

Human rights in Vietnam

Despite constitutional guarantees, Vietnam has one of the worst human rights records in south-east Asia, with severely restricted freedom of expression, as well as a ban on opposition parties and in general on independent organisations. Recent improvements to LGBTI rights and the criminal justice system are among the few bright spots. EU support for Vietnamese human rights includes funding and a human rights dialogue.

Ratification of international instruments

Vietnam has ratified [nine](#) of the UN's 18 human rights instruments, a similar number to China and Laos, but fewer than Thailand (11) or the Philippines (14). At a [meeting](#) held in 2014 as part of the UN's Universal Period Review of human rights, Vietnam agreed to consider ratifying more international conventions; in line with this commitment, it has since ratified the Convention against Torture.

Domestic human rights guarantees

The [2013 constitution](#) guarantees numerous human rights, but at the same time qualifies them by allowing restrictions in the name of defence, security, social order, morality and health. It also enshrines the role of the Communist Party of Vietnam as 'the leading force of the State and society'.

The [Penal Code](#) contains several vaguely worded provisions which have been used against political and human rights activists, such as Articles 79 (activities aimed at overthrowing the people's administration), 245 (causing public disorder) and 258 (abusing democratic freedoms to infringe upon the interests of the state).

Human rights in practice

Dignity and right to life

Between 2011 and 2014, there were [226 deaths in custody](#), many under suspicious circumstances, as well as [46 complaints](#) of torture and physical abuse. Few of these have been investigated, and police officers convicted of brutality have received only [light sentences](#). In an effort to prevent abuses, in 2015 a requirement to video or audio record interrogations was added to the Criminal Procedure Code, with full implementation from 2019; some observers are [sceptical](#) whether police will comply with the new rules.

According to a US State Department report, the number of political prisoners in Vietnam fell from [125 at the end of 2014](#) to 95 a year later — a reduction that may have been linked to Vietnam's eagerness to conclude the Trans-Pacific Partnership (the free trade pact with the United States and ten other countries, which could boost Vietnam's economy [by as much as 27%](#) if it comes into force). The security forces appear to have [changed tactics](#), with numerous incidents of plainclothes agents [violently assaulting dissidents](#) instead of arresting them. For those behind bars, conditions for political prisoners have remained [harsher](#) than for ordinary prisoners, with many being kept in particularly cramped conditions and denied family visits.

Vietnam continues to apply the death penalty, although the number of capital offences was reduced from 22 to 15 in 2015. As death penalty statistics are [classified as a state secret](#), the number of executions carried out is unknown, but [nearly 700 prisoners](#) are believed to be on death row.

Freedom and citizens' rights

The Communist Party of Vietnam is the only recognised political party. Candidates can only stand for election if approved by the Vietnamese Fatherland Front, a pro-government movement to which the Communist Party itself is affiliated; this gives the party a near-monopoly of seats, with just a handful of independents.

Although the Vietnamese constitution guarantees freedom of association, independent NGOs (that is, those not affiliated to the Fatherland Front) are not encouraged, though in practice [some are tolerated](#).



Independent trade unions are not allowed and there are severe restrictions on strikes; nevertheless, there were [262 wildcat strikes](#) in 2015, and in several of them the government actually [sided with the strikers](#) against the employers (especially foreign companies).

Although religion is no longer repressed as harshly as it was in the 1970s, religious communities are still required to register with the state and to accept [onerous reporting requirements](#). Unregistered groups face harassment, for example in the [Central Highlands](#), where there have been large-scale conversions since the 1990s among ethnic minorities such as the Hmong to various forms of Protestantism. The Vietnamese government, which sees some of these minorities as a front for separatism, has closed many churches and imprisoned their pastors. Unregistered Hoa Hao Buddhist communities have also experienced persecution.

Nearly all [media outlets](#) are state-owned and controlled, and there is censorship, including of foreign broadcasters and publications. Reporting of corruption cases is allowed, but criticism of government policy and calls for democratic reforms are not. Some restrictions have been relaxed; for example, since 2012, foreign press agencies have been allowed to base themselves outside Hanoi. However, Vietnam remains near the bottom of Reporters Without Borders' [World Press Freedom](#) ranking (175th out of 180 countries).

The [internet](#) is somewhat freer – there is no Chinese-style firewall, although certain websites are intermittently blocked, and bloggers who criticise the government face imprisonment or harassment.

In April 2016, the Vietnamese parliament adopted a law [guaranteeing citizens' access to information](#), to come into force in 2018, although it is not yet clear what information will remain classified.

Equality

Ethnic minorities make up 14 % of Vietnam's population, but [two fifths of its poor](#), and government programmes (such as subsidised education and health care) have failed to close the gap. Women are another disadvantaged group: although Vietnam does well in terms of labour force participation (79 % of working age women), they earn [one third less for similar work](#) than their male counterparts – a larger gap than in other south-east Asian countries.

Attitudes towards LGBTI people remain [hostile](#), but there have been some positive developments: same-sex marriages have been legalised (however, this does not mean that homosexual spouses enjoy legal protection, merely that they will not be prosecuted for marrying), and annual [Viet Pride rallies](#) are held in several Vietnamese cities, with hundreds of participants.

Justice

Compared to its 1992 predecessor, the 2013 constitution places greater emphasis on the role of the courts in protecting [justice and human rights](#); it also prohibits [outside interference](#) in trials, and enshrines the [presumption of innocence](#). These improvements are reflected in Vietnam's 2015 [Criminal Procedure Code](#). However, Communist Party screening of judges (most of whom are party members) before their appointment still gives it considerable influence over the courts, particularly in politically sensitive cases. Defence lawyers [complain](#) of not being given adequate [access to clients](#) and evidence, making it difficult to prepare their cases.

The EU and human rights in Vietnam. In 2012 the EU and Vietnam signed a [partnership and cooperation agreement](#) (PCA), in which they committed to respecting human rights and established a human rights dialogue. Although the agreement has not yet come into force, [annual human rights meetings](#) already began in 2012, enabling the EU to discuss human rights concerns with Vietnam.

Furthermore, a [free trade agreement](#) (FTA) is close to finalisation. Stakeholders (including the [European Parliament](#), the [Ombudsman](#) and [human rights NGOs](#)) have criticised the European Commission for not sufficiently investigating the agreement's human rights implications. On the other hand, the FTA should also give the EU some leverage to improve the situation, thanks to a [clause](#) allowing it to suspend the agreement if Vietnam fails to meet its PCA commitment to promoting human rights.

EU funding for Vietnamese human rights includes the European Instrument for Democracy and Human Rights ([€900 000, 2014-2015](#)) and the [JULE programme](#) in support of judicial reforms (€8.6 million, 2014-2020).

European Parliament resolutions of April 2014 ([state of play of the EU-Vietnam FTA](#)), December 2015 ([PCA](#)) and June 2016 ([Vietnam](#)) are all highly critical of the human rights situation in Vietnam, but also encourage reforms of the criminal justice system, commend the country's 'leading role in Asia on the development of LGBTI rights' and call for pragmatic cooperation through the EU-Vietnam human rights dialogue.