



**Australian Government**

**Department of Foreign Affairs and Trade**



# DFAT COUNTRY INFORMATION REPORT VIETNAM

11 January 2022

# MAP



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## ACRONYMS

CIC	Citizen Identification Card
CPV	Communist Party of Vietnam
CSO	Civil society organisation
ECL	Exit control list
GDP	Gross Domestic Product
HCMC	Ho Chi Minh City
ILO	International Labour Organization
IOM	International Organization for Migration
LGBTI	Lesbian, Gay, Bisexual, Transgender, and/or Intersex
MOLISA	Ministry of Labour, Invalids and Social Affairs
MPS	Ministry of Public Security
NGO	Non-government organisation
PrEP	Pre-exposure prophylaxis, a drug used to prevent the transmission of HIV
UN	United Nations
UNFPA	United Nations Population Fund
UNODC	UN Office on Drugs and Crime

## GLOSSARY

06 Centre	Facility for mandatory drug rehabilitation
Force 47	Alleged Government of Vietnam ‘force’ that is used to monitor and troll online critics
<i>hộ khẩu</i>	Household registration
troll	A person who posts inflammatory content online designed to slander, cause controversy, promote a political opinion or for personal gratification.

### Terms used in this report

high risk	DFAT is aware of a strong pattern of incidents
moderate risk	DFAT is aware of sufficient incidents to suggest a pattern of behaviour
low risk	DFAT is aware of incidents but has insufficient evidence to conclude they form a pattern

#### official discrimination

1. legal or regulatory measures applying to a particular group that impede access to state protection or services that are available to other sections of the population (examples might include but are not limited to difficulties in obtaining personal registrations or identity papers, difficulties in having papers recognised, arbitrary arrest and detention)
2. behaviour by state employees towards a particular group that impedes access to state protection or services otherwise available, including by failure to implement legislative or administrative measures

#### societal discrimination

1. behaviour by members of society (including family members, employers or service providers) that impedes access by a particular group to goods or services normally available to other sections of society (examples could include but are not limited to refusal to rent property, refusal to sell goods or services, or employment discrimination)
2. ostracism or exclusion by members of society (including family, acquaintances, employers, colleagues or service providers)

# 1. PURPOSE AND SCOPE

1.1 The Department of Foreign Affairs and Trade (DFAT) has prepared this Country Information Report for protection status determination purposes only. It provides DFAT's best judgement and assessment at time of writing and is distinct from Australian Government policy with respect to Vietnam.

1.2 The report provides a general, rather than an exhaustive, country overview. It has been prepared with regard to the current caseload for decision makers in Australia, without reference to individual applications for protection visas. The report does not contain policy guidance for decision makers.

1.3 Ministerial Direction Number 84 of 24 June 2019, issued under s 499 of the *Migration Act 1958*, states that:

Where the Department of Foreign Affairs and Trade has prepared [a] country information assessment expressly for protection status determination purposes, and that assessment is available to the decision maker, the decision maker must take into account that assessment, where relevant, in making their decision. The decision maker is not precluded from considering other relevant information about the country.

1.4 This report draws on DFAT's on-the-ground knowledge and discussions with a range of sources in Vietnam and elsewhere. It takes into account information from government (including the Vietnamese Government) and non-government sources, including (but not limited to) those produced by: the US Department of State; the UK Home Office; World Bank; Transparency International; Amnesty International; Human Rights Watch; Reporters Without Borders; the Committee to Protect Journalists; relevant UN agencies; and reputable news organisations. Where DFAT does not refer to a specific source of a report or allegation, this may be to protect the source.

1.5 This updated Country Information Report replaces the previous DFAT report on Vietnam published on 13 December 2019.

## 2. BACKGROUND INFORMATION

### RECENT HISTORY

2.1 Vietnam officially gained independence from France in the mid-1950s following the first Indochina War. In 1954, the country was divided into two: the northern Democratic Republic of Vietnam (North Vietnam) and the southern Republic of Vietnam (South Vietnam). At the height of Cold War tensions, the two sides entered what is commonly called the 'Vietnam War' in English and 'the American War' or 'Second Indochina War' in Vietnamese. The war ended in April 1975 when communist forces captured the presidential palace in the southern capital of Saigon (now named Ho Chi Minh City (HCMC)) and reunified North and South Vietnam as the Socialist Republic of Vietnam. The conflict produced significant numbers of refugees who migrated to different countries around the world, including Australia, where they established diaspora communities.

2.2 Vietnam and China engaged in border clashes in the years immediately after the Vietnam War. Vietnam invaded Cambodia in 1978 and Cambodia's ally, China, responded with attacks against several northern provinces of Vietnam. This resulted in a mass-exodus of ethnic Chinese from Vietnam in the late 1970s.

2.3 The planned economy stagnated in the first decade of reunification. A series of reforms beginning in 1986 opened the country to foreign investment and achieved enormous economic growth. Vietnam then joined the Association of Southeast Asian Nations (ASEAN) and the World Trade Organization. With economic liberalisation came significant improvements to human development indicators such as health, education and poverty rates, but the Communist Party of Vietnam (CPV) maintains tight political control and the space for political dissent remains limited.

### DEMOGRAPHY

2.4 Vietnam's population is about 100 million people. It is a young, largely rural population with about 7 per cent of people older than 65 years and 38 per cent of people living in urban areas. The two largest cities are HCMC with 8.8 million people, and the capital Hanoi with 4.8 million people. The Vietnamese language, based on the Hanoi dialect, is widely spoken throughout the country. For ethnic demography, see [Race/Nationality](#). For religious demography, see [Religion](#).

### ECONOMIC OVERVIEW

2.5 According to World Bank data, between 2002 and 2018 more than 45 million people were lifted out of poverty. In that period, the poverty rate fell from over 70 per cent to below 6 per cent. The majority of the poor are from ethnic minority groups. The economy continues to grow and has strong growth potential, with 2.9 per cent growth in 2020 despite the COVID-19 pandemic. This is reflected in a growing middle class and increasing urbanisation.



## Employment and welfare

2.6 The official unemployment rate is about 2.4 per cent according to ILO data. However, the rate of informal employment is very high. According to figures quoted by the World Bank, 76 per cent of all workers are in the informal sector. The COVID-19 pandemic was disruptive to employment with a 1.2 per cent increase in unemployment in 2020. Women and low-skilled workers were particularly affected by the pandemic with many losing their jobs.

2.7 Vietnam is rapidly urbanising. The services sector has become the largest part of the economy at about 50 per cent of GDP. Vietnam has become a popular destination for manufacturing as wages are low and there is a young, growing and increasingly educated workforce. Some multinational companies looking to diversify their outsourced manufacturing have sought out Vietnam as an alternative location to other countries in the region for manufacturing, creating jobs for young people.

2.8 The poor are eligible for a social welfare benefit from 60 years of age with greater coverage and benefits for those over 80. The payment is usually not high enough to subsist on without other assistance. A compulsory insurance scheme (pension scheme) covers about 20 to 25 per cent of the population, mostly workers in the formal sector. Given the [young population](#) and high rates of [informal work](#), a large number of people are not covered by any pension scheme. Particular groups among the poor, such as the elderly or ethnic minorities, without other means of support, may receive official payments or loans to assist with daily living expenses or practical assistance such as food, healthcare or vocational training.

2.9 Social welfare eligibility is very complex and eligibility in particular circumstances is difficult to determine. Access to programs for any given individual should not be assumed. Fraudulent access to schemes is also reported by in-country sources. Even if an applicant is entitled to social welfare, the amount that they would receive would be unlikely to sustain them without other means of support. For information on health care subsidies see [Health](#).

## Corruption

2.10 Vietnam ranked 104 out of 180 countries in Transparency International's 2020 Corruption Perceptions Index. A large anti-corruption campaign in 2017 and 2018 saw thousands of investigations and prosecutions that included senior government officials and senior business leaders.

2.11 Both Transparency International figures and Vietnamese media report that public perceptions of levels of corruption are falling but also that corruption is a key concern of everyday Vietnamese people. Despite significant government efforts to control corruption, it remains 'rampant' according to German research foundation Bertelsmann Stiftung's 2020 report on Vietnam. A 2019 Transparency International report found that 65 per cent of Vietnamese had paid a bribe, or 'given a gift or done a favour' for a teacher, health worker, judicial, police or other government official in the preceding 12 months. GAN Integrity, a Danish risk consultancy, notes 'high' levels of corruption in the judiciary, police, land and tax services. See [Police](#) or [Judiciary](#) or [Prevalence of Fraud](#) (in documents) for further specific information.

## Education

2.12 Vietnam has a strong cultural commitment to education reflected in high levels of school enrolment. Schools are administered by provincial governments and almost all students attend public schools. Education is free and compulsory up until age 14. Education is universal by law, but some students in rural and ethnic minority areas may work and not have the opportunity to attend school regularly. A local [residence registration](#) and a birth certificate are required to access enrolment in public schools.



## Health

2.13 According to United Nations Development Programme data, life expectancy is 75.4 years (men 71.3 years, women 79.5 years) and health expenditure is 5.5 per cent of GDP (for context: combined men and women's life expectancy in Australia is 83.4 years and health spending is 9.2 per cent of GDP in Australia). Economic growth and urbanisation have increased the quality and availability of health services for most Vietnamese.

2.14 Hospitals are organised at the 'central' (national), provincial and district levels, along with private hospitals that are found in urban areas. Healthcare in rural communities is provided at commune-level health centres. These centres provide basic preventative care, diagnoses and treatments, and refer people on to hospitals. Quality varies from place to place, and some centres are poorly funded and ill-equipped. Distance for people living in remote areas can be a barrier to access. Health centres are usually staffed by nurses and midwives, while some may have doctors. Hospitals are the primary place of care (rather than, for example, a general practitioner's practice) for many Vietnamese. See also [Internal Relocation](#) for information on how place of residence and household registration can affect access to healthcare.

2.15 The vast majority of the population is enrolled in the social health insurance scheme. The poor, ethnic minorities and elderly are fully subsidised, while others pay premiums. Healthcare is not free; a co-payment is required from patients, potentially along with bribes due to [corruption](#). The co-payment is higher in central and provincial-level hospitals, but the level of care there is also higher. This may encourage those who can afford it to bypass lower-level hospitals to receive treatment.

## Mental health

2.16 Mental healthcare is available at different levels including at national, provincial and commune hospitals and clinics. About half of the provinces have a mental health facility at the main hospital. There are three national mental health hospitals in Hanoi and HCMC. Medication for mental health conditions is provided at provincial, national and some district hospitals. Hospitals provide inpatient and outpatient services and, once a patient becomes stable, they may be referred to outpatient services at the commune level.

2.17 Stigma is a barrier to seeking treatment and some people or their families may deny that a mental health problem exists in the first place. Young people may be more willing than older people to self-describe as mentally unwell and seek treatment.

2.18 The quality of mental health treatment varies from place to place. It is likely to be better at main hospitals than district-level hospitals, for example. In-country sources told DFAT that treatment is often inadequate, with a large ratio of patients to mental health professionals, and that most mental health conditions, especially depression and anxiety, will go untreated. Treatment relies on medication rather than psychotherapy, which is often unavailable.

2.19 Cost may be a barrier to mental healthcare, especially for the very poor or those with complex needs. Basic treatment and basic medications are covered by [social health insurance](#). In-country experts told DFAT the out-of-pocket cost for medication is low and affordable to most people. Distance can also be a significant barrier to treatment. Mental health treatment is supposed to be available at the district level, but DFAT understands this is not always the case in practice.

## Drug addiction

2.20 As in other countries in the region, illegal drug use is a significant social problem. Heroin is particularly in demand and the popularity of methamphetamine and other stimulants is rising. Drug abuse is particularly prevalent in rural areas.

2.21 Drug users, especially amphetamine addicts, might be required to register with the police and may be detained at government treatment centres known as 'O6 Centres'. There are no drug substitution therapy options for methamphetamine addicts. Drug users typically spend 12 months in O6 Centres, though some remain for up to four years for post-treatment management. In-country sources report that conditions in O6 Centres vary from centre to centre. They describe conditions as 'prison-like' (with guards, bars, razor wire and compulsory work) but generally clean and safe, if sometimes overcrowded. Sources told DFAT O6 centres do not provide effective, proven medical treatment for drug addiction.

2.22 Heroin addicts may be diverted to methadone programs run by health professionals. These programs have been running since 2008 and have been scaled up in recent years. The number of people in O6 Centres has reduced as the availability of methadone programs has increased. Methadone treatment is not free, but the costs are heavily subsidised by the Government. Services may be available to patients outside of clinics, with methadone provided for use in the home.

2.23 It is difficult to say who will be taken to an O6 Centre rather than given drug substitution treatment. Substitution treatment is only available to opioid users; methamphetamine users do not receive substitution treatment. In general, if a drug user is referred to treatment through the health system, they are more likely to receive substitution treatment; if referred through police, they are more likely to be placed in an O6 Centre. DFAT understands people caught by police more than once are more likely to be taken to an O6 Centre.

2.24 Social stigma against drug users is strong. Drug users may be seen as 'morally weak' and those subjected to stigma may experience discrimination from families and employers. Stigma exists against not only current drug users but also former and recovering drug users. Drug use is seen as a moral issue and the media portray drug users negatively. In-country sources told DFAT it may be possible to hide former drug use from, for example, employers, but families and communities are likely to know that a person is or has been a drug user and thus people may be subject to stigma.

#### People living with HIV

2.25 DFAT understands the number of new HIV infections has been decreasing for some years. New infections continue to be reported and particularly vulnerable people include sex workers, men who have sex with men, people who use drugs, and the sexual partners of those groups.

2.26 Affected people face significant stigma; families and society may assume certain immoral behaviours by people living with HIV. According to in-country sources, the stigma against HIV infection itself is probably not as strong as the stigma directed at groups vulnerable to HIV, for example sex workers and drug users who face strong stigma regardless of their HIV status. Stigma may also apply to users of prophylactic treatments such as pre-exposure prophylaxis (PrEP) where those seeking access to such treatments are seen as 'not clean' or promiscuous. As these categories tend to overlap, in-country sources described a comprehensive 'package' of stigma against vulnerable communities.

2.27 HIV treatment and testing is available throughout Vietnam, including in remote areas. Treatment facilities are available at the district level and even those who live in mountainous or rural areas can receive treatment in a larger population centre and then have ongoing treatment coordinated at the commune level. In-country sources told DFAT patients may seek initial treatment outside their own district because of the stigma associated with HIV. Supply and cost can be barriers, particularly for those outside of cities. If, for example, supply for only a few days can be obtained, patients may need to change their treatment regimen (which can cause medical complications) or have to travel long distances regularly, which may not be possible for the poor or those working in insecure jobs.

## POLITICAL SYSTEM

2.28 Vietnam is a one-party communist state. Communist Party of Vietnam (CPV) members hold all senior government and military positions. The National Congress is the CPV's largest national decision-making body. It meets every five years. The most recent Congress was in January/February 2021 and comprised 1,600 delegates. These delegates elected the 200-member Central Committee (the second-highest decision-making body that meets twice a year) which, in turn, elected the (currently) 18-member Politburo, Vietnam's most powerful decision-making body.

2.29 The General Secretary of the CPV, State President, Prime Minister and Chair of the National Assembly (the national parliament) are key figures of political power. Elections are held for the National Assembly, most recently in May 2021. Ninety-two per cent of candidates in the National Assembly are members of the CPV. Real political power is held in CPV structures rather than the National Assembly.

2.30 Vietnam is politically organised into 58 provinces and 5 municipalities (Hanoi, Haiphong, Da Nang, Ho Chi Minh City and Can Tho). Further subdivisions are districts and communes, which are the smallest level of government that exist in both rural and urban areas.

## HUMAN RIGHTS FRAMEWORK

2.31 Vietnam has ratified a number of UN treaties related to human rights. Vietnam does not have a national human rights institution. The Labor Code, revised in 2021, prohibits discrimination in employment based on sex, skin colour, race, nationality, ethnic group, marital status, pregnancy, political views, disability, HIV status or membership of a union ([LGBTI rights](#) are not covered). For information on how rights are exercised in practice see the relevant section: [Religion](#), [Race](#), [Political opinion](#), [Particular social groups](#) and [Complementary protection](#).

## SECURITY SITUATION

2.32 Vietnam does not have the same history of terrorism found in other parts of Southeast Asia. The country is generally safe in terms of violent crime and police are a visible presence around the country. Already low violent crime rates have fallen even lower during COVID-19 with lockdowns and increased police presence. Organised crime does exist and has international and national reach. Organised crime is involved in human trafficking, prostitution, extortion and [drug](#) activities but the day-to-day lives of most Vietnamese are unaffected. See also [Police](#) and [People who owe money to loan sharks](#).

## 3. REFUGEE CONVENTION CLAIMS

### RACE/NATIONALITY

3.1 About 85 per cent of Vietnam's population is ethnically Kinh, according to 2019 census data. The remaining 15 per cent of the population is comprised of 53 other recognised ethnic groups, 11 of which have fewer than 5,000 people. The Kinh traditionally live in the coastal and low-lying areas while ethnic minorities are a larger proportion of the population in the Northwest, Central Highlands and areas of the Mekong Delta. Ethnic minority groups, while mostly associated with remote and mountainous regions, also live in other parts of the country because of internal migration. Despite legal protections, discrimination against non-Kinh people is 'longstanding and persistent' according to the 2020 US Department of State Human Rights Report.

3.2 Some concessions exist for ethnic minorities; for example, they might receive legal assistance, land grants or subsidised specialist education. Subsidies are available to businesses who invest in areas with large ethnic minority populations. In spite of these efforts, many ethnic minority communities are very poor. The World Bank estimates that 86 per cent of Vietnam's poor are from ethnic minorities.

3.3 According to 2018 UNHCR figures, there are about 30,000 stateless people in Vietnam. Available information about stateless people is limited, but DFAT understands that stateless people including Cambodian refugees, women from neighbouring countries who renounced their original citizenship, got divorced and are not entitled to Vietnamese citizenship and some cross-border Montagnard and Hmong groups.

3.4 It is difficult to assess stateless people as a group – there are many different circumstances that may be covered in the relevant section of this report (see chapter 3). As non-citizens they would be unable to access government services such as education and health. Civil society or churches might provide services, but those may be limited in practice because of practical difficulties such as geography and isolation, and will differ from place to place. Naturalisation in Vietnam may be difficult or impossible; there are requirements such as Vietnamese language ability, five-year residence, 'respecting the traditions, customs and practices of the Vietnamese people' and other conditions. Stateless people may have difficulty producing required documents, especially if they are from remote areas.

### Degar/Montagnards

3.5 The Degar or Montagnards (French: 'mountain dweller') are a group of more than 30 indigenous highlander communities with distinct cultures and ethnicities, with a combined total population of 1 to 2 million people. They are split between unrelated Austronesian and Mon-Khmer ethnic groups. The Montagnards have long been considered a sensitive group by the Government after they fought alongside American and South Vietnamese troops in the Vietnam war, and following protests in 2004 for land rights and the freedom to practise their Protestant religion.



3.6 Land is a particularly sensitive issue for the Montagnards. Traditional land inheritance is facilitated orally between family members and this is not recognised by the state. Land grabbing and development has displaced many Montagnards from their traditional homelands and surrounding natural resources.

3.7 The Montagnards are majority Evangelical Protestant with some smaller Catholic communities. They may combine their spiritual beliefs with political protest and have been seen by the Government as separatists in the past (for example during protests in the first decade of this century when they demanded greater self-determination and religious freedom).

3.8 DFAT assesses that Montagnards face a moderate risk of official discrimination if they are involved in political activism or religious practices perceived to be political. DFAT further assesses that the Montagnards face a moderate risk of societal discrimination on the basis of their ethnic identity.

## Hmong

3.9 The Hmong are an ethnic group who speak mutually intelligible languages. They live in the northern and central highlands of Vietnam, traditionally across the borders of Laos, Thailand, Cambodia and China, and they may have Chinese surnames such as 'Li' and 'Yang'. Like the Montagnards, the Hmong are mostly Evangelical Christian (though other forms of Christianity exist among the Hmong, including Catholicism). Some Hmong retain indigenous beliefs, including ancestor worship, and some syncretic practices also exist.

3.10 Like the Montagnards, the Hmong have historical links to the US through the Vietnam War era, when some Hmong were reportedly recruited by the Central Intelligence Agency. Hmong groups have also participated in political protests, notably protests in Dien Bien Province in 2011 that saw thousands of Hmong demand religious freedom, land rights and autonomy.

3.11 Hmong people will often speak various dialects of the Hmong language that are mutually intelligible with Hmong from different communities and across borders. The Vietnamese Hmong dialect is taught in schools, but many Hmong prefer to use the international version. Hmong people have access to healthcare and education, but it is limited practically because of distance and remoteness.

3.12 DFAT assesses that the Hmong face a low risk of official or societal discrimination on the basis of their ethnicity but a moderate risk of official discrimination if they are involved in political activism.

## RELIGION

3.13 Vietnam is officially an atheist state. Article 24 of the Constitution nevertheless guarantees a right to freedom of belief and religion. In practice, religious groups are required to register with the Government and the authorities place restrictions on the day-to-day activities of some believers. The 2020 US Department of State International Religious Freedom report estimates, based on census data, that 14 per cent of Vietnamese have some religious faith, with 6 per cent of the population Catholic and 5 per cent Buddhist. Protestants make up about 1 per cent of the population. Small religions and traditional religious-cultural practice (for example, ancestor veneration) are also practised.

3.14 The Law on Belief and Religion came into effect on 1 January 2018. It established a role for the state in protecting religious freedoms and established legal personhood for religious groups. It requires such groups to register with the Government, and religious activities, including routine worship, festivals or conferences, to be registered. Activities can be disallowed on national security or morality grounds. The following sections focus on the day-to-day experiences of religious groups since the law came into effect.

3.15 A key distinction is between registered and unregistered faith groups. After the Vietnam War and the establishment of the unified Socialist Republic, the state created official religious groups and, since then, further groups have become registered. Registered groups worship with limited or no Government interference; those that are not registered may be pressured by Government to join the registered group. Among unregistered groups a further distinction can be made between those groups that have some (perceived) political or foreign agenda and those that do not. Different people of different religions in different areas will also have different experiences, depending on local authorities. Those in cities are less likely to experience official interference.

3.16 The Government recognises 38 religious organisations linked to 16 religious traditions, including Buddhism, Islam and Catholicism. Protestantism is broadly recognised and some international Christian organisations such as Seventh-day Adventists and the Church of Jesus Christ of Latter Day Saints (Mormons) are specifically recognised. Distinct denominations and new sects of any religion must individually register.

3.17 The extent of difficulty that a religious group could expect to face from authorities (for example, refusal of registration, questioning or disruption of activities) can depend on where they are located. Many claims of Government interference are at the hands of local and provincial authorities rather than national authorities. Attitudes and policies can differ between authorities.

3.18 Many incidents relate to religious groups that are politically active in local land or environmental disputes. It can be difficult to distinguish between religious and political claims. The distinction is not necessarily apparent in the everyday experiences of religious adherents or the authorities, either or both of whom may see religious activity as inherently political.

3.19 There are several high-profile examples of religious figures who have advocated for religious freedom and been imprisoned. Such cases are fewer in recent years but those who have been arrested and imprisoned in the past might still be under surveillance by authorities or summoned for regular interrogation. DFAT understands this is generally limited to questioning and surveillance and not violence.

3.20 Pew Research conducted a study in 2016 of global restrictions on religion that included analysis of 'social hostility' against people of different religions. That report placed Vietnam as one of the countries with the lowest levels of social hostility, along with other East Asian countries. Several in-country sources told DFAT that religious intolerance between people of different faiths is not an everyday problem in Vietnam.

3.21 DFAT assesses that adherents of officially recognised religious groups are generally able to practise their faith with minimal interference from national authorities, but the situation differs from place to place. Those in large cities are particularly free to practise. Adherents associated with unregistered religious groups generally face more restrictions, which vary depending on region, ethnicity, and any perceived or actual involvement in religious freedom advocacy or political activism.

## Christians

### Catholics

3.22 While Catholics reside in most districts, provinces and cities, the highest concentration is in central Vietnam (Nghe An, Ha Tinh and Quang Binh Provinces). In-country sources report that Catholics are generally able to practise freely at registered churches, particularly in areas with larger Catholic populations.

3.23 The Catholic Church is, by definition, united and can deal with the Government at a national level across Vietnam. Provincial authorities might also have relationships at the diocesan level; sometimes local

relationships are better than the national level relationship. In general, relationships between the Government and the Church are cordial. Individual parishes need to be registered.

3.24 Most Catholics worship in churches as part of parishes. Some communities, particularly outside of cities, worship in homes of believers. These activities may be limited by authorities in some cases, but this differs from place to place. In general, Catholics in cities worship freely in churches.

3.25 Some Catholic communities are growing in size with evangelism or welfare efforts. This can occur especially where the local Catholic communities have good relationships with the Government. Some sources report that Catholic missionaries and officials have had difficulty reaching more remote parts of the country in recent years, which might be related to COVID-19 restrictions. Written materials, such as newsletters, websites and social media materials exist, but their maintenance, distribution and promotion do not appear to be a priority for Catholic leaders.

3.26 There have been Catholic political movements that attract negative attention from authorities. The distinction between faith and politics can be difficult to draw. Examples include where Catholics are involved in political, human rights or environmental movements. For example, priests that are involved in those movements may be restricted from public ministry or given a far-away parish assignment. Participation in non-religious activities differs from diocese to diocese and parish to parish.

3.27 The 'Red Flag Association', a militant pro-Government movement allegedly under the direction of local governments, was reported to have disbanded in 2018. Red Flag Association activity included protests outside Catholic churches. In-country sources told DFAT that these protests have not occurred in the last two years and that such activity is now more likely to be online.

3.28 Land disputes have been reported, including the seizure of Catholic land and buildings. A particularly prominent example occurred in 2019 when a number of homes and a Catholic church were demolished and the land sold. Appropriated land might be sold to the private sector for development. Conversely, much of the land that was seized from the Church in the aftermath of the Vietnam War has been returned over decades. That process continues, including during the COVID-19 pandemic, reportedly in return for cooperation of the Church with authorities during the pandemic.

3.29 Church officials do not have official relationships with the Catholic Church overseas (except perhaps the Vatican), but in-country sources told DFAT that individual Catholics or communities have relationships with the diaspora overseas, including in Australia, and these relationships are generally unhindered.

3.30 In-country sources told DFAT Catholics generally do not experience societal discrimination. Such discrimination cannot be ruled out, but DFAT understands from in-country sources that there is not a pattern of such discrimination.

3.31 DFAT assesses that Catholics who belong to registered churches and are not politically active face a low risk of official harassment. In-country sources told DFAT that, in general, Catholics are able to worship freely and receive sacraments such as the Eucharist, Reconciliation (confession) and Confirmation. Some Catholics in remote areas have trouble accessing a priest who may not be able to travel to remote areas, whether because authorities will not allow it or because of the remoteness. Catholics who are perceived to challenge the authority or interests of the CPV and its policies, particularly through political activism, face a moderate risk of official discrimination from authorities or their proxies, which may include arrest or violence. See Political Opinion (actual or imputed).

## Protestants

3.32 There is a wide-range of Protestant traditions present in Vietnam. Protestants are mostly members of ethnic minorities but Kinh Protestant communities also exist, especially in the south. Issues of religious

freedom and connection with land may overlap with [ethnic issues](#). Officially registered churches that cooperate with the Government are generally able to organise and operate relatively freely and those that are engaged in political activism are likely to attract the attention of authorities.

3.33 Protestant groups can face bureaucratic difficulties. For example, gatherings might be banned on technicalities such as not having approved lists of attendees. DFAT is also aware of reports of recent examples of more serious harassment such as Protestant ministers in remote areas having assets seized or premises raided – but notes, again, that religious and political issues tend to overlap.

3.34 Registered Protestant groups experience less interference from the Government than unregistered groups. Nonetheless, DFAT understands some unregistered churches do operate. It is difficult to assess in a general way whether they have tacit approval of authorities, but some unregistered churches still operate with house church gatherings of a few people up to several hundred people. Other house churches may have a certificate of registration for prayer groups, for example for their family. The situation likely differs from place to place.

3.35 In-country sources told DFAT activities such as Protestant conferences and meetings are generally unrestricted in large cities. Efforts to expand or build churches in more remote areas can be difficult. Bureaucratic obstacles, including obtaining permits, may prevent the construction of churches or the establishment of new communities.

3.36 Conversely, Protestant house churches might provide social services with the cooperation of Government; for example, city authorities in Hanoi allowed house churches to operate drug rehabilitation services, according to the 2020 US Department of State International Religious Freedom Report. The same report also noted that Catholic and Protestant groups were sometimes reluctant to open schools or hospitals because of legal restrictions, despite the Government's official encouragement of the opening of those services. In-country sources told DFAT of cooperation between different Protestant churches to provide food and other essentials to people during the COVID-19 pandemic. Protestant religious education is available, but again the situation may differ from place to place.

3.37 Different denominational traditions tend to have good relationships with each other while remaining largely independent. Some Protestants have relationships with churches overseas, including in Australia, and international Protestant conventions have occurred recently in Vietnam with few reports of difficulties.

3.38 The 2020 US Department of State International Religious Freedom Report notes that Protestant Christianity is growing in Vietnam. Despite some difficulties with bureaucracy, in-country sources told DFAT that efforts to evangelise and recruit new members are possible in large cities. DFAT understands that this is the case in relation to large events in which people might preach. Reports are mixed and DFAT understands that over time and in different parts of Vietnam there have been varying levels of tolerance from authorities towards evangelism.

3.39 DFAT assesses that members of registered Protestant churches face a low risk of official discrimination or harassment in relation to their faith. Adherents of unregistered Protestant churches face a moderate risk of official discrimination if they are engaged in political expression, protests or criticism of the Government (in which case see [Political Opinion \(Actual or imputed\)](#)). In-country sources told DFAT that Protestants experience little societal discrimination, especially in cities. The situation is different in small rural communities, where societal discrimination might be more prevalent but would differ from community to community.



## Buddhists

3.40 Most Buddhists practice Mahayana Buddhism (recognisable in Chinese and Japanese 'Chan' or 'Zen' Buddhism) but some Theravada Buddhists (more recognisable in South Asian expressions of Buddhism) from the ethnic Khmer community also practise in Vietnam.

3.41 Groups registered with the Government experience few restrictions. High-profile Buddhist exiles and arrestees are typically also involved in advocating political change, such as for religious freedom. It can be difficult to separate out discrimination due to religion and political opinion in these cases.

3.42 DFAT assesses that Buddhists who belong to registered organisations and are not politically active face a low risk of official discrimination. Those engaged in independent sects or unregistered Buddhist organisations face a moderate risk of official discrimination, particularly if they also advocate for political change, including for religious freedom.

### Hoa Hao

3.43 Hoa Hao is a Vietnamese school of Buddhism formed in 1939. It has had some political history, first opposing French colonialism then backing Ho Chi Minh's nationalism and later supporting US-backed South Vietnam President Ngo Dinh Diem. Hoa Hao Buddhists mostly live in the Mekong Delta.

3.44 As with other religions in Vietnam, a distinction should be made between registered and unregistered congregations, and those that engage in political activity and those that do not. According to diplomatic sources quoted by the UK Home Office in a February 2020 report, the number of unregistered adherents is probably small and they live in remote areas with few economic opportunities. Several followers were sentenced in 2018 to between six and 12 years in prison for using loudspeakers to protest against Government treatment of the group and for spreading anti-Government messages on social media. Media reports describe alleged police beatings at unregistered Hoa Hao protests in 2019 and 2020.

3.45 DFAT assesses that adherents of registered Hoa Hao groups face a low risk of official discrimination. Unregistered Hoa Hao adherents face a moderate risk of official discrimination. Those who engage in anti-Government activities face a higher risk. Hoa Hao adherents may have low levels of education and political understanding which may expose them to further risk.

### Cao Dai

3.46 Cao Dai is an indigenous syncretic religion established in the 1920s by Ngo Van Chieu who claimed to have spoken to God in a séance. The religion incorporates components of Buddhism, Christianity, Confucianism and Daoism. It is hierarchical (with Catholic influences) and has a pantheon of saints from various religious traditions. Its most famous symbol is an eye in a triangle symbol, which represents God.

3.47 As with other religious groups, members of officially registered Cao Dai groups can worship mostly without restriction. The US Department of State 2020 International Religious Freedom Report noted an incident in which an officially registered Cao Dai group disrupted an unofficial Cao Dai service in a private home, and another similar incident at a temple. The unregistered group accused the Government of using the registered group as a proxy to disrupt their activities. DFAT cannot confirm if these incidents were linked to Government action or whether they represent a split between the two groups; schisms have formed in the past.

3.48 DFAT assesses unregistered Cao Dai organisations face a moderate risk of harassment, and possible violence, from authorities or other groups such as members of other Cao Dai sects. Members of the

officially registered group face a low risk of official discrimination. DFAT is not aware of societal discrimination against Cao Daists.

## POLITICAL OPINION (ACTUAL OR IMPUTED)

3.49 Vietnam is a one-party state and opposition parties are effectively illegal. Threats to CPV legitimacy are seen as threats to the state and are not tolerated. Membership of the CPV can sometimes result in better access to social and economic opportunities, especially for senior positions in Government (including local government) or the judiciary. As Vietnam urbanises and the economy matures, more opportunities in the private sector have become available for non-CPV members.

3.50 Some advocacy and activism for broader human rights issues, such as democracy and individual freedoms, take place but most public protest is about practical local issues, such as environmental concerns, development and transport. The former is considered much more sensitive by the Government; activists in different contexts described below have faced arrest.

3.51 Street protests occur but much protest has now moved to online platforms. Many street protests are about single-issues and threats to livelihood and land rights (typically related to accusations about corruption in development). The most prominent recent example was widespread anti-China protests (related to fears that the Chinese Government would buy land under reformed rules) and against laws that required social media companies like Google and Facebook to store user data domestically.

3.52 The right to assembly is constitutionally protected but, in practice, that right is subject to national security provisions of the Penal Code that prohibit 'establishing or joining an organisation that [is] against the People's Government' (article 109), 'making, storing or spreading information ... opposing the State' (article 117) and 'abusing democratic freedoms to infringe upon the interests of the state' (article 331). These laws effectively outlaw protests that the Government finds sensitive. Official approval is required to protest, which is routinely denied for sensitive topics. Protests that are allowed are subject to close police monitoring.

3.53 Topics that are deemed to be sensitive can change or depend on local government priorities at the time. People with knowledge of the issue told DFAT that some 'red lines' and sensitive topics, like human rights and freedom of expression, are well known to people and do not change from day to day. Other issues, such as environmental events or digital rights, are more likely to change and their sensitivity is more difficult for activists to predict.

3.54 Human rights, environmental or land-use protests and calls for democracy are sensitive. An NGO's links to foreign governments may also intensify Government monitoring. COVID-19 'misinformation' is particularly sensitive and can lead to arrests, as can online organising of in-person protests. Particular events, such as the National Congress (held every five years, most recently in January to February 2021) might see a crackdown on activists, including the arrest and trial of high-profile activists.

3.55 Activists might have difficulty obtaining legal representation. Lawyers who represent activist clients can face restrictions on their practice. People held on charges related to human rights may face bureaucratic difficulty accessing a lawyer (for example, the lawyer may be delayed with bureaucratic processes until after an investigation is complete or prevented from speaking to their client). DFAT understands this situation has improved in the last decade with more lawyers now being trained and willing to work with human rights activists.

3.56 Activists may be prevented from leaving their homes; staying away from home overnight requires any person to register with local police, which can be used to prevent movement. During high-profile events, such as a visit from a high-profile international figure or at an election, activists might be visited,

invited for tea or taken on tours of the city so that they miss meetings. Some sources told DFAT that authorities in these situations are often polite and do not typically use violence. Women are less likely to experience violence but may experience sexual harassment online. Activists report physical and electronic surveillance. Sources report activists are free to move around Vietnam (albeit while monitored), but are prevented from going abroad; for example by having passports refused.

3.57 It is difficult to make an overall assessment of risks to activists as there are no clear patterns to determine who will be arrested or when. Those who publicly criticise the Government face a moderate risk of official discrimination regardless of what they are protesting. Those who organise protests are more likely to face discrimination, but the possibility of a low-level activist being arrested cannot be discounted. See also [Online activists](#) and [Land and environmental disputes](#).

## Traditional media and journalists

3.58 Reporters without Borders ranked Vietnam as 175<sup>th</sup> of 180 countries, the fifth worst in the world, for press freedom in its 2021 Press Freedom Index. The Vietnamese media landscape is dominated by state media. The most popular form of media is television, which state networks run. Print media is popular and hundreds of publications exist, but most are controlled or owned by the state.

3.59 Journalists face arrest and imprisonment under the same laws used against activists. For example, journalists of the Independent Journalist Association of Vietnam were detained and arrested on anti-state propaganda charges in 2019 and 2020. Journalists typically self-censor to avoid risk of arrest and some journalists have told international media that they are subject to close surveillance by authorities.

3.60 DFAT assesses that journalists and other media workers in Vietnam who report on sensitive issues or are critical of the Government may be placed under surveillance or questioned for possible breaches of the law, with possible further action taken. DFAT assesses that media workers generally face a low risk of physical violence because of their reporting.

## Online activists and social media users

3.61 Social media, especially Facebook, has become a popular option for expressing opinion, more than street protests. Users looking to communicate with each other about politics have found social media a possible avenue where mainstream media is censored and controlled. Authorities closely monitor online activism. Human rights advocates claim there are thousands of agents monitoring online discussion and blogs, and claim there is trolling online by a Government organisation known as 'Force 47'. The activities of Force 47 are not well understood but sources told DFAT that suspicious posts, which are sometimes anonymous, can be attributed to Force 47, and that Force 47 allegedly trolls online users and hacks accounts. Force 47 is allegedly active on topics such as religion, women's and LGBTI rights, and human rights generally.

3.62 Legal reforms in 2019 (sometimes referred to as 'The Law on Cyber Security') forced international social media companies to set up offices and store user data domestically. Facebook, one of the most popular online platforms in Vietnam, agreed to greater censorship in accordance with Vietnamese law in 2020. One source told DFAT that the legal reforms have brought greater attention to online commentary and increased attention on activists. Some activists have reported that their phones or computers have been hacked or behave strangely as a result of alleged hacking.

3.63 Low-level users of little profile are sometimes subject to fines, arrest and prison sentences, but sources told DFAT this is inconsistent and may depend on local authorities. Low-level discussion with

friends from time to time might be tolerated or go unnoticed, but in other cases related to sensitive issues (such as elections) social media users might be accused of producing ‘fake news’, required to provide ‘evidence’ for their views and fined. Frequent posting online increases the risk of attention from authorities. Those in large cities are less likely to come to the attention of authorities than those in rural areas, according to sources. Several sources told DFAT that being low-profile may actually present a higher risk of arrest because high-profile people are watched and noticed when they are arrested, both domestically and internationally.

3.64 It is difficult to give an overall assessment of the risk to online activists, given that Government crackdowns have been observed in relation to a wide range of issues at different times and against different kinds of people. DFAT assesses that online activists face a moderate risk of official discrimination. A repeated pattern of online activity would generally, but not always, attract the attention of authorities. DFAT is aware of one-off posters being identified and charged on the basis of spreading ‘misinformation’, especially in relation to the COVID-19 pandemic. While a high profile may not be necessary to attract attention, it is likely a repeated pattern of online activity would be required to attract authorities’ attention.

## Land and environmental compensation disputes

3.65 Protests about land and its compulsory acquisition occur occasionally. All land in Vietnam is formally owned by the state, which issues usage rights to individuals or organisations. The state retains the right to reacquire the land and land owners allege low levels of compensation, which sometimes leads to protests. A recent prominent example was the January 2020 Dong Tam commune incident in which three police officers and a civilian were killed. The Dong Tam commune protests had been occurring for some years; protesters’ trials concluded in 2020 with some protesters receiving the death penalty and others life in prison for charges that related to the deaths of several police officers. Social media commentary on the issue later led to arrests of, and prison terms for, those commenting, demonstrating the sensitivity of the issue.

3.66 The 2016 ‘Formosa’ chemical spill was Vietnam’s worst-ever environmental disaster. Chemicals from the Formosa Plastic Corporation spilled into the sea, killed marine organisms and ended the livelihood of fisheries workers. Protests demanding more compensation led to arrests of both street protesters and online activists, notably including Catholic clergy and their followers. DFAT understands that Formosa protests are no longer occurring, at least on a large scale. This is in part because of a deal made with the company to provide compensation to victims. Other sources told DFAT that some remain dissatisfied and have launched legal appeals against compensation, which they consider inadequate.

3.67 It is difficult to predict when a protest will escalate or attract Government attention. As with other protests, Government action might depend on the local government authority and its priorities. Overall, DFAT assesses that land and environmental protesters face a moderate risk of official discrimination.

## Civil society organisations (CSOs)

3.68 Vietnam has a large Civil Society Organisation (CSO) landscape that is constitutionally protected (article 25) but heavily restricted in practice. While those involved in sensitive topics like human rights are carefully monitored, other active and vocal CSOs involved in less sensitive subjects such as women’s and LGBTI groups are relatively free to operate. Other factors that can determine the likelihood of Government attention are links to foreign CSOs and the actions of local government, which differ from place to place.



3.69 In practice, CSOs are experienced and skilled about how they publicly present their work, which can assist in avoiding official interference. For example, words like ‘human rights’ and ‘democracy’ are sensitive and different descriptions of CSO work are used instead. Even so, CSOs report a heavy bureaucratic burden (for example, extensive paperwork and delays) in registration and approval both for establishment and to have activities approved.

3.70 Because each CSO has to be registered and their activities approved, there is significant space for different approaches and outcomes for CSOs. CSOs dealing in sensitive matters may have registration delayed or cancelled and, at worst, members of CSOs might be imprisoned. DFAT assesses that those CSOs dealing in human rights or advocating for democracy or challenging one-party rule are subject to a moderate risk of official discrimination, but those working in less sensitive subjects are skilled in navigating the legal and cultural landscape of Vietnam and do not face significant interference.

## GROUPS OF INTEREST

### Women

3.71 Discrimination against women is banned by the Vietnam Constitution (article 26). The UN Development Programme 2019 Gender Equality Index (the most recent) ranked Vietnam 65<sup>th</sup> (with 1 being the most equal) out of 162 countries. Australia ranked 25<sup>th</sup>. The International Labour Organization notes on its website that women form the majority of the working poor (particularly among the informal sector), earn less income and have fewer economic, employment and education resources than do men. In-country experts told DFAT there is a large gender pay gap that is made worse and more difficult to track because so many women work in the informal sector.

3.72 Women’s labour participation rate is one of the highest in the world at 73 per cent in 2019, according to World Bank data (Australia’s female workforce participation rate was 61 per cent in the same year). DFAT has heard from sources that some women have been fired for becoming pregnant, which may be an illegal, but nonetheless practised, condition of employment. Women over 35 may also have difficulty finding employment and DFAT is aware that some women claim that they were terminated at that age for age-related reasons. In-country sources told DFAT women have been disproportionately affected by COVID-19. Given their high rate of participation in the informal sector and high rates of internal migration, many women lost jobs.

3.73 Traditional views about family disadvantage women. Son preference continues, as in other Asian countries, where the traditional view is that sons and men, rather than daughters and women, carry on the family name and traditions. The problem of ‘missing girls’ and unnaturally high numbers of male births compared to female births result. Over time these preferences are lessening (but are still present) and women can now legally inherit assets.

3.74 Vietnam has family planning policies that theoretically restrict the number of children a woman can have. DFAT understands family planning policies are not strictly enforced and it is common for families to have more than the allowed two children. Today, there are few, if any, practical consequences for having more than two children; children would not be denied healthcare or education and their parents would not be punished.

## Domestic violence

3.75 Violence and threatening violence against women is against the law. Spousal rape is illegal. The issue is not taboo and is discussed in the media. Some [CSOs](#) addressing women's rights have freedom to operate and agitate for reform, and they participate in training police and judicial officers. A government survey, supported by DFAT in 2020, found that 63 per cent of women have experienced some kind of (physical, sexual, emotional, behavioural and/or economic) abuse from husbands or male partners.

3.76 Attitudes towards domestic violence are underpinned by a number of cultural factors, including traditional views of family, marriage and 'saving face', and the common practice for women to live with their husband's family. Local sources noted women are expected to be a 'good wife' and those who experience violence may be labelled by society, families or authorities as a 'bad wife'; violence against them is considered to be their fault. Victims of domestic violence may experience feelings of shame or failure. The concept of honour is commonly linked to female sexual assault; marriage prospects may be considered damaged for rape victims. Police reportedly often encourage victims of domestic violence to 'solve their problems within the family' rather than bringing criminal charges. If legal action is pursued it is often civil rather than criminal action. The combination of societal and cultural attitudes, and the lack of availability of state protection, means women may not seek assistance unless the situation is life threatening, if at all.

3.77 Shelters might be provided by the Government or NGOs. In-country sources generally agreed that shelters are safe and clean and have adequate (though perhaps basic) food and hygiene facilities. All sources consulted by DFAT agreed that availability is a problem, with many services being at or beyond capacity. Stays are limited to six months with possible extensions. After six months, an assessment is made and women might be returned to their community, or might go elsewhere to engage in an economic activity for which they have trained in the shelter. Some women receive vocational training in shelters or have access to referral services (such as medical or legal services) but these services are not available to all victims. Women outside cities may be far away from shelters, which acts as a practical barrier to accessing services.

3.78 DFAT understands that the vast majority of women experiencing domestic violence do not access shelters or other help. Some women access services outside of shelters. Grassroots services that provide information and training, referrals and other informal support also exist including in areas where shelters are not available. Domestic violence hotlines run by CSOs in partnership with Government are also available. These services reported receiving a very high number of calls during the COVID-19 pandemic and associated lockdowns. Women might not know about services, especially in rural areas, and services must balance confidentiality to protect residents and availability for women in need.

3.79 In-country sources told DFAT mixed things about authorities' responses to domestic violence. Domestic violence claims are often legally pursued as civil rather than criminal matters. Sources told DFAT that women who are 'brave enough' to contact authorities might be ignored or receive cursory and ineffective help, such as police telling a perpetrator not to 'hit so hard'. Local authorities might deny that domestic violence occurs despite evidence to the contrary. Police might not understand legislation or policies or also be subject to traditional thinking that sees victims of domestic violence as 'bad wives'. A common theme mentioned by in-country sources was that police responses are mixed – sometimes they will attend and arrest perpetrators, other times they will be dismissive.

3.80 [Relocation](#) may be difficult or impossible. In-country sources point to barriers to relocation such as economic issues (the inability to rent a property alone because of lack of funds or lack of properties for single people) or difficulties in relocating children, along with the stigma and cultural attitudes mentioned above. This, in practice, means that many women cannot or will not relocate.

3.81 In-country sources told DFAT that escaping domestic violence is a push factor in external migration. DFAT assesses that women experiencing domestic violence have access to support services but cultural and structural problems such as poverty and inability to escape economic abuse create barriers to accessing those services.

#### Single and divorced women

3.82 Vietnamese culture emphasises traditional family values, but some women, particularly those of higher education and means, may choose to be single. It is possible to get a document from a local authority that declares that a person is single, similar to a marriage certificate, and there are no legal barriers to being a single female-headed household.

3.83 In practice, women who are single come under what in-country sources call 'intense pressure' to marry. One source described being single as 'odd'. The SBS Cultural Atlas notes that family support is so central to Vietnamese culture that the idea of living alone or without family can be 'intimidating'. This pressure is likely to be from families but may also be on a societal or community level. In country-sources told DFAT that many women are 'afraid' of being divorced due to societal and cultural factors.

3.84 Divorce is possible but stigmatised. In-country sources told DFAT that this stigma is changing for younger people, who are more open to divorce, but DFAT assesses that the stigma is strong for most Vietnamese women. That stigma can result in family pressure and shame, but can also have economic consequences. Suitable rental accommodation may be unaffordable or not exist, particularly in rural areas because of the assumption that couples will buy property or live with their parents and in-laws.

3.85 Poor single women may receive assistance from the authorities, for example assistance with bills or living expenses. These services may be limited by factors that limit all social welfare programs; for example, women who work in the informal sector may not receive unemployment insurance and those who are internal migrants may have difficulty accessing services where their household registration is not in the place where they live.

3.86 DFAT assesses that single women and divorcees do not face official discrimination, but do face a moderate risk of societal discrimination.

#### Victims of human trafficking

3.87 Vietnam is a source, transit and destination country for trafficking. Women and children, particularly from ethnic minorities, are common victims, but men have also been subjected to trafficking. Victims are trafficked using coercion, force or deception to higher and lower wealth countries in Asia and the Middle East, but also via complex routes to Western countries, including in Europe. In 2019, 39 Vietnamese victims of human trafficking died inside a refrigerated truck in the UK while being smuggled from mainland Europe. While the majority of trafficking victims are poor and uneducated, a recent trend of trafficking of educated young students or recent graduates from more middle-class backgrounds has been observed. Advocates claim the situation has worsened during the COVID-19 pandemic, and is more likely to be organised online.

3.88 Trafficking victims are likely to have their documents confiscated and be unable to leave their place of detention without a bodyguard. They will likely have a large debt with high interest rates that they are told they must pay back to the traffickers. It may take years to pay the debt and the situation may be worse if they are trafficked to wealthy countries with high living costs. Escape can be high risk and some women have experienced injury trying to escape, for example jumping from windows of multi-storey buildings.

3.89 The Government provides assistance to help women escape. Assistance is also offered to Vietnamese women outside Vietnam through inter-country cooperation. Some victims find that processes to assist are bureaucratic and difficult to navigate, or find it difficult to provide evidence and that state compensation may not be paid correctly.

3.90 DFAT spoke to a number of experts inside and outside Vietnam who either reported no knowledge of trafficking to Australia, or said that such cases are rare. Trafficking to similar countries, such as the United Kingdom is reported. Sources that DFAT consulted agree that the stories of trafficking are complicated and may not follow established patterns. There is a stigma related to trafficking and victims might not self-identify, instead attempting to integrate unnoticed into their former or new communities.

### Organ trafficking

3.91 DFAT is aware of claims that criminal gangs run organ trafficking rings as part of their human trafficking operations. Organ trafficking is illegal under article 154 of the Penal Code. While organ harvesting and trafficking have been linked to Chinese criminal gangs operating on the border between China and Vietnam, their activity is not limited to these regions and also occurs in large cities like Hanoi and HCMC due to easy access to medical facilities.

3.92 The profile of victims is often (not always) the same as that of victims of human trafficking: female, of an ethnic minority, rural, very poor and less educated. Organ harvesting is sometimes used as a threat against human trafficking victims, but DFAT was unable to ascertain how often the threat is carried out.

3.93 Victims are at high risk of medical complications and related costs, and some victims have died. The money that victims receive for their organs, if paid at all, is unlikely to cover costs for medical complications. If a victim were to come Australia, it is likely that authorities would quickly become aware of the crime due to the need for particular kinds of medication following surgery which are restricted in Australia.

### Sexual orientation and gender identity

3.94 LGBTI rights in Vietnam are mixed. Sex between adults of the same sex is legal and LGBTI [CSOs](#) are relatively free in their operation. Despite relative freedom from official interference, social stigma and discrimination against LGBTI individuals is common. The situation is better in large cities where LGBTI-friendly spaces such as cafes, shops and galleries exist, and many LGBTI people use smart phone applications and directories to engage in physical and online communities. Many LGBTI people use social media, especially Facebook, to network and find communities. However, online hate speech against LGBTI people is common.

3.95 LGBTI issues are not seen as a particularly sensitive topic by the Government. However, LGBTI people do not have access to same-sex marriage or the right to adopt children. Pride parades can generally go ahead without being registered, in contrast to [political rallies and protests and Government sanctioned pride events went ahead even during the COVID-19 pandemic](#).

3.96 LGBTI people report discrimination as a part of their everyday lives in areas such as healthcare, education and employment, but especially in families. Men or women who are seen as presenting in a way not consistent with traditional gender roles, and especially trans people, face verbal and physical abuse. In-country sources told DFAT that wealthy gay men face the least discrimination but that most LGBTI people, regardless of their wealth and identity, still hide their LGBTI identity in order to avoid discrimination.

3.97 Family pressure is strong and many families believe that LGBTI identity can be 'cured'. LGBTI people may be forced by their families to attend conversion therapy. Lesbians face particular pressure from



families. In-country sources told DFAT that 'corrective rape' (the practice of a man raping a lesbian to 'correct' her sexual and gender identity) can occur but the often-hidden nature of such crimes makes it impossible to assess how commonly this occurs. In-country sources told DFAT that the COVID-19 pandemic has forced many LGBTI people to return to their families' homes where they may face discrimination and violence. DFAT spoke to LGBTI people inside and outside Vietnam who reported being afraid to go home due to the risk of violence or family pressure to marry. Aging LGBTI people who do not have children are at particular risk, given the traditional role that children play in caring for the aged in Vietnamese culture.

3.98 Discrimination against transgender people may come from people who do not understand the difference between different LGBTI identities, and any person who does not present as traditionally cisgender male or female may simply be seen as 'gay' or 'queer' and face similar discrimination to other LGBTI people. Transgender people in practice may be unable to access trans-appropriate healthcare, for example gender-affirming surgery, or may not have their gender identity recognised by healthcare providers. Many trans people work in the informal sector where discrimination means that the only work available might be in the entertainment industry. Other trans people can be found in other parts of the economy, working in the formal public and private sectors, but can experience discrimination when applying for or working in those jobs. These workers are not protected by anti-discrimination laws and may experience discrimination or a failure to recognise their gender identity.

3.99 In-country sources told DFAT that street violence against LGBTI people is uncommon. Violence is more likely to occur in domestic settings, particularly from parents but also among intimate partners (see [domestic violence](#), covered under women, but may also apply to transgender people, who may be able to access services directed towards women). Verbal abuse and discrimination or attempts to invade the privacy of those involved in pride events are reported by in-country sources.

3.100 LGBTI people, like other Vietnamese people, must complete compulsory military service. Sources told DFAT that there is a culture of denial of LGBTI people in the military. Sources told DFAT that they will generally hide their sexual orientation or gender identity in order to reduce the risk of violence.

3.101 DFAT assesses that LGBTI people in Vietnam face a low risk of official discrimination but also are not protected by laws prohibiting discrimination and hate speech. LGBTI people face a moderate risk of societal discrimination, particularly within their families. LGBTI Vietnamese people do not enjoy day-to-day acceptance but are also unlikely to experience violence (except in the military, for example when completing compulsory military service) or overt discrimination in access to goods and services.

## People who owe money to loan sharks

3.102 Illegal moneylending is widespread in Vietnam. Loan sharking is not necessarily hidden. Usurious loans may be made by ostensibly legitimate moneylending or pawnshop businesses, online advertising in social media or simply posters in the streets. Usury itself is a criminal offence and may lead to other offences related to gangs, money laundering or violence.

3.103 Some state protection is available from the police, but its effectiveness is not clear. Police may proactively seek out loan sharks but debtors may be reluctant to approach the [police](#). Police may also be unwilling or unable to investigate or prosecute moneylenders because there is typically no written evidence of the loan. This is particularly true in recent years as much loan sharking activity has moved online during the COVID-19 pandemic and the identity of the moneylender may not be clear to the debtor.

3.104 There is a potential for retaliation for unpaid debts. This can take different forms, ranging from harassment and public embarrassment to violence. These actions might be carried out by hired thugs contracted by creditors, and members of families might also face harassment, threats or violence for family

members' unpaid debts. Moneylending and migration are commonly linked and the reason for the loan may have been to fund a people smuggler in the first place.

3.105 Moneylending is commonly linked to **people trafficking**. People are expected to pay money at each stage of the journey and are then held in servitude with the threat of violence where they owe money. Victims of trafficking may be used as recruiters for new victims to pay off their debts.

3.106 While limited information is available about loan shark victims, DFAT was able to ascertain from in-country sources that gangs in general have national and international reach, sometimes in the form of informal networks rather than gangs. It is not clear if those gangs are involved in loan sharking but, if they are, the threat of violence could exist in different parts of the country. This would not apply to those who have borrowed money from smaller, non-gang lenders.

3.107 DFAT assesses that people who owe money to loan sharks face a moderate risk of violence that may be mitigated by relocation. If the money was borrowed from gangs, especially large organised crime gangs, then the risk of violence even after relocation is higher. If the money was lent by smaller lenders or small street gangs then the risk following relocation is much less.

## People whose relatives were involved in the Vietnam War

3.108 Some asylum seekers claim that their relatives (often a grandparent) were involved in the Vietnam War in support of South Vietnam and that they face continuing discrimination as a result. In-country sources told DFAT that some subtle discrimination may exist, for example in educational opportunities, but others told DFAT this was previously the case but is no longer true. Alleged discrimination may relate to an inability to join the CPV where party members might have access to opportunities through their connections that others do not have. Experiences in small communities might be different where unwritten laws and customs may cause some low-level discrimination. The yellow and red flag of the former country of South Vietnam is sensitive and cannot be displayed publicly.

3.109 On the balance of available evidence, DFAT assesses that discrimination against the relatives of people who were involved in the Vietnam War, if it exists at all, is low level. DFAT does not rule out the possibility of such discrimination, but is not aware of a strong pattern of such behaviour. The situation would be different for a person who has political opinions that favour a South Vietnamese or pro-American identity, in which case see [Political Opinion \(Actual or imputed\)](#).

## Compulsory military service

3.110 Vietnam enforces compulsory military service. Men aged between 18 and 25 must complete two years of military service while women can volunteer. Some people attempt to avoid this service, including by paying bribes. If avoidance is detected and prosecuted, they may face a fine or prison term, especially for repeat offenders. Desertion is a criminal offence that can carry penalties including community service or up to 12 years' prison, the latter only applying to serious offences such as desertion in war time or leaking Government secrets. DFAT is unable to comment on the prevalence of desertion or avoidance or the consequences, outside of criminal sanctions mentioned above, of these activities.

## 4. COMPLEMENTARY PROTECTION CLAIMS

### ARBITRARY DEPRIVATION OF LIFE

#### Extrajudicial killings

4.1 According to the 2020 US Department of State Human Rights Report for Vietnam, human rights groups have accused the Government of arbitrarily killing protesters in the [Dong Tam protests](#) in 2020. Three police officers were also killed in the violence. DFAT is not otherwise aware of a pattern of incidents of extrajudicial killings.

#### Enforced or involuntary disappearances

4.2 The 2019 US Department of State Human Rights Report for Vietnam reported an alleged disappearance of a Vietnamese national in Bangkok. Similar allegations about a Vietnamese person being kidnapped in Berlin, allegedly by state actors, and then reappearing in Vietnam and being tried and sentenced for corruption were reported in 2017. Arrests sometimes occur without the knowledge of friends, families or employers, and those arrested may be assumed to be disappeared. See [Arbitrary Arrest and Detention](#). DFAT is otherwise not aware of recent claims of enforced or involuntary disappearance by state actors in Vietnam.

#### Deaths in custody

4.3 Deaths in custody generally occur as a result of existing poor health or, more recently, in relation to COVID-19. DFAT is not aware of a pattern of deaths in custody occurring outside of these circumstances. See also [Prison conditions](#).

### DEATH PENALTY

4.4 The 2015 Penal Code states that there are 18 crimes for which the death penalty is applicable, including: high treason; espionage; rebellion; terrorism; involvement in the production, transporting, or trading of narcotics; murder; child rape; and taking bribes. The Penal Code states that the death penalty will not be handed down in the cases of juvenile offenders (aged under 18 years), women who are pregnant or caring for children under three years old, or people aged over 75 at the time of the crime or the trial. In such cases, the sentence will be commuted to life imprisonment.

4.5 Death penalty data is a state secret. Amnesty International, while not able to access exact figures, notes in its 2020 report on the death penalty that 'Viet Nam [is] believed to resort to the death penalty extensively'. DFAT understands that the number of executions is growing and that many of the executions

are drug-related. In-country sources told DFAT that the death penalty has not been applied for political crimes for some decades.

## CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

4.6 DFAT is aware of reports by activists of assault being used to extract confessions and of poor prison conditions that may amount to torture. According to the 2020 US Department of State Human Rights Report, techniques include beatings (including by other prisoners), use of electric shocks, cigarette burns and waterboarding and methods that do not leave physical marks. These methods were alleged in relation to the [Dong Tam protests](#). See [Detention and Prison](#).

### Arbitrary arrest and detention

4.7 Under the Penal Code, police can detain an individual without warrant for up to 72 hours in ‘urgent circumstances’, such as when a person is caught in the act of committing a crime. A prosecutor must approve of the arrest within 12 hours. The People’s Procuracy (a Government body that acts as a state prosecution service among other functions) must commence a formal criminal investigation within three days of arrest or the police must release the suspect. The People’s Procuracy can request two further three-day extensions, increasing the maximum period of custody to nine days. In practice, suspects may be held on remand in a prison for some time while police investigate crimes. This can be a period of a few months for less serious crimes but can be more than a year (with no upper limit) for more serious crimes. DFAT understands that official time limits are often not respected in practice.

4.8 Prisoners may not have access to legal advice. The law permits a prisoner to request a lawyer, but that would depend on a permit applied for by authorities on behalf of the prisoner. Authorities may create bureaucratic delays to effectively deny legal advice to prisoners. Those accused of crimes related to ‘national security’ (which may be broadly interpreted) are often denied access to lawyers or communication with family and friends. In-country sources told DFAT that these rules and practices are not consistently applied and, while many ‘national security’ prisoners are held incommunicado, not all are; some are granted contact with family and friends or lawyers.

4.9 Bail is available as a matter of law, but DFAT understands it is rarely, if ever, granted to people accused of political crimes. See also [Judiciary](#).



## 5. OTHER CONSIDERATIONS

### STATE PROTECTION

#### Police

5.1 There are two main security forces under the Ministry of Public Security (MPS). The People's Security Force primarily collects intelligence to detect activities that damage national security; while the People's Police Force is responsible for social order and public safety, and manages more traditional police work, including criminal investigations, neighbourhood policing, traffic control, household registration and identification cards.

5.2 Police operate at national, provincial, district, and commune levels. The distinction between different police units may not be obvious to people who deal with police, except for traffic police who wear a different coloured uniform. Commune police often have lower salaries and fewer benefits than police at the district, provincial, and national levels. Police are generally well-trained and many receive degrees in policing or higher-level vocational education.

5.3 In-country sources told DFAT police tend to react to crime rather than proactively investigating crime. That is, police often rely on catching people in the act of committing crime rather than investigating or using circumstantial evidence. This is not always the case, however, and in-country sources told DFAT that sometimes police take very strong and effective action to investigate crime, but this is not a consistent experience. Political crimes may receive more police attention than non-political crimes.

5.4 A 2019 Transparency International survey on corruption found that more than 61 per cent of Vietnamese people had paid a bribe to police in the last 12 months. Sources have reported cases of organised crime groups bribing local police to not respond in specific situations, and instances in which police have not responded when citizens have called for help. Sources have also reported that local police sometimes use contract 'thugs' and 'citizen brigades' to harass and beat political activists and religious adherents perceived as undesirable or a threat to national security.

5.5 A distinction should be made between high- and low-level corruption. Police corruption may take the form of 'coffee money', a small payment at the side of the road, which may in turn be paid to superiors or other parts of Government as part of a patronage network. This may be seen by people as the 'way things are' and not necessarily recognised as corruption. High-level corruption, including payments by organised crime or in politics, is much less tolerated. In-country sources told DFAT such matters are likely to be investigated and severely punished.

#### Judiciary

5.6 The highest court is the Supreme People's Court with three Superior People's Courts (appeal courts) in Hanoi, Da Nang and HCMC beneath it. Under these there are provincial-level courts, which act

both as first instance (trial) courts and appeal courts. Beneath these are District Courts. Other tribunals may also exist, for example the Central Military Court hears military matters and is directly subordinate to the Supreme People's Court.

5.7 Corruption is common in the courts. Judges often demand bribes from lawyers. Wages are low and appointments are short, which reduces independence for fear of having to reapply for jobs. Sources claim court outcomes may effectively become 'auctions' of who pays a higher bribe. Civil cases, particularly involving money, are more susceptible to bribery, but criminal judges, court officials and prosecutors also take bribes which may affect the outcome (sentences and verdicts). Lawyers' fees might include money for corrupt payments. Courts are busy and criminal trials may take around six months, but it depends on the trial and the caseload of the court. Bribes can assist in speeding proceedings.

5.8 Political trials are generally heard in superior courts, such as the provincial courts, and not in lower, local courts. Along with other serious crimes (such as drug crimes) these cases are less likely to be subject to corruption and a favourable verdict is unlikely to be for sale. These kinds of cases are used as an opportunity to set an example to others. Harsh sentences (including death for drug-related crimes) are common both for those who can afford a lawyer and those who cannot and are represented by a state-appointed lawyer.

5.9 The judiciary is subordinate to the CPV; there is no separation of powers. Judges at all levels are members of the CPV and are screened by the CPV before their appointment. There are rules issued to judges about what may or may not be admitted as evidence, but these are not public. This is more evident in high-profile cases but day-to-day court proceedings, by their nature, receive less attention and it is difficult to assess the level of political interference. Nepotism and cronyism also affect courts, meaning that judicial officers may not be well-trained in the law or its application.

5.10 Lawyers are members of law associations organised at national and local levels. Law associations are organised as part of the Vietnam Fatherland Front under the auspices of the CPV. Those appearing for defendants accused of politically sensitive or national security crimes may be subject to closed trials where the media or members of the public are not allowed to attend. These trials are generally short (perhaps half a day). Sources told DFAT that while lawyers may be present they may be prevented from speaking.

## Double Jeopardy

5.11 Double jeopardy would occur when a Vietnamese citizen is charged and convicted with a crime in another country, and then returns (or is returned) to Vietnam and is prosecuted for the same crime. Article 6 of the Penal Code gives broad extra-territorial jurisdiction for crimes, meaning that a crime under Vietnamese law that is committed outside of Vietnam may be punishable under Vietnamese law. In-country sources have told DFAT that the provisions may only apply theoretically. DFAT is not aware of cases of double jeopardy in practice.

## Detention and Prison

5.12 Prison conditions vary by prison and province. The 2020 US Department of State Human Rights Report describes conditions as 'austere but generally not life threatening' and notes insufficient and 'unclean' food and water, overcrowding and generally poor sanitation. Former prisoners told DFAT of inadequate hygiene (for example, toilet) facilities, overcrowding, inadequate climate control and ventilation, and unclean water. Other sources reported that food (while meagre) and water is sufficient but hygiene (toilets, cleanliness and overcrowding) is poor. Supplementary (but still basic) food may be available for purchase from prison canteens. All prisoners perform manual labour. Some former prisoners report an inability to practise their religion, with sacred books such as the Bible being denied.

5.13 Medical care is available in prison hospitals but is sometimes inadequate and unsuited to complex needs. Medication may not be available or may be available only if provided by family or friends on the outside. DFAT understands that violence occasionally occurs between prisoners and that this is not necessarily prevented by prison staff. Access to services (including food) may be improved by paying bribes to prison officers. Those accused of political crimes are more closely monitored and are unlikely to have the opportunity to bribe guards.

5.14 Sources with knowledge of prison conditions told DFAT that political prisoners receive harsher treatment. Those who advocate for better treatment, in particular, are likely to receive poorer treatment as a result. Those held in solitary confinement allegedly are kept in cells with poor ventilation, insufficient room to lie down, legs shackled, and can be left in their own waste.

5.15 Former prisoners and monitors have reported beatings in prisons. Guards may do the beating or recruit other prisoners to assault their fellow inmates. One source told DFAT that those on death row are not beaten. Still others told DFAT that violence is not an issue in general. Reports are anecdotal and it is likely that different people will have different experiences in prison.

5.16 Access to lawyers is reportedly quite good, but may be at the discretion of guards. Prisoners are more likely to access lawyers than family. Non-blood relations are unlikely to be able to visit prisoners and this, too, is at the discretion of guards. Family contact might occur once or twice a month. Phone calls might also be permitted to the outside world at the discretion of guards, perhaps once a month.

5.17 Men and women, adults and juveniles, and pre-trial and convicted prisoners are held separately. Prisoners are generally held in cells with 20 to 40 others who are categorised together based on age, health and nature of crime. Prisoners are held in dormitory style accommodation, rather than individual cells. Prisons for convicted criminals are generally better than detention facilities for those on remand. Female prisoners receive better treatment than male prisoners (for example, they are less likely to be shackled) and foreigners might receive better treatment than non-foreigners.

## INTERNAL RELOCATION

5.18 Internal relocation is common. Police keep close watch over relocation and citizens staying even one night away from their homes must register with local police. The 2020 US Department of State Human Rights Report states that this is enforced more strictly in the Central and Northern Highlands districts.

5.19 Residents' homes need to be registered with a document known as a *hộ khẩu*, or household registration book. In practice, police do not strictly enforce laws regarding residence to the extent that it would prevent internal relocation, particularly from rural to urban areas as part of Vietnam's recent rapid urbanisation. With urbanisation have come slums, particularly in large cities, as former rural residents have moved in search of work. DFAT is not aware of other cases where registration is refused; such refusal is unlikely.

5.20 There are two categories of registration (reduced from four under the previous law): temporary and permanent. Household registration requires citizens to register their permanent residence in only one district in Vietnam. To gain permanent residence status in a new district, citizens must either marry into a family already holding permanent residence, purchase land, or live in rental housing with an official lease and a minimum amount of liveable space.

5.21 Large cities such as Hanoi and Ho Chi Minh City have previously enacted local legislation to prevent relocation. These regulations may change rapidly. For example, DFAT's December 2019 Country Information Report reported that restrictions were in place in Hanoi to prevent rural-urban transmigration based on infrastructure and overcrowding concerns. Those restrictions were removed in 2020.

5.22 In practice, internal migrants might be entitled to basic social services when they relocate to big cities like HCMC and Hanoi, but local authorities may not apply these policies consistently. Those who own a house or an apartment will have an easier time registering in one of those two cities. Those who attempt to relocate may experience bureaucratic difficulties, but DFAT understands that relocation is not impossible.

5.23 Without a local registration, access to services such as public education and healthcare becomes difficult; a local registration is required to access government services. A child cannot be registered without household registration documents and an identity card. It is possible to re-register in a new locale after moving, but this process can be lengthy and difficult, which deters some people. According to a 2019 fact-finding mission report by the UK Home Office, household registration is not a barrier to relocation; whereas previously major purchases such as a car required a local registration, these kinds of barriers have been removed over time. Still, registration would be required to sign up for utilities or internet service or obtain insurance.

5.24 Internal relocation and re-registration in a new residence is possible, but bureaucratic difficulties may arise for certain people. For example, women whose husbands die may have difficulty getting cooperation from their in-laws, or recently released prisoners might be refused registration by police who do not want ‘troublemakers’ in their district.

## TREATMENT OF RETURNEES

### Exit and entry procedures

5.25 Article 23 of the Constitution allows citizens to ‘freely travel abroad and return home from abroad in accordance with the provisions of the law’. In practice, the Government imposes limits on entry and exit for political activists and Government critics. This is achieved by refusing to issue passports or laying criminal charges to prevent travel, and is sometimes used against the families of persons of interest.

5.26 Vietnam has an exit control list (ECL) – criminal defendants, those on probation and people subject to civil court orders, for example, may be prevented from leaving Vietnam. Others may have their passports confiscated. The nature of the list and who is on it is a secret and DFAT does not have enough information to say how the ECL works. One source familiar with the ECL told DFAT that removal from the list can be facilitated through corruption but DFAT is unable to confirm how commonly that occurs.

5.27 Immigration systems at different kinds of borders (land, sea and air) may not be linked or may not contain consistent information. In some cases different Government agencies using different systems run different border crossings. DFAT understands that these inconsistencies are being fixed over time. Sources told DFAT that some people may be able to cross smaller border crossings with less attention paid to them or it may be easier to bribe officials at smaller crossings. Some people cross the border at land crossings daily, either at designated crossings or outside them. Land borders are vast and difficult to police.

5.28 Most people leave Vietnam through designated land border crossings or via ships and airports. It is possible to cross the border in remote areas and these routes have been used by people traffickers during COVID-19 as formal border crossings have been more closely watched. DFAT understands from one source that smaller, remote border crossings are less likely to have facilities to check those crossing, and officials there are more open to bribery. DFAT was unable to confirm these practices. Another source told DFAT that one need only pay about USD30 to get a bus across the border and are unlikely to be stopped by



officials. COVID-19 restrictions have led to fewer border crossings generally and patterns of border crossings may change quickly.

## Conditions for returnees

5.29 Articles 120 and 121 of the Penal Code prohibit ‘organising, coercing [or] instigating illegal emigration for the purpose of opposing the People’s Government’ and describes penalties of between three and 20 years’ prison for both organiser and individual émigrés. DFAT is not aware of any cases where these provisions have been used against failed asylum seekers returned from Australia.

5.30 In-country sources report that all individuals involved in people smuggling operations, whether as organisers or travellers, are typically held by authorities for questioning to determine their involvement in operations. Sources have described cases where people have been detained for multiple days or recalled for further questioning. DFAT understands that would-be migrants who have employed the services of people smugglers at worst only face an administrative fine, including in cases of multiple illegal departures.

5.31 DFAT understands that authorities occasionally question returnees from Australia upon their arrival in Vietnam. The interview process generally takes between one to two hours and focuses on obtaining information about the facilitation of any illegal movement on their part. DFAT is not aware of any cases in which returnees from Australia have been held overnight for this purpose.

5.32 Returnees, including failed asylum seekers, labour migrants and trafficking victims, typically face a range of difficulties upon return. These include unemployment or underemployment, and challenges accessing social services, particularly in cases where household registration has ceased. In addition, trafficking victims face social stigma and discrimination, and may experience difficulty in accessing appropriate trauma counselling services outside of large cities. Returnees may be offered assistance by NGOs, but this may be more available to victims of trafficking rather than failed asylum applicants.

5.33 Many returnees have high levels of debt from funding their travel out of Vietnam. Sources in Vietnam have reported cases of moneylenders taking borrowers’ houses or land as repayment, or borrowers having to flee loan sharks when they are unable to repay their loans (see [People who owe money to loan sharks](#)). Sources told DFAT that indebtedness is reportedly lower among people living in irregular migration hotspots (such as Nghe An and Ha Tinh provinces), as low or no-interest loans are generally organised within the community. Those who travel from outside of these provinces typically have fewer connections and thus tend to borrow from external lending groups who generally demand high interest rates.

5.34 Being a failed asylum seeker is not generally stigmatised. Migration, particularly internal migration, has been a feature of Vietnamese lives for decades, is very common and is even encouraged by the Government. DFAT is not aware of cases of returnees being denied citizenship.

5.35 DFAT assesses that most people who have been subject to people smuggling are seen by the Government as victims, not criminals. Those who use their time overseas to publicly oppose the Government, or who are wanted for similar actions domestically, would be treated in accordance with the procedures set out in [Political Opinion \(Actual or imputed\)](#) and the laws related to illegal emigration might apply to those people. This does not apply to the majority of returning Vietnamese, including those who have departed to seek asylum. This assessment applies to those who have sought asylum in Australia and not to ethnic minorities who have fled by land to neighbouring countries who may be returned from those countries. See [Race/Nationality](#).

## DOCUMENTATION

### Birth, death and marriage certificates

5.36 Births, deaths and marriages must be registered under the *Law on Civil Status* (2014). The Ministry of Justice manages the national Civil Registration and Vital Statistics (CRVS) system. The office of the justice clerk in every commune maintains a civil and vital events register to record births, deaths, and marriages of commune residents, which are then reported to district, provincial and central levels. According to 2014 UNICEF data, the most recent available, 96 per cent of babies born in Vietnam are registered. Most provinces offer online registration but digitisation is ongoing at the time of writing. The Government is progressively linking registrations to each citizen's [12-digit ID number](#) starting with young children.

5.37 There is a significant backlog for applications in [ethnic minority communities](#). Fewer members of ethnic minority communities have documentation, relative to the general population, which may be caused by language differences and distrust among those communities of the process. UNICEF estimated in 2016 (most recently available estimate) that about 359,000 children under the age of five were not registered, the majority of whom were living in a 'hard to reach area', particularly the remote mountains. Birth certificates are required to access education and healthcare for children and a [household registration](#) is required to obtain a birth certificate, which means that minority children may be denied access to services in practice.

5.38 Applications for birth registration of a Vietnamese child born overseas, or the reissuance of original birth certificates for Vietnam-born citizens based overseas, can be processed through the relevant Vietnamese embassy or consulate.

### Citizen Identification Card (CIC)

5.39 Citizens are required to have a Citizen Identity Card (CIC). Cards have a nine or 12-digit number and may have a barcode or fingerprint. Twelve-digit numbers were introduced in 2012 and barcodes were added in 2016. They are being replaced progressively by chip-based cards, which contain information on 20 different fields including tax and insurance. This information is kept on a national database, which was launched in February 2021. Cards are issued at age 14 and renewed at ages 25, 40 and 60. CICs are not issued by Vietnamese embassies and consulates abroad. CICs have long periods before renewal is required; frequent trips back to Vietnam to obtain a new card are unnecessary.

### Household registration books (*hộ khẩu*)

5.40 *Hộ khẩu* is household registration. DFAT understands that physical *hộ khẩu* books are no longer issued and have been replaced by information held in a national database that is linked to a person's [CIC](#). DFAT understands that, although the books are no longer issued, they are still in use by some. *Hộ khẩu* are not issued by Vietnamese embassies and consulates abroad but registration of residence is possible at police stations on arrival. See [Internal Relocation](#) for information on the effects of household registration.

## Passports

5.41 Passports are obtained by application to the Immigration Department of the MPS, at either the Central level (in Hanoi) or the Central-City level (in Hanoi, Danang and HCMC). Applicants outside these cities apply by post (those who are abroad would contact the nearest diplomatic mission). Applicants must provide their identity card or birth certificate, an application form and two recent passport photos. MPS reviews the application in consultation with authorities in the province who verify the applicant's identity. The process officially takes five to eight working days. Ordinary passports are valid for 10 years for individuals aged 14 years or over, and five years for children aged under 14 years.

## PREVALENCE OF FRAUD

5.42 Document fraud is common in Vietnam. DFAT understands from sources that fraudulently obtained genuine documents are more common than documents that were fake in the first place. This is sometimes facilitated through corruption, but could also depend on where the document is issued and the skill and experience of the issuing officer. Another common practice is to exit Vietnam on a genuine document then use non-genuine documents once airside or upon arrival at a port at another country. The opposite is also reported by sources: people will exit via a land border crossing (which may be subject to less stringent checks) and then use their genuine passport once outside Vietnam.

5.43 Source identification documents are held at the local level but might be paper-based, which can make fraudulent documents easier to use. CICs are now issued with a 12-digit number that is linked back to a database, but old, paper-based documents continue in circulation. The new cards can be checked against the database and fraud is more difficult to undertake.

5.44 Another common form of fraud is to doctor documents using applications like Photoshop that are then uploaded onto online systems. Fraudulent documents of this type are easily detected, especially when the original is later presented and it does not match the doctored copy uploaded to the system.