

# Vietnam - Human Rights Scorecard <sup>1</sup>

Vietnam, officially the Socialist Republic of Vietnam, is the easternmost country on the Indochina Peninsula in Southeast Asia. With an estimated 90.5 million inhabitants as of 2014, it is the world's 14<sup>th</sup> most populous country and the eight most-populous Asian country. After expelling the French colonists in the 1950s, the Vietnamese fought a lengthy war with the United States until 1975 during the Cold-War era. Vietnam's capital city has been Hanoi since the reunification of North and South Vietnam under a Communist government in 1975. Although Vietnam remained impoverished for several years after this war, it eventually restored relations with all countries by 2000, and has enjoyed strong economic growth since then.<sup>2</sup>

**Official language:** Vietnamese

**Ethnic groups:** 85.7% Kinh; 53 minorities

**Government:** Unitary Marxist-Leninist one-party state

- General Secretary: Nguyễn Phú Trọng; President: Trần Đại Quang; Prime Minister: Nguyễn Xuân Phúc; Chairman of National Assembly: Nguyễn Thị Kim Ngân

**Death penalty:** Retentionist

**Population:** 91.7 million

**Life expectancy:** 73.2 years

**Under-5 mortality:** 18.4 per 1000

**Adult literacy:** 94 percent



## Section 1: Respect for the Integrity of the Person

Respect for the integrity of the individual is the most fundamental of human rights groupings. It guarantees protection of the person to ensure the right to life, and freedom from torture. It also prevents arbitrary detention, and disappearances, and ensures the right to a free and fair trial when accused.

### Freedom from arbitrary or unlawful deprivation of life



#### Largely disrespected <sup>3</sup>

There have been several reports of government officials working under the Minister of Public Security carrying out unlawful and arbitrary killings. Police officials are seldom held responsible.

### Freedom from disappearance



#### Respected <sup>4</sup>

There are no reports of disappearances in Vietnam.

### Freedom from torture and other cruel, inhuman or degrading treatment or punishment



#### Largely disrespected <sup>5</sup>

Although torture and other forms of physical abuse are prohibited by the constitution, the law is largely disregarded by police personnel who commonly use excessive force during arrest and detention.

### Freedom from arbitrary arrest or detention



#### Largely disrespected <sup>6</sup>

Vague national security provisions allow the government to arrest and detain citizens at will. The government often arrests peaceful protestors and activists on trumped up charges under these provisions.

### Freedom from denial of fair public trial



#### Largely disrespected <sup>7</sup>

The judiciary is considered corrupt and vulnerable to influence from the Communist Party and other outside influences, although new legislation has been passed to ensure citizens receive a fair and public trial.

### Freedom from arbitrary interference with privacy, family, home or correspondence



#### Largely disrespected <sup>8</sup>

The Vietnamese government frequently ignores laws forbidding arbitrary interference with privacy, family, home or correspondence.

## Section 2: Respect for Civil Liberties

Civil liberties are a basic category of internationally recognized human rights. They include the freedoms of expression, assembly, association, education, and religion. These are inalienable rights which should not be breached by government, and should ensure the rights of all, including women and minority groups.

### Freedom of speech and press (*Reporters Without Borders Press Freedom Index*)<sup>9</sup>



**Score: 74.27, Rank: 175 / 180 – Highly controlled, limited or intimidated**<sup>10</sup>

Most media is controlled by the Communist Party (CPV), and independent bloggers and citizen-journalists are subjected to harsh forms of persecution, including police violence.

### Freedom from academic censorship



**Largely disrespected**<sup>11</sup>

Academic publications reflect the views of the CPV, given the party's tendency to repress and imprison academics who speak out against the government.

### Freedom of peaceful assembly and association



**Largely disrespected**<sup>12</sup>

The Vietnamese government restricts and monitors all forms of peaceful assembly, often using police forces to disperse and arrest activists.

### Freedom of religion



**Partially respected**<sup>13</sup>

Religious groups are generally permitted to practice their faith as long as they are registered with the government. The government restricts the activities of registered religious groups in education and health, while unregistered groups are sometimes subject to harassment and abuse.

### Protection of refugees and stateless persons



**Largely disrespected**<sup>14</sup>

Vietnam has no system for providing protection to refugees and the law does not provide for granting asylum or refugee status.

### Overall protection of civil liberties (*FreedomHouse Civil Liberties Index*)<sup>15 16</sup>



**5 / 7 – Partly free**<sup>17</sup>

The Vietnamese government systematically suppresses freedom of expression in print, online, and through free assembly, and the ruling party controls the court system. However, freedom of movement is guaranteed and women are generally treated similarly to men.

## Section 3: Respect for Political Rights

Political rights ensure all members of society are able to influence the political process. The assessment of political rights includes an examination of the electoral process and the selection of representatives, the political empowerment of the general public, the tolerance of dissent, the accountability of government, etc..

### Overall protection of political rights (*FreedomHouse Political Rights Index*)<sup>18</sup>



**7 / 7 – Not free**<sup>19</sup>

The CPV is the only recognized political party in Vietnam, and political dissent is actively repressed. The CPV is riddled with corruption and internal strife.

## Section 4: Corruption and Lack of Transparency in Government

The civil, political, economic and social rights exercised within a country are often modulated by the degree of transparency and freedom from corruption. Various international metrics assess transparency and corruption, including the OECD anti-bribery convention, the Bribe Payers Index, and the Open Budget Index.

### Transparency and freedom from corruption (*Transparency International Corruption Perceptions Index*)<sup>20</sup>



**Score: 31%, Rank: 112 / 168 – Highly corrupt**<sup>21</sup>

All or almost all Vietnamese institutions participate in corruption, particularly the police force. Bribes are very common and there very little transparency in the government's budget.

## Section 5: Governmental Response to Criticism

*This section deals specifically with the response heads of state have to civil society or international human rights reports.*

### Governmental attitudes vis-à-vis independent investigations of alleged human rights violations



#### **Largely disrespected**<sup>22</sup>

The Vietnamese government does not tolerate internal criticism of its human rights practices, nor does it allow for private human rights organizations to form within the country.

## Section 6: Discrimination and Societal Abuses

*Legal and social discriminatory practices related to sex, race, creed or sexual orientation, are violations of human rights. Countries with strong civil liberty traditions should have a fair legal system that ensures the rule of law, allows free economic activity, and ensures equality of opportunity for all.*

### Rights of women (World Economic Forum Gender Gap Index)<sup>23</sup>



#### **Score: 68.7%, Rank: 83 / 145 – Very unequal rights**<sup>24</sup>

Women have little to no political empowerment in Vietnam, although they are nearly equal in terms of economic participation and empowerment.

### Rights of Children (KidsRights Index Overall Score)<sup>25</sup>



#### **Score: 81%, Rank: 53 / 165 – Protected**<sup>26</sup>

Children are guaranteed education through age 14 and are protected under Vietnamese law against early or forced marriage and sexual abuse. However, around 25% of children are victims of child abuse

### Rights of persons with disabilities



#### **Partially respected**<sup>27</sup>

While Vietnamese law protects the rights of persons with disabilities and prohibits discrimination, enforcement is sporadic and lacking. The government makes an effort to coordinate with NGOs, private companies, and foreign governments to expand the implementation of these rights.

### Rights of national/racial/ethnic minorities (e.g. discrimination, Islamophobia, anti-Semitism etc.)



#### **Partially respected**<sup>28</sup>

Vietnamese law prohibits discrimination against ethnic minorities, but societal discrimination against minority populations is still prevalent. Despite this, the government seeks to address persistent socioeconomic problems of ethnic minority communities.

### Freedom from abuse and discrimination based on sexual orientation or gender identity



#### **Partially respected**<sup>29 30</sup>

The law does not address freedom from discrimination based on sexual orientation or gender identity, but the National Assembly has recently passed a revised Civil Code which enshrines many transgender rights. Gay pride parades have been allowed to occur without interference.

## Section 7: Workers' Rights

*Workers' rights are a group of legal rights relating to labour relations between workers and their employers. At their core are things like the ability to negotiate pay, benefits, terms of employment, and safe working conditions. These rights often devolve from the right to unionize and access to collective bargaining.*

### Rights to freedom of association and to collective bargaining



#### **Partially respected**<sup>31</sup>

Workers are not allowed to join or form independent unions, but may join unions under the purview of CPV-controlled Vietnam General Confederation of Labour.

### Freedom from forced or compulsory labour



#### **Partially respected**<sup>32</sup>

The law prohibits compulsory labour, although there are many reports of forced labour of men, women and children. Drug users are sent to "compulsory detoxification establishment" where they are often subjected to compulsory labour.

## Freedom from forced labour for children, and a minimum age of employment



### Partially respected<sup>33</sup>

The government has identified child labour as a significant problem in Vietnam and has taken measures to enforce child labour laws, which set the minimum age of employment at 18. Children 15-18 may do non-hazardous work up to 40 hours and children 13-15 may do some light work.

## Right to acceptable conditions of work



### Largely disrespected<sup>34</sup>

Laws have been passed promoting occupational safety and health, but government enforcement has been relatively non-existent and very few violations have been prosecuted. Many factories do not meet legal requirements for overtime and rest days, and often exploit migrant workers.

## Right to employment



### 1.9% - Reasonable unemployment<sup>35</sup>

The unemployment rate in Vietnam is extremely low, consistently staying around 2% in the recent past and projected to stay stable in the coming years.

<sup>1</sup> A hybrid human rights and freedoms model, leveraging both legal principles and intuitive classifications, has been used for this human rights assessment. The CJPME Foundation has sought to integrate as many independent sources and metrics into its summary analysis as possible. In many cases, for qualitative material pertaining to the respect for a particular right in a country, the CJPME Foundation has drawn on material from Human Rights Watch and the US State Department country reports. Human Rights Watch (HRW) publishes a World Report which assesses the respect for human rights in each country. HRW uses a methodology of local reporting and interviewing, combined with research and analysis to assess the level of respect of human rights. The U.S State Department keeps an updated publication on the state of human rights internationally. Their system of research and accountability draws from the research of official US State Department officials, as well as local civil-society and international human rights organizations.

<sup>2</sup> Commonly-known information on the country is drawn from various Internet sources, including Google country pages, and Amnesty International. For death penalty see: "Death sentences and executions in 2016." Amnesty International. April 6, 2016. Accessed May 16, 2016.

<https://www.amnesty.org/en/documents/act50/3487/2016/en/>.

<sup>3</sup> "Country Reports on Human Rights Practices for 2015 Vietnam." U.S Department of State. January 1, 2016. Accessed May 16, 2016.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252813#wrapper>.

<sup>4</sup> Ibid. U.S Department of State. For purposes of the present analysis, a "disappearance" is different than simple arbitrary detention because a "disappearance" is considered permanent.

<sup>5</sup> Ibid. U.S Department of State.

<sup>6</sup> Ibid. U.S Department of State.

<sup>7</sup> Ibid. U.S Department of State.

<sup>8</sup> Ibid. U.S Department of State.

<sup>9</sup> The Press Freedom Index published by Reporters Without Borders ranks the level of freedom of information in 180 countries. This is determined through the polling of local NGOs and freedom of expression civil society organizations across the globe. This index is also determined by local correspondents and follow-up work done on reports of infringement to press freedom where ever it takes place. Their methodology looks at six different indicators: 1) Media pluralism, 2) Media independence, 3) Media atmosphere and self-censorship, 4) the Law around media, 5) Media transparency, and 6) Media infrastructure. The score from these six indicators is combined with a rating for the violence against journalists in the country to create an overall score. The CJPME Foundation classifies the Press Freedom Index as follows: 0 – 14.99 (16 countries), Largely free, diverse and independent; 15 – 24.99 (37 countries), Mostly free, diverse and independent; 25 – 29.99 (31 countries), Partially free, diverse and independent; 30 – 39.99 (39 countries), Partially controlled, limited or intimidated; 40 & higher (57 countries), Highly controlled, limited or intimidated.

<sup>10</sup> "World Press Freedom Index." Reporters Without Borders: For Freedom of Information. January 1, 2016. Accessed May 16, 2016. <https://rsf.org/en/vietnam>.

<sup>11</sup> "Country Reports on Human Rights Practices for 2015 Vietnam." U.S Department of State. January 1, 2016. Accessed May 16, 2016.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252813#wrapper>.

<sup>12</sup> "Vietnam." World Report 2016: Vietnam. January 1, 2016. Accessed May 16, 2016. <https://www.hrw.org/world-report/2016/country-chapters/vietnam>.

<sup>13</sup> "Vietnam." International Religious Freedom Report for 2014. January 1, 2015. Accessed May 16, 2016.

<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2014&dliid=238346#wrapper>.

<sup>14</sup> "Vietnam." World Report 2016: Vietnam. January 1, 2016. Accessed May 16, 2016. <http://www.hrw.org/world-report/2016/country-chapters/Vietnam>.

<sup>15</sup> Freedom House is an internationally recognized NGO based in the U.S which documents and rates the quality of democratic practice in a given country. Freedom House splits its grading system between the two areas of civil and political rights in a country. On each scale, the Freedom House rating is 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free).

<sup>16</sup> Freedom House's Civil Liberties index measures things such as a) freedom of expression and belief, b) associational and organizational rights, c) the rule of law, and d) personal autonomy and individual rights. Freedom House rates countries as 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Accessed May 16, 2016

<https://freedomhouse.org/report/freedom-world-2016/methodology>.

<sup>17</sup> "Vietnam." Freedom in the World 2014: Vietnam. January 1, 2014. Accessed May 16, 2016. <https://freedomhouse.org/report/freedom-world/2015/vietnam>.

<sup>18</sup> See footnote about the Freedom House organization above. The Freedom House Political Rights assessment looks at a) the electoral process, b) political pluralism and participation, and c) the functioning of government. Accessed May 16, 2016 <https://freedomhouse.org/report/freedom-world-2016/methodology>.

<sup>19</sup> "Vietnam." Freedom in the World 2016: Vietnam. January 1, 2016. Accessed May 16, 2016 <https://freedomhouse.org/report/freedom-world/2015/vietnam>.

<sup>20</sup> Transparency International (TI) publishes a "Corruption Perceptions Index" annually, which is based on independent research and polling. The main categories of corruption are broken down within the index to provide particulars on issues including things such as perceptions of corruption, control of corruption, and financial secrecy. A country receives a score on 100; the higher the score, the less corrupt the society. The CJPME foundation has classified them into categories as follows:

80-100 (11 countries): Very limited corruption; 60-79 (27 countries): Limited corruption; 40-59 (41 countries): Some corruption; 20-39 (80 countries): Highly corrupt; 0-19 (15 countries): Extremely corrupt

<sup>21</sup> "Vietnam." Corruption by Country. January 1, 2016. Accessed May 16, 2016. <https://www.transparency.org/country/#VNM>.

<sup>22</sup> "Country Reports on Human Rights Practices for 2015 Vietnam." U.S Department of State. January 1, 2016. Accessed May 16, 2016. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252813#wrapper>.

<sup>23</sup> This metric is based on the World Economic Forum's Gender Gap Index. 0.00 denotes inequality between the sexes, and 1.00 denotes fully equality between the sexes. This index looks at four subdomains: economic participation and opportunity; educational attainment; health and survival; and political empowerment. Each country is given a percentage score; the higher the percentage, the better the protections. The CJPME Foundation classed the percentages as follows: 80-100% (5 countries): Almost equal rights; 70-79% (60 countries): Somewhat unequal rights; 0-69% (77 countries): Very unequal rights

<sup>24</sup> "Vietnam." World Economic Forum. January 1, 2016. Accessed May 16, 2016. <http://reports.weforum.org/global-gender-gap-report-2015/economies/#economy=VNM>.

<sup>25</sup> This metric is based on the KidsRights Index Overall Score. This index has five subdomains: life expectancy and maternal mortality; health; education; protection; and child rights environment. Each country is given a percentage score; the higher the percentage, the better the protections. KidsRights classes the countries according to these percentages, and the CJPME Foundation has given each class a term as follows: 70-100% (77 countries): Protected; 60-70% (29 countries): Somewhat protected; 45-50% (33 countries): Slightly vulnerable; 30-45% (12 countries): Highly vulnerable; Lower than 30% (11 countries): Extremely vulnerable

<sup>26</sup> "The KidsRights Index: Overall Ranking." The KidsRights Index. Accessed May 16, 2016. <http://www.kidsrightsindex.org/>

<sup>27</sup> "Country Reports on Human Rights Practices for 2015 Vietnam." U.S Department of State. January 1, 2016. Accessed May 16, 2016.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252813#wrapper>.

<sup>28</sup> Ibid. U.S Department of State.

<sup>29</sup> "ILGA State Sponsored Homophobia." International Lesbian Gay and Intersex Association. May 1, 2015. Accessed May 16, 2016.

[http://old.ilga.org/Statehomophobia/ILGA\\_State\\_Sponsored\\_Homophobia\\_2015.pdf](http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2015.pdf). See also Ibid. U.S Department of State.

<sup>30</sup> ILGA, the International, Lesbian, Gay, Bisexual, Trans and Intersex Association, was founded in 1978 on the principle of highlighting state sponsored homophobia where it exists around the world. ILGA annually publishes a map with an accompanying report on sexual and gender based harassment, which focuses on both the legal and non-legal acts of state sponsored discrimination.

<sup>31</sup> "Country Reports on Human Rights Practices for 2015 Vietnam." U.S Department of State. January 1, 2016. Accessed May 16, 2016.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252813#wrapper>.

<sup>32</sup> Ibid. U.S Department of State.

<sup>33</sup> Ibid. U.S Department of State.

<sup>34</sup> Ibid. U.S Department of State. See also a well-done Wikipedia comparison of wage, income and work week metrics across countries at

[http://en.wikipedia.org/wiki/List\\_of\\_minimum\\_wages\\_by\\_country](http://en.wikipedia.org/wiki/List_of_minimum_wages_by_country)

<sup>35</sup> "Global Employment Trends." International Labour Organization. January 1, 2015. Accessed May 16, 2016. [http://www.ilo.org/global/about-the-ilo/multimedia/maps-and-charts/WCMS\\_233936/lang--en/index.htm](http://www.ilo.org/global/about-the-ilo/multimedia/maps-and-charts/WCMS_233936/lang--en/index.htm).