; defense facilities; industrial zones involved in national defense; areas of “national strategic storage”; and “works of extreme importance for political, economic, cultural, and social purposes.”

Local police require citizens to register when staying overnight in any location outside of their own homes; the government appeared to enforce these requirements more strictly in some Central and Northern Highlands districts. Foreign passport holders must also register to stay in private homes, although there were no known cases of local authorities refusing to allow foreign visitors to stay with friends and family.

Authorities did not broadly implement this residence law, and migration from rural areas to cities continued unabated. Moving without permission, however, hampered persons seeking legal residence permits, public education, and health-care benefits.

Foreign Travel: Officials occasionally continued to delay citizens’ access to passports to extort bribes. Prospective emigrants occasionally encountered difficulties obtaining a passport.

Foreign travel prohibitions--apparently aimed at punishing the exercise of free speech--continued.

In September authorities prevented Dang Huu Hoang Gia, a member of the Vietnamese Friendship Association of Former Political and Religious Prisoners, from travelling to Manila to attend a civil society course held by the Vietnamese Observers Initiative for Conscience Empowerment.

Although their probation ended years earlier, the government continued to prohibit dissidents Nguyen Khac Toan, Pham Hong Son, Le Thi Kim Thu, Vu Quoc Tu, Le Tran Luat, and others from receiving a passport and traveling overseas.

Emigration and Repatriation: The government generally permitted citizens who had emigrated to return to visit, although it refused to allow certain activists or other individuals living abroad to return. Police denied entry visas to, or detained, and sometimes deported, some known Vietnamese political activists after they entered or re-entered the country.

The government continued to honor a tripartite memorandum of understanding signed with Cambodia and the UNHCR to facilitate the return from Cambodia of all ethnic Vietnamese who did not qualify for third-country resettlement.

### **Protection of Refugees**

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees.

Safe Country of Origin/Transit: Government regulations and policy do not explicitly provide protection against the expulsion or return of persons where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. No such cases were reported during the year.

### **Stateless Persons**

By law, the government considers anyone born to at least one Vietnamese-citizen parent to be a citizen. There are also provisions for persons who do not have a Vietnamese-citizen parent to acquire citizenship under certain conditions.

The country's largest stateless group consisted of approximately 10,000 Cambodian residents, according to a UNHCR statistic. These individuals sought refuge in Vietnam in the 1970s and were denied the right to return by the government of Cambodia, which asserted no proof existed that these individuals had ever possessed Cambodian citizenship. Almost all were ethnic Chinese or Vietnamese whom authorities initially settled in four refugee camps in and around Ho Chi Minh City. When humanitarian assistance in these camps ceased in 1994, an estimated 6,000-7,000 refugees left the camps in search of work and opportunities in Ho Chi Minh City and the surrounding area. An additional 1,000-1,500 persons remained in four villages in which the camps once operated, according to the UNHCR. Many had children and grandchildren born in Vietnam, but neither the original refugees nor their children enjoy the same rights as Vietnamese citizens, including the rights to property ownership, comparable access to education, and public medical care.

As part of a joint UNHCR-government effort to survey and naturalize these stateless persons, 287 individuals received Vietnamese citizenship in 2010. UNHCR Vietnam's September 2013 fact sheet reported that all 2,357 persons

living in the four camps have been naturalized. Furthermore, the government continued to work with former Cambodian refugees living in Ho Chi Minh City, and by the end of 2012, 6,700 persons had been naturalized. Government authorities estimated that fewer than 200 individuals awaited final approval by the president's office at year's end.

The Women's Union, a countrywide CPV-affiliated mass mobilization organization, continued to work with the government of South Korea to address international marriage brokering and premarriage counseling, including education on immigration and citizenship regulations. Some domestic and international NGOs provided assistance.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The constitution does not provide for the right of citizens to change their government peacefully, and citizens could not freely choose the officials that govern them.

#### **Elections and Political Participation**

Recent Elections: The most recent elections--in 2011 to select members of the National Assembly--were neither free nor fair. The VFF chose and vetted all candidates. The ratio of "independent" candidates (those not linked to a certain organization or group) to other candidates was lower than that of the 2007 election. The CPV allowed 15 "self-nominated" candidates who did not have official government backing to run. There were credible reports that party officials pressured many other self-nominated candidates to withdraw or found such candidates "ineligible" to run.

According to the government, more than 99 percent of eligible voters cast ballots in the 2011 election, a figure that international observers considered improbably high. (Voters may cast ballots by proxy, and local authorities are charged with assuring that all eligible voters cast ballots by organizing group voting and assuring all voters within their jurisdiction are recorded as having voted.) CPV candidates won 458 of the 500 seats. Four of the 15 self-nominated candidates won.

The National Assembly, although subject to CPV control (all of its senior leaders and more than 90 percent of its members are party members), continued to take incremental steps to assert itself as a legislative body.

For example, under a law effective January 1, the president, prime minister, cabinet members, Supreme People's Court justices, and the National Assembly president must submit to an annual vote of support in the National Assembly. On June 11, during the first confidence vote, 160 of the 500 members voted against the prime minister, with other top officials also scoring poorly. Many observers commented that the "low-confidence" votes were merely an attempt to deflect growing public criticism against the CPV and the government, noting the lack of a "no-confidence" option.

Political Parties: The constitution vests all authority and political power in one party, the CPV, and recognizes the leadership of the CPV. The CPV Politburo functions as the supreme decision-making body in the country, although technically it reports to the CPV Central Committee. Political opposition movements and other political parties are illegal.

The government continued to restrict severely public debate and criticism of the one-party state. In contrast with previous years, the government tolerated some criticism of the one-party state during the January 1 to September 30 comment period on the draft constitution. Some groups and individuals openly called for amending Article 4 and permitting multi-party democracy.

There were instances during the year of unsanctioned public letters from private citizens critical of government policy. Members of Bloc 8406 and other political activist groups that call for the creation of a multi-party state continued to face harassment and imprisonment.

In May approximately 70 individuals, including former political prisoner Nguyen Van Dai, established a political organizations called "The Brotherhood for Democracy" to facilitate collective democratic action.

In August state media launched a campaign against the credibility of Le Hieu Dang, a 45-year member of the CPV, after he formed the Social Democratic Party, a political organization that he called an "opposition party."

Participation of Women and Minorities: The law provides the opportunity for equal participation in politics by women and minority groups. There were 122

women (approximately 24 percent) in the National Assembly, two female ministers in the 28-member cabinet, one woman in the 14-member Politburo, and no women in the 17-member Supreme People's Court.

Ethnic minorities held 78 seats (approximately 16 percent) in the National Assembly.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for official corruption; however, the government did not always implement the law effectively, and officials sometimes engaged in corrupt practices with impunity.

Corruption: Corruption continued to be a major problem. The government persisted in efforts to fight corruption, including publicizing central government budgets, streamlining inspection measures, and occasionally widely publicizing cases of officials accused of corruption.

The amended anticorruption law took effect on February 1. It allows citizens to complain openly about inefficient government, administrative procedures, corruption, and economic policy, although the government considered public political criticism a crime unless authorities controlled it. Therefore, the law prohibits attempts to organize disaffected citizens to facilitate action, and perpetrators were subject to arrest.

Corruption related to land use was widely publicized in the press, apparently in an officially orchestrated effort to bring pressure on local officials to reduce abuses.

Corruption among police remained a significant problem at all levels, and members of the police sometimes acted with impunity. Internal police oversight structures existed but were subject to political influence. Foreign-aid donors conducted an annual anticorruption dialogue as part of consultative group meetings with the government. Previous dialogues focused on corruption in the education, health, and construction sectors.

In January the CPV launched its Central Commission for Internal Affairs, which is tasked with fighting corruption, with Da Nang politician Nguyen Ba Thanh as its chief.

On July 16, the People's Court in Ho Chi Minh City sentenced a group of former officials and leaders of the Bank for Agriculture and Rural Development (Agribank) for "wrongly facilitating" a businessman to appropriate nearly VND 112 billion (\$5.3 million) in loans. The court sentenced Dao Phuong The, the former head of the Planning Department, and Huynh Trung Hieu, the former credit staff member of Agribank, to 12 and 22 years in prison, respectively. The court also sentenced Nguyen Huu Long, former deputy director of Agribank, to 10 years and six months in prison.

In September Ho Chi Minh City authorities and the party committee disciplined eight top officials at four municipal public service companies found to have violated labor regulations in a scheme through which they paid themselves up to VND 2.7 billion (\$128,000) annually. The average salary for the executives at the four companies reportedly reached VND 220 million (\$10,400) a month, compared with the average salary of VND 7.3 million (\$346) at comparable state-owned companies.

Whistleblower Protections: The law does not provide protection to public or private employees for making internal disclosures or lawful public disclosures of evidence of illegality, gross waste or fraud, gross mismanagement, abuse of power, or substantial and specific dangers to public health and safety.

Financial Disclosure: The amended anticorruption law requires senior government officials and National Assembly members to disclose publicly their income and assets and explain changes from the previous year's disclosure. Previously, authorities did not make such disclosures public. In addition, supervisors have the right to question an employee's disclosure. The law does not stipulate a penalty for noncompliance, although a July decree (Decree 78) provides for possible reprimand, warning, suspension, or removal for noncompliant civil servants.

Public Access to Information: The law does not provide for public access to government information, and the government usually did not grant such access to citizens or noncitizens, including foreign media. In accordance with the law, the *Official Gazette* published most government legal documents in its daily editions but not party documents such as Politburo decrees. The government maintained a website in both Vietnamese and English, as did the National Assembly. In addition, decisions made by the Supreme People's Court Council of Judges were accessible a majority of the time through the court's website, although it was difficult for individuals to obtain government information.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

The government does not permit private, local human rights organizations to form or operate, nor does it tolerate attempts by organizations or individuals to comment publicly on its human rights practices. The government used a wide variety of methods to suppress domestic criticism of its human rights policies, including surveillance; detention; prosecution and imprisonment; interference with personal communications; and limits on the exercise of freedoms of speech, press, and assembly.

UN and Other International Bodies: The government generally prohibited private citizens from contacting international human rights organizations, although several activists did so. The government usually did not permit visits by international NGO human rights monitors, although it allowed representatives from the UNHCR, press, foreign governments, and international development and relief NGOs to visit the Central Highlands. In February the government allowed a senior official from Amnesty International to visit for six days. The government allowed a visit by the UN special rapporteur on cultural rights in 2013 and formally invited the UN special rapporteur on freedom of religion or belief to visit in 2014. The government criticized most public statements on human rights and religious matters by international NGOs and foreign governments.

Government Human Rights Bodies: There were no ombudspersons, human rights commissions, or legislative committees specifically designed to handle human rights matters. The government continued to discuss human rights matters bilaterally with several foreign governments and hold official talks concerning human rights, including through annual dialogues.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The law prohibits discrimination based on race, gender, disability, language, or social status, but enforcement of these prohibitions was uneven, and the law does not address discrimination based on sexual orientation or gender identity.

### **Women**

Rape and Domestic Violence: The law prohibits using or threatening violence against women or taking advantage of a person who cannot act in self-defense. It also criminalizes rape, including spousal rape. Rapists are subject to two to seven

years' imprisonment. In severe cases of rape, including organized rape, a repeat offense, or extreme harm to the victim, sentences may range from seven to 15 years in prison. Authorities reportedly prosecuted rape cases fully, but the government did not release arrest, prosecution, conviction, or punishment statistics.

Domestic violence against women was common. A special 2010 UN report found that 58 percent of married women had been victims of physical, sexual, or emotional domestic violence. Authorities treated domestic violence cases as civil ones, unless the victim suffered injuries involving more than 11 percent of her body. The law specifies acts constituting domestic violence, assigns specific portfolio responsibilities to different government agencies and ministries, and stipulates punishments for perpetrators ranging from warnings and probation for up to three years to imprisonment for three months to three years. NGO and survivor advocates considered many of the provisions weak, and the government did not release arrest, prosecution, conviction, or punishment statistics. Officials acknowledged domestic violence as a significant social concern, and the media discussed it openly during the year.

While the police and legal system generally remained unequipped to deal with cases of domestic violence, the government, with the help of international and domestic NGOs, continued to train police, lawyers, and legal system officials in the law.

According to a March report by the Vietnamese Central Women's Union and the Ministry of Culture, Sports, and Tourism, authorities recorded 178,847 domestic violence cases between 2009 and mid-2012, of which more than 16,000 cases involved elders and 23,300 involved children, with the majority of the rest involving spouses, mostly wives.

Several domestic and international NGOs worked to address domestic violence. Domestic NGOs operated hotlines for victims in major cities. The Center for Women and Development, supported by the Women's Union, also operated a nationwide hotline, although it was not widely advertised in rural areas. Although rural areas often lacked the financial resources to provide crisis centers and hotlines, a law establishes "reliable residences" to allow women to turn to another family while local authorities and community leaders attempt to confront the abuser and resolve complaints. There were 300 such residences in the country, all established through the Women's Union at the commune level. Many women remained in abusive marriages rather than confront social and family stigma as well as economic uncertainty.

The government, with the help of international NGOs, continued to support workshops and seminars aimed at educating women and men about domestic violence and women's rights in general and highlighted the problem through public awareness campaigns. Local NGOs affiliated with the Women's Union remained engaged in women's concerns, particularly violence against women and trafficking of women and children.

Sexual Harassment: No law prohibits sexual harassment of adults, and no law protects employees from sexual harassment in the workplace, although the law does prohibit employers from discriminating against female workers or offending their dignity and honor. A labor code prohibits sexual harassment in the workplace. Publications and training on ethical regulations for government and other public servants do not mention the problem, although it existed.

Victims of sexual harassment may contact social associations such as the Women's Union to request their involvement. Victims with access to a labor union representative may lodge complaints with union officers. In serious cases, victims may sue offenders under a provision that deals with "humiliating other persons" and specifies punishments that include a warning, noncustodial reform for up to two years, or a prison term ranging from three months to two years. Nevertheless, there were no known prosecutions or sexual harassment lawsuits during the year, and most victims were unwilling to denounce offenders publicly.

Reproductive Rights: The constitution obliges society, families, and all citizens to implement "the population and family planning program." The law affirms an individual's right to choose contraceptive methods; access gynecological diagnosis, treatment, and health check-ups during pregnancy; and obtain medical services when giving birth at health facilities, and the government generally enforced these provisions. Nonetheless, unmarried women of reproductive ages continued to have limited or no access to subsidized contraceptives due to a lack of available government-approved contraceptives throughout the country. The social stigma attached to unmarried women who seek contraceptives further limited access. The government allocated additional resources for family planning services in 2010 with a goal of increasing the contraceptive prevalence rate to 80 percent by 2015.

The Population and Reproductive Health Strategy for 2011-20 applies to all citizens and strives to maintain the average number of children per reproductive-age couple at 1.8. The government, primarily through broad media campaigns,

maintained its strong encouragement of family planning. A decree issued by the Politburo subjects CPV members to reprimand if they have three children, removal from a ranking position if they have four children, and expulsion from the CPV if they have five children. Violating the decree also increased the likelihood of job termination and decreased the likelihood of promotion.

Discrimination: The law provides for gender equality in all aspects of life, but women continued to face societal discrimination. Despite the large body of law and regulation devoted to the protection of women's rights in marriage and the workplace, as well as provisions that call for preferential treatment, women did not always receive equal treatment. They continued to experience discrimination since they were not allowed to work in all the same industries or for the same hours as men (due to pregnancy or nursing). Moreover, no laws prohibit employers from asking about family status during job interviews. Women are expected to retire at age 55, compared with age 60 for men.

Although the law provides for equal inheritance rights for men and women, women continued to face cultural discrimination: A son is more likely to inherit property than a daughter is, unless otherwise specified by a legal document. A 2012 UN Development Program (UNDP)-funded study on land rights concluded that the law and cultural stereotypes limited women's access to land ownership and inheritance. The law also prohibits gender-based preferential hiring for jobs, and while NGOs assumed that such discrimination occurred, allegations were hard to prove.

The Women's Union and the government's National Committee for the Advancement of Women continued to promote women's rights, including political, economic, and legal equality, and protection from spousal abuse. The Women's Union also operated microcredit consumer-finance programs and other programs to promote the advancement of women. The government's National Strategy Plan for Gender Equality 2011-20 asserted that substantive equality between men and women should be provided in opportunity, participation, and benefits in the political, economic, cultural, and social domains to contribute to fast, sustainable national development.

During a seminar in Ho Chi Minh City in August to review the 30-year implementation of the Convention on the Elimination of All Forms of Discrimination against Women and to discuss other measures related to gender equality and women's rights, the National Assembly Committee for Social Affairs reported that women accounted for 48 percent of an estimated 1.5 million workers.

The law requires equal pay for equal work in principle, but many women complained about receiving lower pay than male counterparts do.

Gender-based Sex Selection: According to the UNDP, the national average male-female sex ratio at birth in 2012 was 112.3 to 100. The imbalanced ratio of newborn boys to girls continued to increase during the year, particularly in some wealthier areas of Hanoi and Ho Chi Minh City. The government acknowledged the problem (reduction of the ratio was a highlighted goal in the National Program on Gender Equality) and continued to take steps to address it. The Ministry of Health received additional funds and resources to address the imbalance.

## **Children**

Birth Registration: By law, the government considers anyone born to at least one Vietnamese citizen parent to be a citizen, although persons born to non-Vietnamese parents may also acquire citizenship under certain circumstances. Not all births were registered immediately, sometimes reportedly due to a lack of incentive or knowledge among the populace. A birth certificate is required for public services, such as education and health care, and the choice by some parents, especially ethnic minorities, not to register their children affected the ability to enroll them in school and receive government-sponsored health care.

Education: Education is compulsory, free, and universal through age 14. Nevertheless, authorities did not always enforce the requirement, or enforce it equally between boys and girls, especially in rural areas, where government and family budgets for education were limited and children's contributions as agricultural laborers were valuable.

Child Abuse: The UN and the General Statistics Office reported in 2011 that 25 percent of children were victims of child abuse, as indicated by their mothers during a 2006 study on domestic violence. According to a newspaper report, the Ministries of Public Security and of Labor, Invalids, and Social Affairs (MOLISA) reported in May 2012 that approximately 1,000 children were sexually abused per year. NGOs noted the difficulty of obtaining accurate data on the prevalence of child and adolescent sexual abuse, which indicated the possibility of underreported abuse. The government made no information available on the extent of the problem or its efforts to combat it.

Forced and Early Marriage: The legal minimum age of marriage is 18 for girls and 20 for boys, and the law criminalizes organizing marriage for, or entering into

marriage with, an underage person. Possible punishments for arranging early marriages range from administrative sanctions to prison terms of between three months and two years. The rate of marriage under age 18 was approximately 16 percent in the Northwest Highlands and approximately 11 percent in the Central Highlands--both poor and remote rural areas--according to the 2009 census, but additional government data were not available. Provincial authorities and the Women's Union are responsible for raising popular awareness of the consequences of early marriage.

Sexual Exploitation of Children: Sexual harassment of children under age 16 is illegal. The law criminalizes all acts of sale, fraudulent exchange, or control of children as well as all acts related to child prostitution and forced child labor. Sentences range from three years' to life imprisonment, and fines range from VND 5 million to VND 50 million (\$237 to \$2,370). The law also specifies prison sentences for acts related to child prostitution, including harboring prostitution (12 to 20 years), brokering prostitution (seven to 15 years), and buying sex with minors (three to 15 years). Similarly, the law prohibits all acts of cruel treatment, humiliation, abduction, sale, and coercion of children into any activities harmful to their healthy development and provides for the protection and care of disadvantaged children.

The minimum age of consensual sex is 18. Statutory rape is illegal and may result in life imprisonment or capital punishment. Penalties for sex with minors between the ages of 16 and 18, depending upon the circumstances, vary from five to 10 years in prison. The government enforced the law, and convicted rapists received harsh sentences. The production, distribution, dissemination, or selling of child pornography is illegal and carries a sentence of three to 10 years' imprisonment.

Officials publicly cited an upward trend in sexual exploitation of children. A 2011 study conducted by the UN Children's Fund (UNICEF) in conjunction with MOLISA showed that children as young as 12 worked as prostitutes, with the most commonly observed ages being 14 to 15. Some minors entered into prostitution for economic reasons. The findings also highlighted an increased number of boys under the age of 16 who engaged in prostitution. UNICEF and local NGOs stated that provincial authorities severely underreported the actual occurrence of child prostitution.

Displaced Children: Independent NGOs estimated that 23,000-25,000 children lived on the streets and were sometimes abused or harassed by police.

Institutionalized Children: The government allocated VND 1.25 trillion (\$59.2 million) to the National Program of Action for Children for the period 2012-20 and focused on assisting disadvantaged children in the 12 poorest provinces.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **Anti-Semitism**

There were small expatriate Jewish communities in Hanoi and Ho Chi Minh City, and there were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/](http://www.state.gov/j/tip/).

### **Persons with Disabilities**

The constitution provides for the protection of persons with physical disabilities. The law prohibits discrimination against or maltreatment of persons with physical and mental disabilities, encourages their employment, and requires equality for them in accommodation, access to education, employment, health care, rehabilitation, local transportation, and vocational training. There was no similar provision regarding persons with sensory or intellectual disabilities.

The provision of services to persons with disabilities, although limited, improved during the year. The Ministry of Transportation implemented accessibility codes for public transportation facilities, continued to train transportation agency officials and students on the use of the codes, and developed training materials for bus drivers to assist individuals on and off buses. The government also reduced the bus fares for 33,000 individuals with disabilities in Hanoi and Ho Chi Minh City.

The law requires construction and major renovations of new government and large public buildings to include access for persons with disabilities, but enforcement continued to be sporadic. New buildings and facilities in larger urban cities were built with ramps and accessible entries. The Ministry of Construction maintained enforcement units in the cities of Hanoi, Ho Chi Minh, Da Nang, Quang Nam, Hai Phong, and Ninh Binh to enforce barrier-free codes and provided training on

construction codes for inspectors and architectural companies in more than 22 provinces during the year.

Access to education for children with disabilities, including blindness, deafness, and mobility restrictions, remained extremely limited. There was no information available on the attendance by children with disabilities at primary, secondary, and higher-education schools.

The law provides preferential treatment for companies that recruit persons with disabilities and fines on those that fail to meet minimum quotas that reserve 2 to 3 percent of the positions in the firm for workers with disabilities, but the government enforced these provisions unevenly. Companies with a workforce that is composed of at least 51 percent employees with disabilities may qualify for special government-subsidized loans.

The government assisted persons with disabilities to vote in 2011 by bringing ballot boxes to the homes of individuals unable to go to a polling station. There is no legal restriction on the right to vote for persons with disabilities, although many polling stations are not accessible, especially to persons with mobility disabilities.

The government supported the establishment of organizations aiding persons with disabilities and consulted them in the development or review of national programs, such as the national poverty reduction program, vocational laws, and various educational policies. The National Coordination Committee on Disabilities and its members from various ministries continued to work with domestic and foreign organizations to provide protection, support, physical access, education, and employment. The government operated a small network of rehabilitation centers to provide long-term, inpatient physical therapy. Several provinces, government agencies, and universities had specific programs for persons with disabilities.

### **National/Racial/Ethnic Minorities**

The law prohibits discrimination against ethnic minorities, but there was no information available on government enforcement measures. Societal discrimination against ethnic minorities has been longstanding and persistent. Local officials in some provinces, notably in the highlands, acted in contravention of national laws to discriminate against members of ethnic and religious minority groups. Despite the country's significant economic growth, some ethnic minority communities benefited little from improved economic conditions, even though ethnic minority group members formed a majority of the population in certain

areas, including the Northwest and Central Highlands and portions of the Mekong Delta.

Some members of ethnic minority groups continued to leave for Cambodia and Thailand. Although some reportedly traveled to seek greater economic opportunities or shortcuts to migration to other countries, others departed because of local political conditions and harassment, including harassment stemming from religious belief. The government maintained increased security measures in the Central and Northwest Highlands because of its concerns with alleged ethnic minority separatist activity. The government also continued to monitor certain highland minorities closely, particularly several ethnic groups in the Central and Northwest Highlands, where it continued to claim that practicing a minority faith encouraged separatism. There continued to be reports that ethnic minority individuals who telephoned ethnic minority community members abroad were a special target of police attention. Authorities arrested and/or convicted several individuals allegedly connected to overseas organizations that the government claimed espoused separatist aims and sentenced them to lengthy prison terms during the year. In addition, an increased security presence was reported around sensitive occasions and holidays throughout the region. There continued to be reports that Vietnamese police operating on both sides of the border returned members of ethnic minorities seeking to enter Cambodia and sometimes beat and detained them.

In May authorities arrested four Khmer Krom activists in Soc Trang for “fleeing abroad to act against the Vietnamese government” and “organizing for other people to flee abroad,” as well as for their connections with Khmers Kampuchea-Krom Federation. In September a court sentenced each of the four to between two and six years’ imprisonment.

The government continued to attempt to address the causes of ethnic minority discontent through special programs to improve education and health facilities and expand road access and electrification of rural communities and villages. The government also continued to allocate land to ethnic minorities in the Central Highlands through a special program, but there were continued complaints that implementation was uneven.

The law provides for universal education for children regardless of religion or ethnicity, and members of ethnic minority groups are not required to pay regular school fees. The government operated special schools for ethnic minority children, and there were 292 boarding schools for them in 50 provinces, mostly in the

Northwest and Central Highlands and the Mekong Delta, including at middle- and high-school levels, plus special admission and preparatory programs as well as scholarships and preferential admissions at the university level. The government also worked with local officials to develop local language curricula, but it appeared to implement this program more comprehensively in the Central Highlands and the Mekong Delta, and only in limited areas of the Northwest Highlands. During the year there were also a few government-subsidized technical and vocational schools for ethnic minorities. Nonetheless, there were some credible cases of educational discrimination against ethnic minorities.

The government broadcast radio and television programs in ethnic minority languages in some areas. The government also instructed ethnic-majority (Kinh) officials to learn the language of the locality in which they worked. Provincial governments continued initiatives designed to increase employment, reduce the income gap between ethnic minorities and ethnic Kinh, and make officials sensitive and receptive to ethnic minority cultures and traditions.

The government granted preferential treatment to domestic and foreign companies that invested in highland areas populated predominantly by ethnic minorities. The government also maintained infrastructure development programs that targeted poor, largely ethnic-minority areas and established agricultural extension programs for remote rural areas.

The National Assembly's Ethnic Minority Council, along with provincial ethnic minority steering committees, continued to support infrastructure development and address some problems related to poverty reduction and an increase in literacy rates during the year.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law does not address discrimination based on sexual orientation or gender identity. There was no reported official discrimination based on sexual orientation or gender identity, but societal discrimination and stigma remained pervasive.

No laws criminalize consensual same-sex sexual conduct, although by decree individuals may not change their gender.

In May the Institute for Studies of Society, Economics, and Environment, a nonprofit organization working for the rights of minority groups, released statistics

that reported approximately 1.65 million individuals in the country identified as LGBT. In August approximately 200 activists took part in “Viet Pride 2013,” a gay pride parade in Hanoi.

In November the National Assembly endorsed revisions to the law that would grant same-sex couples the same property, contractual, and child-custody protections afforded to heterosexual married couples.

### **Other Societal Violence or Discrimination**

The law states that employers may not fire individuals for having HIV/AIDS and doctors may not refuse to treat persons with HIV/AIDS. There was no evidence of official discrimination against persons with HIV/AIDS and no reported denial of medical treatment.

Societal discrimination, however, did exist. Individuals who tested positive for HIV reported latent social stigma, lost jobs, and suffered discrimination in the workplace or in finding housing, although the number of such reports decreased during the year. With the assistance of foreign donors, national and provincial authorities took steps, albeit inconsistently, to treat, assist, and accommodate persons with HIV/AIDS and thereby decrease societal stigma and discrimination. Faith-based charities could sometimes provide HIV-prevention and home-based care services to persons with or affected by HIV/AIDS.

The government reported in 2012 that approximately 5,100 school-age children had HIV/AIDS. In several cases, pressure from other parents barred HIV/AIDS-positive children or orphans from schools.

## **Section 7. Worker Rights**

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

The law does not allow workers to organize and join independent unions of their choice. While workers may choose whether to join a union and at which level (local, provincial, or national) they wish to participate, every union must register with the country’s only trade union confederation, the Vietnam General Confederation of Labor (VGCL), in order to be legally recognized. The VGCL, a union umbrella organization controlled by the CPV, approves and manages a range of subsidiary labor unions organized according to location and industry.

In January the revised Trade Union Act took effect. Among other provisions, the act eliminated the requirement that enterprises with more than 20 workers create a trade union within six months of establishment. While the act charges unions with the responsibility to “disseminate information to persuade and guide workers to establish and/or join unions,” the VGCL may now only represent workers in nonunionized enterprises where the workers request it. Neither the act nor related regulations specify the process for workers to request such representation, or the minimum number of workers required to make such a request.

Under the act, the VGCL also has the responsibility for educating workers on their rights and obligations; representing workers (the “labor collective”) in collective bargaining and individual worker’s disputes; holding and leading legal strikes; and working with state agencies on labor relations, occupational health and safety, and other matters. The VGCL is no longer required to focus on establishing “grassroots unions.” Union dues are mandatory under law for union members and domestic and foreign employers. In an effort to improve accountability of union dues, the act clarified proper use of mandatory union dues for union members and domestic and foreign employers. It also eliminated the provision naming the VGCL as the sole entity to manage the finances of the entire trade union system.

The law provides VGCL-affiliated unions the right to bargain collectively on behalf of workers. Collective labor disputes over rights must go through a conciliation council and, if the council cannot resolve the matter, to the chair of the district-level people’s committee.

In May the revised Labor Code entered into effect. The code allows trade unions and employer organizations to facilitate and support collective bargaining and requires companies to establish a mechanism to enable management and the workforce to exchange information and consult on subjects that affect working conditions. The code also protects “labor subleasing” as a new pattern of employment and thus protects part-time and domestic workers.

The law permits strikes under certain prescribed circumstances and stipulates an extensive and cumbersome process of mediation and arbitration before a lawful strike may occur. The law prohibits strikes in businesses that serve the public or that the government considers essential to the national economy and defense, defined as strikes in enterprises involved in electricity production; post and telecommunications; maritime and air transportation, navigation, and management; public works; and oil and gas. The law defines “essential services” more broadly

than international standards. The law also grants the prime minister the right to suspend a strike considered detrimental to the national economy or public safety.

Strikes that do not arise from a collective labor dispute or do not adhere to the process outlined by law are illegal. Before workers may hold a strike, they must take their claims through a process involving a conciliation council (or a district-level labor conciliator where no union is present). If the two parties cannot reach a resolution, unions must submit claims to a provincial arbitration council. Unions (or workers' representatives where no union is present) have the right either to appeal decisions of provincial arbitration councils to provincial people's courts or to strike. The law also stipulates that strikers cannot be paid wages while they are not at work. The law prohibits retribution against strikers. By law, individuals participating in strikes declared illegal by a people's court and found to have caused damage to their employer are liable for damages. Individual workers may take cases directly to the people's court system, but in most cases they may do so only after conciliation has been attempted and failed.

VGCL leaders influenced key decisions by drafting, amending, or commenting on labor legislation; developing social safety nets; and setting health, safety, and minimum wage standards. Labor activists and representatives of independent (non-VGCL) worker organizations faced antiunion discrimination.

The VGCL reported 178 strikes from January through May. An estimated 71 percent of these strikes occurred in Ho Chi Minh City and surrounding provinces in foreign-invested enterprises (mainly South Korean and Taiwanese companies) and were due to wage disagreements. None of the strikes followed the authorized conciliation and arbitration process, and thus authorities considered them illegal "wildcat" strikes. The government took no action against the strikers and on occasion actively mediated agreements in the workers' favor. In some cases, the government imposed heavy fines on those employers, especially with foreign-owned companies, who engaged in illegal practices that led to strikes.

There were some anecdotal reports of employers retaliating against strike participants by limiting future employment prospects.

There were also credible reports that employers tended to use short-term or probationary contracts to avoid certain legally mandated worker benefits, such as unemployment insurance, or to inhibit workers from joining unions. Many employers would not let union leaders meet with workers unless management was present.

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

The law prohibits forced and compulsory labor, except as defined by administrative or criminal penalties. Nonetheless, the government and NGOs continued to report the occurrence of forced labor of adults.

Labor recruitment firms, most of which were affiliated with state-owned enterprises, and unlicensed middlemen brokers reportedly charged workers seeking international employment higher fees than the law allows, with impunity. Those workers incurred high debts and were thus more vulnerable to forced labor, including debt bondage.

Prisoners convicted by courts routinely were required to work for little or no pay. Authorities routinely required individuals, not convicted of crimes but detained under administrative decree in re-education centers and detention centers for sex workers and drug users, to work for little or no pay under administrative and legislative regulations. They produced food and other goods used directly in prisons or sold on local markets, reportedly to purchase items for their personal use. There continued to be credible reports that private companies hired individuals in drug detention centers.

In 2011 and 2012, an international human rights organization reported that authorities forced individuals in the detention centers for drug users to engage in unpaid or underpaid work as part of their treatment. In response, MOLISA officials confirmed that “therapeutic labor” was one part of the treatment for individuals in these centers but asserted that it was not required of all individuals and was remunerated.

Also see the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/](http://www.state.gov/j/tip/).

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

The law sets the minimum age for employment at 18, but enterprises may hire children between ages 15 and 18 if firms obtain permission from parents and MOLISA. Enterprises hiring children ages 15 to 18 must provide special considerations concerning working hours, annual leave, and working environment. These children may work a maximum of eight hours per day and 40 hours per week and must receive special health care.

The law permits children to register at trade training centers, a form of vocational training, from age 14 without parental consent. By law, an employer must ensure that workers under age 18 do not undertake hazardous work or work that would harm their physical or mental development. The law prohibits children from doing work that requires compressed working posture, direct contact with harmful chemicals, contact with radioactive substances, work with various types of furnaces or hot metal, driving motor vehicles, operating stone-grinding machines, and operating machines for starching cloth and cotton yarns, among others.

MOLISA is responsible for enforcing child labor laws and policies. Government officials may fine and, in cases of criminal violations, prosecute employers who violate child labor laws. Generally, the government committed insufficient resources to enforce effectively laws that provide for children's safety, especially for children working in mines and as domestic servants. MOLISA maintained that more than 25,000 children worked in hazardous conditions countrywide; international observers believed the actual figure was higher.

There were several reports that the government detected some cases of children forced to do hazardous work, removed children from those workplaces, and prosecuted/fined employers during the year. According to government representatives, businesses often claimed they provided permitted "vocational training," but unannounced government labor inspectors found children working nine to 12 hours per day for low pay in hazardous working conditions (including poor lighting, dusty environments, and the operation of heavy machinery) in small, privately owned garment factories in Binh Chanh District, Ho Chi Minh City. In 2012, the latest year for which such data were available, the government estimated that 1,450 children were working in that city in hazardous environments, such as garment factories, and near brick kilns (handling excessive weight, exposed to fire).

As part of its first five-year National Program on Child Protection, the government continued programs to eliminate persistent child labor, with a particular focus on needy families and orphans. A joint project with the International Labor Organization (ILO) to eliminate the worst forms of child labor continued; however, child labor remained a problem, particularly in rural areas, where two-thirds of the population resided.

In rural areas children worked primarily on family farms, in other agricultural activities and household responsibilities, or in mines. There were also reports of

children working in brick kilns. Some parents did not permit children to attend school during harvest and planting seasons. Migration from rural to urban settings exacerbated the child labor problem because unauthorized migrants were unable to register their households in urban areas. Consequently, their children could not attend public schools. Officials commonly assigned work to juveniles in education and nourishment centers, which function similarly to reform schools or juvenile detention centers, for “educational purposes.”

In urban areas children worked in family-owned small businesses, including small, privately owned garment factories, or on the street shining shoes or selling articles, such as lottery tickets and newspapers. There were also reports of forced child labor in garment factories.

#### **d. Acceptable Conditions of Work**

Beginning July 1, the monthly minimum wage for civil servants and state employees increased from VND 1.05 million (\$50) to VND 1.150 million (\$54.40). The government defined the poverty line for the period 2011-15 as VND 400,000 (\$18.90) per month for rural households and VND 500,000 (\$23.70) for urban households.

The law sets normal hours of work at eight hours per day, with a mandatory 24-hour break each week. Additional hours require overtime pay at one-and-one-half times the regular wage, two times the regular wage for working through the mandatory 24-hour rest period, and three times the regular wage for holidays and paid-leave days. The new labor code limits overtime to 50 percent of normal working hours per day, 30 hours per month, and 200 hours per year but provides for an exception in special cases, with a maximum of 300 overtime hours worked annually, subject to stipulation by the government after consulting with VGCL and employer representatives. The law also prescribes annual leave with full pay for the public and private sectors.

The government set the workweek for government employees and employees of companies in the state sector at 40 hours and encouraged the private business sector and foreign and international organizations that employed local workers to reduce the number of hours in the workweek to 40 hours, but compliance was not mandatory.

By law, an enterprise may not dismiss a female employee who is engaged to be married or is pregnant, on maternity leave, or caring for a child under one year of

age, unless the enterprise closes. Female employees who are at least seven months pregnant or are caring for a child under one year of age may not be compelled to work overtime, at night, or in locations distant from their homes.

It was unclear how strictly the government enforced provisions for wages, hours, and benefits or the exceptions for certain female employees. MOLISA, in coordination with local people's committees and labor unions, is responsible for enforcing the law, but enforcement was irregular for many reasons, including low funding and a shortage of trained enforcement personnel. The VGCL asserted that authorities did not always prosecute violations. MOLISA acknowledged shortcomings in its labor inspection system and emphasized that the number of labor inspectors countrywide was insufficient. According to MOLISA officials, there were approximately 150 full-time and 350 part-time labor inspectors. The VGCL stated, and MOLISA acknowledged, that low fines on firms for labor violations failed to act as an effective deterrent against violations. During 2012 the government expanded the inspection areas, covering topics ranging from labor regulations and persons with disabilities to social insurance and export-recruiting companies.

There continued to be credible reports that factories exceeded legal overtime thresholds and did not meet legal requirements for rest days. An April ILO report noted that 122 of 132 apparel factories did not comply with legal overtime limits.

Migrant workers, including internal economic migrants, continued to be among the most vulnerable workers and were routinely subjected to hazardous working conditions. Other workers who often work in the informal economy included members of ethnic minority groups.

The law requires the government to promulgate rules and regulations that provide for worker safety. On-the-job injuries due to poor health and safety conditions and inadequate employee training in the workplace remained a problem. The mining and construction sectors reported the greatest number of occupational injuries. In 2012, the latest year for which such data were available, there were 6,777 occupational accidents, a 14.9 percent increase from 2011.