



COUNTRY OF ORIGIN INFORMATION REPORT

VIETNAM

1 JUNE 2009

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Preface

- i This Country of Origin Information Report (COI Report) has been produced by COI Service, UK Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The report includes information available up to 15 May 2009.
- ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. All information in the Report is attributed, throughout the text, to the original source material. In some sections, direct links to source documents are provided rather than text.
- iii The Report is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.
- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more

recent documents. All sources contain information considered relevant at the time this Report was issued.

- viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.
- ix COI Reports are published regularly on the top 20 asylum intake countries. COI Key Documents are produced on lower asylum intake countries according to operational need. UKBA officials also have constant access to an information request service for specific enquiries.
- x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the UKBA as below.

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ADVISORY PANEL ON COUNTRY INFORMATION

- xi The independent Advisory Panel on Country Information (APCI) was established in 2003 to make recommendations to the Home Secretary about the content of the UKBA's country of origin information material. The APCI reviewed a number of UKBA's reports and published its findings on its website at www.apci.org.uk. Since October 2008, the work of the APCI has been taken forward by the Chief Inspector of UKBA.

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Background information

GEOGRAPHY

- 1.01 The Socialist Republic of Vietnam is situated in South-East Asia, bordered to the north by the People's Republic of China, to the west by Laos and Cambodia, and to the east by the South China Sea. The capital is Hanoi. (Europa World, accessed on 24 April 2009) [1]
- 1.02 Vietnam covers an area of 329,247 sq km (127,123 sq miles). A UN estimate in 2008 put the total population of Vietnam at 88.5 million, with life expectancy of 72 years for men and 76 years for women. (BBC News, Country Profile: Vietnam, 29 April 2009) [14a]
- 1.03 Vietnam is divided into 63 administrative units, comprised of provinces and cities. (Website of the Vietnam National Administration of Tourism, accessed on 12 May 2009) [17d]
- 1.04 While the official language of the country is Vietnamese, there are another 101 languages in use. (Ethnologue.com, accessed on 13 May 2009) [24]

[See also Section 17: Religious groups](#)

[See also Section 18: Ethnic groups](#)

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MAP



Viet Nam Atlas Map
As of May 2005

PGDS in DOS
Population and Geographic Data Section
Division of Operational Support
Email: mapping@unhcr.org



For further maps of Vietnam see [Reliefweb's Map Centre](#).

ECONOMY

2.01 The CIA World Factbook, updated on 23 April 2009, recorded:

“Vietnam is a densely-populated developing country that in the last 30 years has had to recover from the ravages of war, the loss of financial support from the old Soviet Bloc, and the rigidities of a centrally-planned economy. Since 2001, Vietnamese authorities have reaffirmed their commitment to economic liberalization and international integration. They have moved to implement the structural reforms needed to modernize the economy and to produce more competitive export-driven industries. Vietnam’s membership in the ASEAN Free Trade Area (AFTA) and entry into force of the US-Vietnam Bilateral Trade Agreement in December 2001 have led to even more rapid changes in Vietnam’s trade and economic regime. Vietnam’s exports to the US increased 900% from 2001 to 2007. Vietnam joined the WTO in January 2007 following over a decade long negotiation process. WTO membership has provided Vietnam an anchor to the global market and reinforced the domestic economic reform process.” [4]

2.02 The same source stated further:

“Deep poverty has declined significantly and is now smaller than that of China, India, and the Philippines. Vietnam is working to create jobs to meet the challenge of a labor force that is growing by more than one-and-a-half million people every year. The global financial crisis, however, will constrain Vietnam’s ability to create jobs and further reduce poverty. As global growth sharply drops in 2009, Vietnam’s export-oriented economy - exports were 68% of GDP in 2007 - will suffer from lower exports, higher unemployment and corporate bankruptcies, and decreased foreign investment. Real GDP growth for 2009 could fall between 4% and 5%. Inflation, which reached nearly 25% in 2008, will likely moderate to single digits in 2009.” [4]

2.03 In its Country Profile on Vietnam, updated on 5 January 2009, the Foreign & Commonwealth Office (FCO) noted:

“The Government has made poverty reduction a central development goal since introducing its 'doi moi' (renovation) economic policy in 1986... Poverty has fallen across Vietnam, although less so in the mountainous ethnic minority areas in the Central and North West Highlands... liberal economic policies pursued since the late 1980s have delivered average GDP growth of around 8% in recent years and increasingly high living standards for most of the population. Vietnam’s record on poverty reduction is excellent – the proportion of people living in poverty (under US\$1 per day) has fallen from 58% in 1993 to 15% in 2007. For their part, the younger generation are greatly interested in their economic prospects, and are becoming increasingly vocal and open to debate... (Another) major issue facing Vietnam is the under-development and high poverty in remote, ethnic-minority regions, and the flux of unregistered internal migrants flocking to major cities. Despite fast economic growth, poverty among some ethnic minority groups in remote areas remains far above the national average.” [8a]

2.04 The currency of Vietnam is the Dong (D), and the exchange rate in October 2008 was D16,600: US\$1. (EIU 2008 Country Profile: Vietnam) [15] (p2)

HISTORY

- 3.01 In 1954 Vietnam was divided into the communist-controlled north (Democratic Republic of Vietnam) and the western-backed south (Republic of Vietnam). As the North Vietnamese began to use their forces to strengthen the communist movement in the south in order to achieve national reunification, the south became increasingly dependent on the USA, which increased its military commitment as war escalated in the 1960s. (FCO Country Profile, 5 January 2009) [8a] 1957 marked the beginning of the communist insurgency in the south and the US entered the war in 1964. (BBC News, 29 April 2009) [14b]
- 3.02 The numbers of US troops in Vietnam rose to over half a million by 1968, but a withdrawal began thereafter because of the growing domestic unpopularity of the war in the USA and a lack of military success. (FCO Country Profile, 5 January 2009) [8a] The troop withdrawal was completed in March 1973. (BBC News, 29 April 2009) [14b] Although the USA and North Vietnamese reached a peace agreement in 1973, the war continued and in 1975 the southern forces were defeated. Subsequently, the country was formally reunified as the Socialist Republic of Vietnam (SRV) in 1976 and Vietnam was admitted to the UN in 1977. (FCO Country Profile, 5 January 2009) [8a]
- 3.03 National reunification did not lead to peace and stability. Relations with the Khmer Rouge government in Cambodia and with their main supporters, the Chinese, soon deteriorated; after a number of border incidents Vietnam invaded Cambodia in 1978 and subsequently installed a friendly regime there. As conflict ensued in Cambodia with resistance groups fighting the Vietnamese and their Cambodian allies during the 1980s, Vietnam experienced a period of international isolation, receiving support only from the USSR and its allies. The conflict further sapped an economy weakened by unpopular socialist reforms, which in turn helped precipitate the exodus of hundreds of thousands of refugees in the late 1970s and early 1980s. (FCO Country Profile, 5 January 2009) [8a]
- 3.04 Following a formal settlement of the conflict in 1991, Vietnam began to normalise its relations with the rest of the world, including the USA in 1995, the same year that Vietnam became a member of ASEAN (Association of Southeast Asian Nations). (FCO Country Profile, 5 January 2009) [8a]

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RECENT DEVELOPMENTS

- 4.01 In October 2008 US and international media campaigners condemned guilty verdicts on two Vietnamese journalists, Nguyen Viet Chien and Nguyen Van Hai, who had helped to expose a major corruption scandal. The latter was not imprisoned after pleading guilty. In January 2009 the government dismissed Nguyen Cong Khe and Le Hoang, the editors of the two largest pro-reform newspapers, over their coverage of the October corruption scandal trial. (BBC News, 29 April 2009) [14b]
- 4.02 In November 2008 Vietnam said it planned to enforce a two-child policy in an attempt to control population growth. In December China and Vietnam

resolved a border dispute 30 years after the 1979 war which left tens of thousands dead. In the same month the government banned bloggers from raising "inappropriate" subjects. In January 2009 more than 15,000 prisoners were released before the end of their prison terms in the Lunar New Year amnesty, one of Vietnam's largest. (BBC News, 29 April 2009) [14b]

CONSTITUTION

- 5.01 According to Article 4 of the 1992 Constitution, "The Communist Party of Vietnam, the vanguard of the Vietnamese working class, the faithful representative of the rights and interests of the working class, the toiling people, and the whole nation, acting upon the Marxist-Leninist doctrine and Ho Chi Minh's thought, is the force leading the State and society." [17a] (Chapter 1)
- 5.02 A citizen's rights and duties are defined under Articles 50 to 80 of the 1992 Constitution. Regarding the fundamental rights of the citizen, Article 50 claims, "In the Socialist Republic of Vietnam human rights in the political, civic, economic, cultural and social fields are respected. They are embodied in the citizen's rights and are determined by the Constitution and the law." [17a] (Chapter 5)

POLITICAL SYSTEM

- 6.01 In its Country Profile on Vietnam, updated on 5 January 2009, the Foreign & Commonwealth Office (FCO) noted:

"Vietnam is a one-party state in which the Communist Party of Vietnam (CPV) decides all major policy issues, which are then implemented by the government. The country is led by a triumvirate of CPV General Secretary [Nong Duc Manh], State President [Nguyen Minh Triet] and Prime Minister [Nguyen Tan Dung]. Although the National Assembly is increasingly powerful, it remains firmly subordinate to the CPV. No legal opposition to the regime is permitted in Vietnam, but neither is there much sign of widespread popular opposition. The CPV still enjoys popular support following its success in defeating the French colonialist rulers, resisting American intervention, re-unifying the country, opposing Chinese encroachment and - most importantly - creating and maintaining peace and stability." [8a]

- 6.02 The FCO also stated:

"There are no free elections in Vietnam. Candidates for election to the National Assembly and local People's Councils must in practice be approved by the CPV. There is, however, an increasing minority of elected representatives who are not CPV members. Vietnam's main legislative body is the National Assembly, which convenes twice per year. It has developed, in recent years, from little more than a 'rubber stamp' body to one increasingly able to scrutinise legislation and hold government to account. It has, on paper at least, wide powers over the state budget and its Members, 25% of whom are full time, are increasingly professional. Ultimately, however, the National Assembly remains firmly under the control of the CPV and thus is still far from being a proper democratic legislature. Elections to the 500-Member National Assembly are held every five years. The last election was in May 2007." [8a]

6.03 The US State Department's 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, noted, "The most recent National Assembly elections, held in May 2007, were neither free nor fair, since all candidates were vetted by the CPV's Vietnam Fatherland Front (VFF), an umbrella group that monitored the country's mass organizations." [2a] (Introduction to Vietnam)

6.04 The same source continued:

"The National Assembly, although subject to the control of the CPV (all of its senior leaders and more than 90 percent of its members were party members), continued to take incremental steps to assert itself as a legislative body. The National Assembly publicly criticized socioeconomic policies, the government's handling of inflation, and the plan to expand Hanoi's governing jurisdiction. Assembly sessions were televised live countrywide. Some deputies also indirectly criticized the CPV's preeminent position in society. All authority and political power is vested in the CPV, and the constitution recognizes the leadership of the CPV." [2a] (Section 3)

[See also Section 14: Political affiliation](#)

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Human Rights

INTRODUCTION

- 7.01 The US State Department's 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, noted:

"The government's human rights record remained unsatisfactory. Citizens could not change their government, and political opposition movements were prohibited. The government continued to crack down on dissent, arresting political activists and causing several dissidents to flee the country. Police sometimes abused suspects during arrest, detention, and interrogation. Corruption was a significant problem in the police force, and police officers sometimes acted with impunity. Prison conditions were often severe. Individuals were arbitrarily detained for political activities and denied the right to fair and expeditious trials. The government continued to limit citizens' privacy rights and tightened controls over the press and freedom of speech, assembly, movement, and association. The government maintained its prohibition of independent human rights organizations. Violence and discrimination against women remained a concern. Trafficking in persons continued to be a significant problem. Some ethnic minority groups suffered societal discrimination. The government limited workers' rights and arrested or harassed several labor activists." [2a] (Introduction to Vietnam)

- 7.02 The USSD Report 2008 also noted:

"The government does not permit private, local human rights organizations to form or operate. The government did not tolerate attempts by organizations or individuals to comment publicly on its human rights practices, and it used a wide variety of methods to suppress domestic criticism of its human rights policies, including surveillance, limits on freedom of the press and assembly, interference with personal communications, and detention... The government criticized almost all public statements on human rights and religious issues by international NGOs and foreign governments." [2a] (Section 4)

- 7.03 As recorded by Amnesty International's Report 2008 (covering events in 2007), published in May 2008:

"Freedom of expression and association continued to be tightly controlled. Political activists and dissidents were arrested and detained; some were sentenced to lengthy prison terms under national security legislation after unfair trials. At least 83 people were sentenced to death, including 14 women. Statistics on executions remained classified a 'state secret', although discussion on the effectiveness of the death penalty continued. Scores of ethnic minority Montagnards in the Central Highlands and members of the Khmer Krom community in southern An Giang province fled to Cambodia seeking asylum from persecution." [3a]

- 7.04 Human Rights Watch, in its World Report 2009 (covering events in 2008), stated:

"The Vietnamese government continues to crackdown on democracy activists, journalists, human rights defenders, cyber-dissidents, and members of

unsanctioned religious organizations. Social unrest increased in 2008 as thousands of workers joined strikes for better pay and working conditions. An informal nationwide land rights movement swelled, as thousands of farmers traveled to Ho Chi Minh City and Hanoi to publicly express their grievances about land seizures and local corruption. Ethnic Khmer Buddhists in the Mekong Delta and Montagnard Christians in the Central Highlands protested against land confiscation and religious persecution. 2008 saw the harshest crackdown on Catholics in Vietnam in decades as Vietnamese authorities sought to curtail mass prayer vigils in Hanoi calling for the return of government-confiscated church properties. More than 400 political and religious prisoners remain behind bars in harsh prison conditions.” [5a]

- 7.05 The Foreign & Commonwealth Office (FCO), in its Annual Report on Human Rights 2008, published on 26 March 2009, recorded:

“There has been some progress in Vietnam’s efforts to strengthen civil and political rights during 2008, but there have also been setbacks during the year. The government is pursuing a legal and judicial reform programme to strengthen the rule of law and the National Assembly has demonstrated its growing influence over the law-making and decision-making process. Proposals have been put forward to reduce significantly the scope of the death penalty. Over recent years, there has been greater religious freedom, with the government recognising more congregations, though land disputes remain a source of tension with the Catholic Church. Concerns remain about restrictions on freedom of expression. We have seen a clear tightening of control over the media in 2008. Vietnam’s record on promoting economic and social rights has generally been positive.” [8b] (p172)

- 7.06 In its Country Profile on Vietnam, updated on 5 January 2009, the FCO also stated:

“Human rights in Vietnam are an issue which have attracted considerable public attention from NGOs and Parliament in recent times... Overall, the great majority of Vietnamese people enjoy greater security, prosperity and personal liberty than previously in their history. Vietnam has also made great strides in terms of economic and social rights over recent decades. However, notwithstanding gradual improvements over recent years, Vietnam’s record on civil and political rights remains poor. Restrictions on freedom of expression, freedom of the media, freedom of religion and the continued application of the death penalty are particular causes for concern.” [8a]

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SECURITY FORCES

- 8.01 The US State Department’s 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, recorded, “Internal security is the responsibility of the Ministry of Public Security (MPS); however, in some remote areas, the military is the primary government agency and provides public safety functions, including maintaining public order in the event of civil unrest.” [2a] (Section 1d)
- 8.02 The same report continued:

“The MPS controls the police, a special national security investigative agency, and other internal security units. It also maintains a system of household registration and block wardens to monitor the population. While this system has generally become less intrusive, it continued to be used to monitor those suspected of engaging, or likely to engage, in unauthorized political activities. Credible reports suggested that local police forces used ‘contract thugs’ and ‘citizen brigades’ to harass and beat political activists and others, including religious worshippers, perceived as ‘undesirable’ or a ‘threat’ to public security.” [2a] (Section 1d)

POLICE

8.03 The USSD Report 2008 noted:

“Police organizations exist at the provincial, district, and local levels and are subject to the authority of people's committees at each level. The police were generally effective at maintaining political stability and public order, but police capabilities, especially investigative, were generally very low. Police training and resources were inadequate. Corruption was a significant problem among police at all levels, and police officers sometimes acted with impunity. Internal police oversight structures existed but were subject to political influence.” [2a] (Section 1d)

8.04 The same source reported, “The law prohibits physical abuse; however, police commonly physically mistreated suspects during arrest or detention.” [2a] (Section 1c) A report by the Canadian Immigration and Refugee Board (IRB) on 13 December 2006 recorded:

“...traffic police were considered to be the third most corrupt institution in the country... The government has reportedly set up a hot-line for citizens to confidentially report corrupt traffic police... Without explicitly referring to the police, a report authored by the ADB's [Asian Development Bank] principal regional cooperation specialist... states that Vietnam has yet to develop a ‘respect of the law’ and that ‘those responsible for law enforcement also often violate the law in their adjudication practices’... A news report on the Vietnamese government's 10th National Party Congress states that corruption has affected ‘any branches and sectors, including law enforcement agencies’.” [6f]

See also Section 16: Corruption

AVENUES OF COMPLAINT

8.05 The USSD Report 2008 noted:

“There is no clear or effective mechanism for pursuing a civil action to redress or remedy abuses committed by authorities. Civil suits are heard by ‘administrative’ courts, civil courts, and criminal courts, all of which follow the same procedures as in criminal cases and are adjudicated by members of the same body of judges and lay assessors. All three levels were subject to the same problems of corruption, lack of independence, and inexperience. By law a citizen seeking to press a complaint regarding a human rights violation by a civil servant is required first to petition the officer accused of committing the

violation for permission to refer the complaint to the administrative courts. If a petition is refused, the citizen may refer it to the officer's superior. If the officer or his superior agrees to allow the complaint to be heard, the matter is taken up by the administrative courts. If the administrative courts agree that the case should be pursued, it is referred either to the civil courts for suits involving physical injury seeking redress of less than 20 percent of health care costs resulting from the alleged abuse, or to the criminal courts for redress of more than 20 percent of such costs. In practice this elaborate system of referral and permission ensured that citizens had little effective recourse to civil or criminal judicial procedures to remedy human rights abuses, and few legal experts had experience with the system." [2a] (Section 1e)

8.06 The report stated further:

"The anticorruption law allows citizens to complain openly about inefficient government, administrative procedures, corruption, and economic policy. In regular Internet chats with high-level government leaders, citizens asked pointed questions about anticorruption efforts. However, the government continued to consider public political criticism a crime unless the criticism was controlled by the authorities. Attempts to organize those with complaints to facilitate action are considered proscribed political activities and subject to arrest. Senior government and party leaders traveled to many provinces, reportedly to try to resolve citizen complaints. Corruption related to land use was widely publicized in the press, apparently in an officially orchestrated effort to bring pressure on local officials to reduce abuses." [2a] (Section 3)

[See also Section 10: Judiciary](#)

[See also Section 16: Corruption](#)

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MILITARY SERVICE

9.01 See the following sources:

Penal Code (Chapter XXIII (Articles 315-344): Crimes of Infringing upon the Duties and Responsibilities of Army Personnel), 21 December 1999
http://vbqpp14.moj.gov.vn/law/en/1991_to_2000/2000/200001/200001040005_en/view [17e]

Law Amending and Supplementing a Number of Articles of the Law on Military Service Duty, 22 June 1994
<http://www.unhcr.org/cgi-bin/texis/vtx/rsd/rsddocview.html?tbl=RSDLEGAL&id=3ae6b5374> [17f]

War Resisters International (WRI), Refusing to Bear Arms: A worldwide survey of conscription and conscientious objection to military service, 19 March 1998
<http://www.wri-irg.org/co/rtba/vietnam.htm> [19]

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JUDICIARY

ORGANISATION

- 10.01 The US State Department's 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, recorded:

"The judiciary consists of the Supreme People's Court (SPC); provincial and district people's courts; military tribunals; administrative, economic, and labor courts; and other tribunals established by law. Each district has a people's court, which serves as the court of first instance for most domestic, civil, and criminal cases. Each province also has a people's court, which serves as the appellate forum for district court cases. The SPC, which reports to the National Assembly, is the highest court of appeal and review. Administrative courts adjudicate complaints by citizens about official abuse and corruption. There are also special committees to help resolve local disputes. There was a shortage of trained lawyers and judges. Low judicial salaries hindered efforts to develop a trained judiciary. The few judges who had formal legal training often had studied abroad only in countries with communist legal traditions... Government training programs to address the problem of inadequately trained judges and other court officials continued during the year." [2a] (Section 1e)

- 10.02 The website of the Asia Foundation, accessed on 11 May 2009, stated, "Since the beginning of doi moi (the renovation policy), Vietnam's law-making process has become increasingly open to public participation. However, despite legal provisions ensuring the public's right to review and comment on draft laws, shortcomings exist that limit the scope and effectiveness of public participation." [9]

INDEPENDENCE

- 10.03 The USSD Report 2008 recorded:

"The law provides for the independence of judges and lay assessors; however, in practice the CPV controlled the courts at all levels through its effective control over judicial appointments and other mechanisms. In many cases the CPV determined verdicts. Most, if not all, judges were members of the CPV and were chosen at least in part for their political views. As in past years, the judicial system was strongly distorted by political influence, endemic corruption, and inefficiency. CPV influence was particularly notable in high profile cases and others in which a person was charged with challenging or harming the CPV or the state." [2a] (Section 1e)

- 10.04 In its 2008 Country Profile on Vietnam, the Economist Intelligence Unit (EIU) stated, "The judiciary is relatively weak and is not independent of the Communist Party. The country has only about 3,000 lawyers, and trial procedures are rudimentary. There is a growing backlog of unsettled civil lawsuits, and the country is in need of at least 900 more judges." [15] (p5) In its report, Freedom in the World 2008, Freedom House noted, "Vietnam's judiciary is subservient to the CPV, which controls courts at all levels." [29]

FAIR TRIAL

10.05 The USSD Report 2008 recorded:

“The constitution provides that citizens are innocent until proven guilty; however, many lawyers complained that judges generally presumed guilt. Trials generally were open to the public, but in sensitive cases judges closed trials or strictly limited attendance. Juries are not used. Defendants have the right to be present and have a lawyer at trial, although not necessarily the lawyer of their choice, and this right was generally upheld in practice. Defendants unable to afford a lawyer were generally provided one only in cases with possible sentences of life imprisonment or capital punishment. The defendant or the defense lawyer has the right to cross examine witnesses; however, there were cases in which neither defendants nor their lawyers were allowed to have access to government evidence in advance of the trial, cross examine witnesses, or challenge statements. Defense lawyers commonly had little time before trials to examine evidence against their clients. Convicted persons have the right to appeal. District and provincial courts did not publish their proceedings. The SPC continued to publish the proceedings of all cases it reviewed. There continued to be credible reports that defense lawyers were pressured not to take as clients any religious or democracy activists facing trial.” [2a] (Section 1e)

10.06 The report continued:

“The public prosecutor brings charges against an accused person and serves as prosecutor during trials. Earlier reforms to the criminal procedures code were intended to move courtroom procedures from an ‘investigative’ system, in which the judge leads the questioning, to an ‘adversarial’ system, in which prosecutors and defense lawyers advocate for their respective sides. The change was intended to provide more protections for defendants and prevent judges from coercing defendants into confessing guilt; however, implementation differed from one province to another.” [2a] (Section 1e)

[See also Section 8: Avenues of Complaint](#)

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ARREST AND DETENTION – LEGAL RIGHTS

11.01 The US State Department’s 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, noted:

“The criminal code [penal code] allows the government to detain persons without charges indefinitely under vague ‘national security’ provisions such as Articles 84, 88, and 258. The government also arrested and detained indefinitely individuals under other legal provisions. Authorities also subjected several dissidents throughout the country to administrative detention or house arrest... Arbitrary detentions, particularly for political activists, remained a problem. The government used decrees, ordinances, and measures to detain activists for the peaceful expression of opposing political views. During the year authorities arrested several individuals for violating Article 88, which prohibits the ‘distribution of propaganda against the state.’ Those charged with

violating Article 88 were typically sentenced to terms of up to five years in prison. While several activists received reduced prison sentences after they appealed, others had their original sentences reaffirmed during appeals... In August and September, the government arrested at least 13 activists, most connected with the political movement Bloc 8406, and briefly detained at least a dozen others... At year's end the remaining activists had not been charged or tried. Police forcibly entered the homes of a number of prominent dissidents throughout the country... Several of the approximately 30 activists arrested in a government crackdown in 2006-07 were convicted during the year. Others remained under investigation and under administrative detention without being formally charged. Religious and political activists were subject to varying degrees of informal detention in their residences.” [2a] (Section 1d)

11.02 Human Rights Watch, in its World Report 2009 (covering events in 2008), stated, "Laws such as Ordinance 44 authorize the detention without trial of dissidents at 'social protection centers' and psychiatric facilities if they are deemed to have violated national security laws. In March 2008 police arrested Bui Kim Thanh, an activist who defended victims of land confiscation and involuntarily committed her to a mental hospital for the second time in two years." [5a] In a report dated 3 November 2008, Amnesty International stated, "Decree CP-31, which was abolished in March 2007, was frequently used to detain dissidents under house arrest without bringing them before a court. However, other administrative detention provisions remain in place. Dissidents sentenced to prison terms under the national security section of the Penal Code are usually further restricted on release by the imposition of up to five years' house arrest under Article 38 (Probation) of the Penal Code." [3b]

11.03 Regarding arrest warrants, the British Embassy in Hanoi stated in March 2004, "No documentation is left with the accused or their family. The warrant is read out before the accused who may inspect it but not keep it or retain copies." [8c] A report by the Canadian Immigration and Refugee Board (IRB) dated 22 February 2007 recorded:

"An international human rights lawyer specializing in Southeast Asia who is also the Deputy Director of Human Rights Advocates International, an international public service law group, states in correspondence that the public prosecutor must sign off on Vietnamese arrest warrants... adding that these warrants can be initiated by the police, a representative of the court, or the public prosecutor... However, Human Rights Watch (HRW) reports that suspects are 'routinely' arrested and detained by police without written warrants (12 July 2006)." [6h]

11.04 The same source noted:

"Among the sources consulted by the Research Directorate, information was limited on the process by which an arrest warrant is issued when the person sought is out of the country. In a telephone interview, the Advocacy Director for Asia and the Pacific at the United States (US) branch of Amnesty International commented that Vietnam does not cross borders in order to arrest people... However, according to Time Asia, in April 2006 Nguyen Huu Chanh, a US resident and Vietnamese citizen, was recently arrested in South Korea by Korean authorities on behalf of the Vietnamese government, when he was there on business (17 April 2006). Chanh's supporters describe him as a 'prominent pro-democracy activist,'... but the government of Vietnam

regards him as a terrorist and issued a warrant for his arrest for weapons trafficking and terrorism (Vietnam 19 May 2006). In addition, the government of Vietnam indicates that Interpol also transmitted 'an international arrest warrant' for Chanh. Chanh was released from a Korean jail in July [2006] because the Seoul High Court had not found sufficient proof to warrant his extradition to Vietnam." [6h]

See also Section 14: Opposition groups and political activists

11.05 The USSD Report 2008 noted:

"The criminal code outlines the process by which individuals are taken into custody and treated until they are brought before a court or other tribunal for judgment. The Supreme People's Procuracy (the Public Prosecutor's Office) issues arrest warrants, generally at the request of police. However, police may make an arrest without a warrant on the basis of a complaint filed by any person. The Procuracy issues retroactive warrants in such cases. The Procuracy must issue a decision to initiate a formal criminal investigation of a detainee within nine days; otherwise, police must release the suspect. In practice the nine-day regulation was often circumvented. The investigative period typically lasts from three months for less serious offenses (punishable by up to three years' imprisonment) to 16 months for exceptionally serious offenses (punishable by more than 15 years' imprisonment or capital punishment), or 20 months for national security cases. However, at times investigations can be prolonged indefinitely. The criminal code further permits the Procuracy to request additional two month periods of detention after an investigation to consider whether to prosecute a detainee or ask the police to investigate further. Investigators sometimes used physical isolation, excessively lengthy interrogation sessions, and sleep deprivation to compel detainees to confess. By law detainees are permitted access to lawyers from the time of their detention; however, authorities used bureaucratic delays to deny access to legal counsel. In cases investigated under broad national security laws, authorities often delayed defense lawyers' access to clients until an investigation had ended and the suspect had been formally charged with a crime. In addition a scarcity of trained lawyers and insufficient protection of defendant rights made prompt detainee access to an attorney rare. In practice only persons formally charged with capital crimes were assigned lawyers. By law attorneys must be informed of and allowed to attend interrogations of their clients. However, a defendant first must request the presence of a lawyer, and it was unclear whether authorities always informed defendants of this privilege. Attorneys also must be given access to case files and be permitted to make copies of documents. Attorneys were sometimes able to exercise these privileges." [2a] (Section 1d)

11.06 The report continued:

"Police generally informed families of detainees' whereabouts, but family members were allowed to visit a detainee only with the permission of the investigator, and this permission was not automatically granted. During the investigative period, authorities frequently did not allow detainees access to family members, especially in national security cases. Prior to a formal indictment, detainees also have the right to notify family members. However, a number of detainees suspected of national security violations were held incommunicado. At year's end some persons arrested early in the year had

not been seen by family members or a lawyer, nor had they been formally charged with crimes. There is no functioning bail system or equivalent system of conditional release. Time spent in pretrial detention counts toward time served upon conviction and sentencing. Courts may sentence persons to administrative detention of up to five years after completion of a sentence. In addition police or mass organizations can propose that one of five 'administrative measures' be imposed by people's committee chairpersons at district and provincial levels without a trial. The measures include terms ranging from six to 24 months in either juvenile reformatories or adult detention centers and generally were applied to repeat offenders with a record of minor offenses, such as committing petty theft or 'humiliating other persons.' Chairpersons may also impose terms of 'administrative probation,' which generally was some form of restriction on movement and travel. Despite the March 2007 repeal of Decree 31, an administrative measure often used to punish perceived political dissidents, authorities continued to punish some individuals using other vaguely worded national security provisions in the criminal code." [2a] (Section 1d)

- 11.07 In its report, Freedom in the World 2008, Freedom House noted, "Defendants have a constitutional right to counsel, but lawyers are scarce and many are reluctant to take on human rights and other sensitive cases for fear of harassment and retribution by the state. Defense attorneys cannot call or question witnesses and are only infrequently permitted to request leniency for their clients." [29]

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PRISON CONDITIONS

- 12.01 In its report, Freedom in the World 2008, Freedom House noted, "The police are known to abuse suspects and prisoners, and prison conditions are poor." [29] The US State Department's 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, recorded:

"Prison conditions could be severe but generally did not threaten the lives of prisoners. Overcrowding, insufficient diet, lack of clean drinking water, and poor sanitation nonetheless remained serious problems in many prisons. Prisoners had access to basic health care, with additional medical services available at district- or provincial-level hospitals. However, in many cases officials obstructed family members from providing medication to prisoners. Prisoners generally were required to work but received no wages. Prisoners sometimes were moved to solitary confinement, where they were deprived of reading and writing materials for periods of up to several months. Family members made credible claims that prisoners received better benefits by paying bribes to prison officials." [2a] (Section 1c)

- 12.02 The same source stated, "The government generally did not permit the International Committee of the Red Cross or NGOs to visit prisons, and no such visits occurred during the year." The report also noted, "Family members of one activist who broke his arm in a prison in Kien Giang Province claimed that medical treatment was inadequate, resulting in the partial loss of function in his arm." [2a] (Section 1c)

- 12.03 In its 2009 World Report (covering events in 2008), Human Rights Watch noted that over 400 political and religious prisoners remained in harsh prison conditions. The report also stated, "Prisoners are placed in solitary confinement in dark, unsanitary cells, and there is compelling evidence of torture and ill-treatment of political prisoners, including beatings and electric shock." [5a]

See also Section 14: Political affiliation

- 12.04 The USSD Report 2008 recorded, "...provincial councils throughout the country conducted both Tet and National Day amnesties of prisoners under their jurisdiction." [2a] (Section 1d) In January 2009 more than 15,000 prisoners were released before the end of their prison terms in the Lunar New Year amnesty, one of Vietnam's largest. (BBC News, 29 April 2009) [14b]

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DEATH PENALTY

- 13.01 In a report dated 3 November 2008, Amnesty International stated:

"Twenty-nine offences in Viet Nam's Penal Code carry the death penalty as an optional punishment. These are economic crimes, such as fraud, embezzlement, smuggling, counterfeiting and offering bribes; manufacturing, concealing and trafficking narcotic substances; murder, rape, robbery; and crimes against national security, including treason, espionage, taking action to overthrow the government, rebellion, banditry, terrorism, sabotage, hijacking, destruction of national security projects, undermining peace, war crimes and crimes against humanity. The majority of death sentences are imposed for drug trafficking offenses. In July 2008, it was reported that the Ministry of Public Security had recommended that the death penalty be abolished for 12 crimes: appropriating property by fraud; smuggling; producing and trading fake food and medical products; being involved in producing, storing and circulating counterfeit money, bonds and cheques; organising the illegal use of drugs; hijacking aeroplanes or ships; corruption; taking and giving bribes; destroying army weapons or technical equipment; being involved in an invasion; 'anti-human' crimes; and those convicted of war crimes. According to an official media report, it has been proposed that Article 35 of the Penal Code, which stipulates the death penalty for certain offences, should be amended to apply only to the 'most heinous crimes and people considered to be a serious danger to the community and the nation's security'. According to the July 2004 Criminal Procedure Code, once a death sentence has been imposed by a municipal or provincial court, the defendant is allowed 14 days to appeal against the sentence... Executions are carried out by a firing squad of five people, sometimes in public. Families of prisoners are not informed beforehand... In January 2004, a government decree prohibited the reporting of statistics on death sentences and executions as a 'state secret', and the total numbers are therefore not made public... From January 2004 to the end of September 2008, Amnesty International documented from media monitoring that 300 death sentences were imposed and 102 executions carried out. The exact numbers are believed to be much higher." [3b]

- 13.02 In its report, Freedom in the World 2008, Freedom House noted, “The death penalty is applied mainly for violent crimes, but it has been handed down in cases involving economic or drug-related offenses.” [29] Amnesty International’s Report 2008 (covering events in 2007), published in May 2008, recorded:

“At least 83 people, including 14 women, were sentenced to death for drug trafficking offences, some after unfair trials. The true number is believed to be much higher. Pham Thi Tuyet Lan was sentenced to death in February for alleged involvement in a land fraud. However, the appeals court overturned the verdict as it emerged that she had been charged with the wrong offence and defence lawyers had been excluded from the investigation. A reinvestigation was ordered. At least 15 death sentences were upheld by the Supreme People’s Court. They included a UK citizen of Vietnamese origin who was reported to be suffering from mental health problems.” [3a]

- 13.03 In its Country Profile on Vietnam, updated on 5 January 2009, the Foreign & Commonwealth Office (FCO) stated:

“Vietnam is thought to have among the highest execution rates per capita in the world. Death penalty statistics are officially secret, but – until recently – executions were thought to number around 80-100 per year. It is unknown whether recent falls in the number of executions reported in the state-controlled media reflect a real fall or just greater under-reporting. Most executions are for drug offences, but economic crimes (eg, corruption) may also attract the death penalty. There are concerns that Vietnam’s legal system does not offer fair trials in many cases. In a positive move, Vietnamese Ministers have spoken of reducing use of the death penalty and, although there is no immediate prospect of abolition, several legal reform bills are currently passing through the National Assembly, including proposals to reduce the scope of death penalty application.” [8a]

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POLITICAL AFFILIATION

FREEDOM OF POLITICAL EXPRESSION

- 14.01 As documented by the US State Department’s 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009:

“The constitution does not provide for the right of citizens to change their government peacefully, and citizens could not freely choose and change the laws and officials that govern them... Political opposition movements and other political parties are illegal. The CPV Politburo functions as the supreme decision making body in the country, although it technically reports to the CPV Central Committee. The government continued to restrict public debate and criticism severely. No public challenge to the legitimacy of the one party state was permitted; however, there were instances of unsanctioned letters critical of the government from private citizens, including some former senior party members, that circulated publicly. The government continued to crack down

on the small opposition political groupings established in 2006, and members of these groups faced arrests and arbitrary detentions.” [2a] (Section 3)

- 14.02 The same report noted, “There were no precise estimates of the number of political prisoners. The government claimed it held no political prisoners, only lawbreakers. The government held at least 35 political detainees at year's end, although some international observers claimed the number ranged into the hundreds.” [2a] (Section 1e)

See also Section 12: Prison conditions

- 14.03 As noted by Freedom House in its report, Freedom in the World 2008, “Vietnam is not an electoral democracy... The CPV [Communist Party of Vietnam] is the sole legal political party, and no opposition parties are permitted.” [29] The Economist Intelligence Unit's 2008 Democracy Index ranked Vietnam 149th out of 167 countries, putting it among the 55 countries considered "authoritarian regimes". (EIU 2008 Country Profile: Vietnam) [15] (p3)

See also Section 6: Political system

FREEDOM OF ASSEMBLY AND ASSOCIATION

- 14.04 The USSD Report 2008 recorded:

“The right of assembly is restricted by law, and the government restricted and monitored all forms of public protest or gathering. Persons wishing to gather in a group are required by law and regulation to apply for a permit, which local authorities can issue or deny arbitrarily. In practice only those arranging publicized gatherings to discuss sensitive issues appeared to require permits, and persons routinely gathered in informal groups without government interference. In general the government did not permit demonstrations that could be seen as having a political purpose. The government also restricted the right of several unregistered religious groups to gather in worship... The government severely restricted freedom of association. Opposition political parties were neither permitted nor tolerated. The government prohibited the legal establishment of private, independent organizations, insisting that persons work within established, party controlled mass organizations, usually under the aegis of the CPV's Vietnam Fatherland Front (VFF) group. However, some entities, including unregistered religious groups, were able to operate outside of this framework with little or no government interference.” [2a] (Section 2b)

- 14.05 The same report noted:

“Peaceful land rights protests in Ho Chi Minh City and Hanoi resulted in the temporary detention, surveillance, and arrest of several organizers, although the government handled the dispersal of these protests without significant violence. Peaceful protests during the year against Chinese actions in the Spratly/Paracel Islands also resulted in the temporary detention and arrest of several activists for demonstrating without permission. In September authorities arrested four activists and temporarily detained several more, reportedly in an effort to prevent demonstrations and discourage groups from meeting publicly.” [2a] (Section 1d)

- 14.06 In its 2009 World Report (covering events in 2008), Human Rights Watch stated:

“Several land rights activists and landless farmers petitioning for redress were imprisoned during 2008, including seven in July on charges of causing public disorder. In September an appeals court upheld the two-year prison sentence of activist Luong Van Sinh, who had circulated reports and photographs of farmers' protests on the internet... Decree 38 bans public gatherings in front of places where government, party, and international conferences are held, and requires organizers of public gatherings to apply for and obtain advance government permission. Despite the restrictions, public protests and social unrest grew during 2008 as citizens throughout Vietnam publicly aired their grievances over land confiscation, corruption, religious persecution, confiscation of church property, and China's claims to offshore islands.” [5a]

OPPOSITION GROUPS AND POLITICAL ACTIVISTS

- 14.07 The CIA World Factbook, updated on 23 April 2009, named the following as groups that advocate democracy but are illegal and not recognised by the government: 8406 Bloc; Democratic Party of Vietnam (DPV); People's Democratic Party Vietnam (PDP-VN); Alliance for Democracy. There are no officially-recognised opposition parties or groups in Vietnam. [4]

- 14.08 In its 2009 World Report (covering events in 2008), Human Rights Watch stated, “National security laws are used to imprison members of opposition political parties... Political dissidents are often tried without access to legal counsel in proceedings that take less than a day... In May a Ho Chi Minh City Court sentenced three members of the opposition Viet Tan party to up to nine months' imprisonment on charges of terrorism and threatening national security for planning to distribute leaflets about their party.” [5a]

- 14.09 Amnesty International's Report 2008 (covering events in 2007), published in May 2008, recorded:

“Following the hosting of the APEC summit in November 2006 and the conclusion of major international trade agreements, a crackdown on peaceful dissent and freedom of expression and association intensified. At least 35 people, among them lawyers, trade unionists, religious leaders and internet dissidents, were arrested between November 2006 and the end of 2007, an increased number over previous years. Most had connections to Bloc 8406, a movement calling for peaceful political change and respect for human rights. Nineteen among the 35 were known to have been tried and sentenced under vaguely worded and repressive national security legislation used to criminalize peaceful political dissent.” [3a]

- 14.10 As reported by Asia Times on 14 September 2006:

“On that day [8 April 2006] hundreds of democratic-minded Vietnamese took the courageous step of publicly declaring and signing their names to a ‘Manifesto on Freedom and Democracy for Vietnam’, coincident with the Communist Party's 10th National Congress in Hanoi. Since then the group has grown into a thousands-strong pro-democracy movement popularly known as Bloc 8406, named after the date the group first publicly called for a political

transition toward more participatory democracy... On August 22 [2006], Bloc 8406 publicly declared its four-phase proposal for Vietnam's democratization, including demands for the restoration of civil liberties, the establishment of political parties, the drafting of a new constitution and, finally, democratic elections for a new representative National Assembly that would be charged with choosing a new national name, flag and anthem... Scores of Bloc 8406's members have in recent weeks been harassed, interrogated and, in the case of Ho Chi Minh City member Vu Hoang Hai, brutally tortured. Other high-profile members have had their telephone lines cut or mobile phones confiscated. On August 12 [2006], security agents rounded up and interrogated five Bloc 8406 members in Hanoi who had planned to launch a new online political magazine aptly called Freedom and Democracy." [16]

14.11 In a report dated 6 April 2007, Human Rights Watch stated:

"On the eve of Bloc 8406's first anniversary, members of the group, which calls for greater political freedom in Vietnam, still face harassment and abuse, including imprisonment... The group's name, Bloc 8406, derives from the 8th of April 2006, when it published its 'Manifesto for Freedom and Democracy.' Two days earlier, it had also issued an 'Appeal for Freedom of Political Association.' These documents, which were initially signed by more than 100 people, challenged the Vietnamese government to uphold individuals' rights to free expression, association, and participation in political affairs. By August 2006, an additional 2,000 people had signed the statements. Among the Bloc's founders are Father Nguyen Van Ly, an outspoken supporter of religious freedom, writer Do Nam Hai, and professor Nguyen Chinh Ket. 'Several key organizers of Bloc 8406 and their families have been harassed and imprisoned, showing that the Vietnamese government is still trying to silence its critics,' said Sophie Richardson, deputy Asia director at Human Rights Watch. 'Targeting the most vocal, visible activists sends a message to the others: don't speak out, or you'll suffer the same fate.' Five 8406 members have in the past year been sentenced to actual or suspended jail terms." [5d]

14.12 The USSD Report 2008 noted:

"Members of Bloc 8406, a political activist group that calls for the creation of a multiparty state, continued to face harassment and imprisonment. Its senior members were arrested and jailed in a crackdown beginning in 2007. In September authorities arrested an additional six members of Bloc 8406 for criticizing the government's response to China and economic policies. Other members faced severe harassment for their peaceful political activities. Bloc 8406 claimed more than 2,000 supporters inside the country, although this number could not be verified. At least 16 members of the group were in detention at year's end. Several members of another activist group, the People's Democratic Party of Vietnam, and a related group, the UWFO [United Workers and Farmers Organization], remained in prison at year's end." [2a] (Section 2b)

14.13 The same report stated:

"In September and October [2008], Bloc 8406 activists... were arrested, reportedly for their efforts to organize public protests, distribute prodemocracy leaflets, protest government land seizures and Chinese government actions, and post banners critical of the government. At year's end all were in detention

waiting to be formally charged and tried... After having been sentenced in 2007 for violating Article 88, several high-profile dissidents remained in prison... three members of the People's Democracy Party were awarded sentence reductions after appeal... In January, after 17 months in detention, Bloc 8406 member Truong Quoc Huy was tried and sentenced to six years in prison for 'propagandizing against the state.' Viet Tan activists Nguyen Quoc Quan, Nguyen The Vu, and Nguyen Quoc Hai, arrested in 2006, were tried and convicted in May under Article 84 for crimes related to terrorism, but they were released after time served. Several political dissidents affiliated with outlawed political organizations, including Bloc 8406, the People's Democratic Party, People's Action Party, Free Vietnam Organization, Democratic Party of Vietnam, UWFO, and others, remained in prison or under house arrest in various locations." [2a] (Section 1e)

- 14.14 The report also noted, "At various times political activists and family members of prisoners were physically prevented from meeting with foreign diplomatic representatives. Tactics included setting up barriers or guards outside their residences or calling them into the local police station for random and repetitive questioning... Several political dissidents, amnestied with probation or under house arrest, were subject to official restrictions on their movements, but police allowed them to venture from their homes under surveillance." [2a] (Sections 2a and 2d)

[See also Section 11: Arrest and detention – legal rights](#)

[See also Section 12: Prison conditions](#)

[See also Section 25: Exit/entry procedures](#)

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FREEDOM OF SPEECH AND MEDIA

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See also Section 8: Police and Avenues of Complaint

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FREEDOM OF RELIGION

17.01 In its International Religious Freedom Report 2008 (IRFR 2008), published on 19 September 2008, the US State Department (USSD) noted:

“The Constitution provides for freedom of worship; however, government restrictions remained on the organized activities of religious groups. Respect

for religious freedom and practice continued to experience improvements during the reporting period. The Government deepened implementation of its 2004 Ordinance on Religion and Belief and supplemental decrees on religious policy issued in 2005 (referred to collectively as the Government's 'legal framework on religion'). New congregations were registered in many of the country's 64 provinces, a number of religious groups were registered at the national level, and citizens were generally allowed to practice religion more freely... Despite progress during the reporting period, problems remained with the implementation of the legal framework on religion, primarily at the provincial and village level. These included slowness, and in some cases inaction, in the registration of Protestant congregations in the north and the Northwest Highlands; inconsistent application of procedures for congregation registration and other legal requirements; restrictions on religious recruitment; and difficulties in the establishment of Protestant pastor training courses. Some provincial authorities were more active, while others appeared not to consider positive and consistent implementation of the legal framework on religion as a priority... The Government maintained a prominent role overseeing recognized religions. Religious groups encountered the greatest restrictions when they engaged in activities that the Government perceived as political activism or a challenge to its rule." [2b] (Introduction to Vietnam)

- 17.02 On 18 June 2004 the government issued an ordinance on religion. [17c] The USSD's IRFR 2008 recorded:

"The 2004 Ordinance on Religion and Belief serves as the primary document governing religious practice. It reiterates citizens' rights to freedom of belief, freedom of religion, and freedom not to follow a religion, and it affirms that violations of these freedoms are prohibited. However, it states that the 'abuse' of freedom of belief or religion 'to undermine the country's peace, independence, and unity' is illegal and also warns that religious activities must be suspended if they negatively affect the cultural traditions of the nation. The Ordinance continues the practice of government control and oversight of religious organizations. Under its provisions, religious denominations must be officially recognized or registered, and the activities and leadership of individual religious congregations must be approved by appropriate lower-level authorities. The establishment of seminaries and the organization of and enrollment in classes must also be approved by appropriate authorities. The naming of priests or other religious officials requires the approval of authorities only when a 'foreign element,' such as the Vatican, is involved. The ordinance explicitly bans forced renunciation of faith. The ordinance also relaxes government oversight of religion to some extent. For example, religious organizations are required only to inform appropriate authorities of their annual activities or the investiture and transfer of clerics, while in the past this required explicit official approval. Further, the ordinance encourages religious groups to carry out charitable activities in health care and education, which were limited in the past." [2b] (Section II)

- 17.03 The same source reported further:

"In March 2005 an implementing decree (Decree 22) provided further guidance on the Ordinance on Religion and Belief. It delineated specific procedures by which an unrecognized religious organization could register its places of worship, its clerics, and its activities and thus operate openly. It further provided procedures for these groups to apply for official recognition

from the Government to gain additional rights. The decree specified that a religious organization must have 20 years of 'stable religious operation' in the country in order to be recognized by the Government and stated that past operation in the country can be counted toward this requirement. The decree further set out specific time periods for the Government to consider requests from religious organizations and requires officials to give organizations an explanation in writing for any rejected application. Decree 22 also clarified the procedures through which religious organizations and individual congregations could seek official recognition. Recognized religious denominations, in principle, are allowed to open, operate, and refurbish places of worship, train religious leaders, and obtain permission for the publication of materials. To obtain official recognition, a denomination must first receive national-level registration. According to the legal framework, a religious organization must pass through several legal stages to receive national-level registration... In the case of a refusal, a specific reason must be included in the written response, although this requirement also did not appear to be adhered to systematically. There is no specific mechanism for appeal in the ordinance, nor are the reasons for denying a request restricted in any way. The national-level CRA [Committee for Religious Affairs] is charged with disseminating information about the new legal framework to authorities at the provincial, district, commune, and village levels and assuring uniform compliance. Implementation of the legal framework at lower levels of the Government continued to be mixed... Government practices and bureaucratic impediments restricted religious freedom and growth. The constitutional right of freedom of belief and religion continued to be interpreted and enforced unevenly. In some areas local officials allowed relatively wide latitude to believers; in other provinces believers were sometimes subject to harassment from local officials. Because of the lack of due process and inconsistent high-level oversight, religious activities can be subject to the discretion of local officials in their respective jurisdictions. In some cases local officials reportedly told religious leaders that national-level laws do not apply to their jurisdictions. In other cases different provinces applied the same laws differently." [2b] (Section II)

17.04 The report also noted:

"Some estimates suggest that more than half of the population is at least nominally Buddhist. The Roman Catholic Church comprises 8 to 10 percent, several Cao Dai organizations comprise 1.5 to 3 percent, the primary Hoa Hao organization 1.5 to 4 percent, Protestant denominations 0.5 to 2 percent, and one Muslim organization less than 0.1 percent of the population. Most other citizens consider themselves nonreligious, although many practice traditional beliefs such as veneration of ancestors and national heroes... The Government officially recognizes Buddhist, Catholic, Protestant, Hoa Hao, Cao Dai, Baha'i, Muslim, and Pure Land Buddhist Home Practice. Individual congregations within each registered or recognized group established after the legal framework took effect must also be registered. Practitioners of alternative Buddhist, Protestant, Hoa Hao, and Cao Dai groups do not participate in the government-recognized/registered religious organizations." [2b] (Sections I and II)

17.05 In a report dated March 2007, Christian Solidarity Worldwide noted:

"On 1 February 2007, the Vietnamese government announced the release of a white paper on religion, entitled, 'Religion and Policies Regarding Religion in

Vietnam' (2006), published by the Central Bureau of Religious Affairs (CBRA), the main government body for the regulation of religion, and designed to present the government's policies on religion and religious freedom. As such, it indicates Vietnam's concern to address her much-vaunted religious freedom record. However, given the concurrent release of an internal training manual by the CBRA, which was leaked by CSW in November 2006 and which ultimately aims to manage, limit and reverse the growth of Protestantism in the north-western highland region, it appears that a gap remains between Vietnam's public and internal policies on religion." [20a] (p3)

17.06 The report stated further:

"Even as a propaganda document, couched in terms of respect for religious freedom, this paper is highly ambiguous. It contains several promising signs, particularly an acknowledgment of the social and humanitarian contributions of religious organisations, but the underlying approach to religious freedom which it enshrines is wrought with problems [sic]. Religious organisations are envisaged as being subordinate to the national interest, and their value is seen in contributing to the enterprise of nation-building. The foreign relations of religious organisations, and particularly human rights defenders within such organisations, are the focus of particular suspicion. Furthermore, significant loopholes still remain within Vietnam's legislative framework for religion, which allow the arbitrary treatment of different religious groups by local officials in different areas; although a new Law on Belief and Religion is promised, it is not clear that this would address the problem. There is need for Vietnam to invest further in developing an internally coherent framework for religious freedom, which is fully consistent with international standards. The paper must be read in the context of Vietnam's recent record on religious freedom, including the development and gradual implementation of the cumbersome provisions for registration of religious groups, the slowly-growing acknowledgment of the need for religious freedom and the highly concerning continued crackdown on religiously-affiliated human rights defenders in some parts of the country. Although the positive developments cited in the paper are not evidence of full religious freedom, they nevertheless represent steps in the right direction." [20a] (p3)

17.07 In its report, Freedom in the World 2008, Freedom House noted:

"Religious freedom is still restricted, but the situation has improved in recent years due to international pressure and greater integration with the global economy. All religious groups and most individual clergy members must join a party-controlled supervisory body. One such body exists for each religion that the state officially recognizes: Buddhism; Roman Catholicism; Protestantism; Islam; Cao Daiism, a synthesis of several religions; and the Hoa Hao faith, a reformist Buddhist church. Religious groups must obtain permission for most activities, including personnel decisions and building renovations. A small number of religious leaders and adherents remain in prison or face other forms of government harassment." [29]

RELIGIOUS GROUPS:**Buddhists**

17.08 The USSD's IRFR 2008 recorded:

"Many Buddhists practice an amalgam of Mahayana Buddhism, Taoism, and Confucianism that is sometimes called the 'triple religion.' The CRA cited an estimate of 10 million (12 percent of the population) practicing Mahayana Buddhists, most of whom are members of the ethnic Kinh majority and found throughout the country, especially in the populous areas of the northern and southern delta regions. There are proportionately fewer Buddhists in certain highland areas, although migration of Kinh to these areas is changing this distribution. A Khmer ethnic minority in southern Vietnam practices Theravada Buddhism. Numbering more than 1 million, they live almost exclusively in the Mekong Delta... In the Mekong Delta, reliable information indicated that at least ten ethnic Khmer monks were defrocked and subjected to disciplinary action, including detention and pagoda arrest, for participation in protests against the authorities in early 2007." [2b] (Sections I and II)

17.09 On 21 January 2009 Human Rights Watch published a report entitled, *On the Margins: Rights Abuses of Ethnic Khmer in Vietnam's Mekong Delta*, documenting ongoing violations of the rights of the Khmer Krom in southern Vietnam and also abuses in Cambodia against Khmer Krom who have fled there for refuge. [5g] On the same day Human Rights Watch stated:

"The Vietnamese government should immediately free Khmer Krom Buddhist monks and land rights activists in prison or under house arrest for the peaceful expression of their political and religious beliefs...The Khmer Krom is a large ethnic group in the Mekong Delta that is central to Vietnam-Cambodia relations. Wary about possible Khmer Krom nationalist aspirations, Vietnam has suppressed peaceful expressions of dissent and banned Khmer Krom human rights publications. It also tightly controls the Theravada Buddhism practiced by the Khmer Krom, who see this form of Buddhism as the foundation of their distinct culture and ethnic identity." [5f]

17.10 Amnesty International's Report 2008 (covering events in 2007), published in May 2008, recorded:

"In June hundreds of poor farmers from at least 10 provinces demonstrated outside the National Assembly building in Ho Chi Minh City in protest over corruption and arbitrary land confiscation. They were joined by Thich Quang Do, the deputy leader of the outlawed Unified Buddhist Church of Vietnam (UBCV), who had been subjected to administrative detention for many years, and other UBCV members. The demonstrations lasted for almost a month, until they were broken up in July by security officials." [3a]

17.11 The USSD's IRFR 2008 recorded that the government continued to ban and actively discourage participation in certain unrecognised religious groups, including the outlawed Unified Buddhist Church of Vietnam (UBCV). The report noted further:

"The Government requires all Buddhist monks, including Khmer Krom monks who practice the Theravada tradition, to be approved by and work under the

officially recognized Buddhist organization, the Vietnam Buddhist Sangha. The CRA controls the number of Buddhist student monks, although the number of Buddhist academies at the local and provincial levels, in addition to several university-equivalent academies, has increased in recent years... The Government and the VBS successfully hosted the fifth International UN Vesak Day in May 2008. This was the first international conference of Buddhists in Vietnam, with 3,500 attendees, 2,000 of whom were foreign delegates representing more than 80 countries.” [2b] (Section II)

17.12 The same report stated:

“The Government continued to oppose efforts by the outlawed UBCV to operate and restricted the movement of UBCV leaders, with few exceptions. In August 2006 the Government allowed Thich Huyen Quang to travel to Ho Chi Minh City for 2 months for medical treatment but discouraged him from returning to Ho Chi Minh City in 2007. In April 2008 the UBCV reported that several of its monks in Lam Dong Province were evicted and forcibly removed from a pagoda that was subsequently turned over to the VBS. In one case a nun on the representative board of the UBCV in Khanh Hoa Province faced severe harassment beginning in March 2006 and reportedly was forced out of the pagoda she founded. Leaders in Ho Chi Minh City and Ba Ria-Vung Tau Province were able to organize Buddha’s birthday celebrations in May 2008. When UBCV Patriarch Thich Huyen Quang died at his monastery in Binh Dinh Province on July 5, 2008, many senior UBCV monks, including Thich Quang Do, were allowed to travel to Binh Dinh to visit him in his final days of his illness and officiate at his funeral on July 11, 2008, amidst heavy police presence.” [2b] (Section II)

17.13 In its 2009 World Report (covering events in 2008), Human Rights Watch stated:

“For decades, Buddhist monk Thich Quang Do, now Supreme Patriarch of the banned Unified Buddhist Church of Vietnam, has either been in prison or under house arrest for publicly protesting government policies. Five ethnic Khmer Buddhist monks remain in prison in Soc Trang province after participating in a peaceful protest in 2007 calling for greater religious freedom. On June 28 [2008], ethnic Khmer monk Tim Sakhorn was released from a year’s imprisonment in An Giang province. Although a recognized citizen of Cambodia, Vietnamese authorities have prohibited him from returning to Cambodia since his release.” [5a]

Hoa Hao

17.14 The USSD’s IRFR 2008 noted:

“According to the Government, there are 1.2 million Hoa Hao followers; affiliated expatriate groups estimate that there may be up to 3 million adherents. Hoa Hao followers are concentrated in the Mekong Delta, particularly in provinces such as An Giang and Dong Thap, where the Hoa Hao were dominant as a social, political, and military force before 1975. The government-recognized Hoa Hao Administrative Committee (HHAC) was organized in 1999. Some Hoa Hao belong to other sects that oppose the HHAC.” [2b] (Section I)

17.15 The report also recorded:

“The Government continued to ban and discourage participation in one unrecognized faction of the Hoa Hao Buddhists... The Hoa Hao faced some restrictions on their religious and political activities since 1975, in part because of lingering Communist Party suspicions stemming from the Hoa Hao's armed opposition to communist forces dating back to French colonial rule. After 1975 all administrative offices, places of worship, and social and cultural institutions connected to the Hoa Hao faith were closed. Believers continued to practice their religion at home, but the lack of access to public gathering places contributed to the Hoa Hao community's isolation and fragmentation. In 1999 a new official Hoa Hao body, the Hoa Hao Administrative Council, was formed. In the spring of 2005, the Hoa Hao Administrative Council was expanded and renamed the Executive Committee of Hoa Hao Buddhism. Several leaders of the Hoa Hao community, including several pre-1975 leaders, openly criticized the committee. They claimed that the committee was subservient to the Government and instead demanded official recognition of their own Hoa Hao body, the Hoa Hao Central Buddhist Church (HHCBC). HHCBC members faced significant official repression, and frictions between some Hoa Hao activists and government officials in the Mekong Delta continued.” [2b] (Introduction to Vietnam and Section II)

Catholics

17.16 As noted by the USSD's IRFR 2008, up to 8 million people in Vietnam are Catholic. The same report stated, “Catholics live throughout the country, but the largest concentrations remain in the southern provinces around Ho Chi Minh City, in parts of the Central Highlands, and in the provinces southeast of Hanoi. Catholicism has revived in many areas in recent years, with newly rebuilt or renovated churches and growing numbers of people who want to be religious workers.” [2b] (Section I)

17.17 The USSD's IRFR 2008 noted further:

“The Government does not permit religious instruction in public schools; however, it permits clergy to teach at universities in subjects in which they are qualified... Several Catholic nuns and at least one Catholic priest teach at Ho Chi Minh City universities. They are not allowed to wear religious dress when they teach or to identify themselves as clergy... Catholic religious education, on weekends or evenings, is permitted in most areas and has increased in recent years in churches throughout the country... Religious groups are not permitted to operate independent schools beyond preschool and kindergarten... In some areas, especially in the south, Catholic priests and nuns operated kindergartens, orphanages, vocational training centers, and clinics and engaged in a variety of other humanitarian projects. In Ho Chi Minh City and Hue, the Catholic Church was involved in supporting HIV/AIDS hospices and treatment centers and providing counseling to young people. The Church also operated a shelter for HIV-positive mothers and HIV-infected children. During the first half of 2008, training courses to instruct Catholic priests, nuns, and lay people in the care of HIV/AIDS patients were launched in several Mekong Delta provinces. The Ho Chi Minh City government and the Catholic Church remained in discussion about how to officially approve new social work initiatives, such as official legal status to carry out its HIV/AIDS activities, but it allowed the Church to pursue these initiatives quietly.

Operating without a legal basis, however, has created some difficulties for the Church. For example, the shelter is unable to obtain legal birth records and public school enrollment for the children under its care. Charitable activities undertaken by religious groups in northern Vietnam were more restricted, but a number of northern provinces reportedly became more permissive during the reporting period.” [2b] (Section II)

17.18 The same report noted:

“The Catholic Church operates 7 seminaries, with more than 1,000 students enrolled, as well as a new special training program for ‘older’ students. All students must be approved by local authorities to enroll in a seminary and again prior to their ordination as priests. The Church believed that the number of students being ordained remained insufficient to support the growing Catholic population and indicated it would like to open additional seminaries and enroll new students more frequently, but leaders reported the Church lacked the internal capacity to do so. In 2008 the Church opened a pastoral center in Ho Chi Minh City to train lay persons to serve as deacons and in other non-ordained roles. Demand for theological studies is exceeding expectations, and the center is already at capacity.” [2b] (Section II)

17.19 The report also stated, “The Government continued its oversight and, with varying degrees of success, exerted control over religious hierarchies and activities through Committees for Religious Affairs at the national and provincial levels. For example, the Government technically maintains veto power over Vatican appointments of bishops; however, in practice the Government cooperated with the Catholic Church in nominations for bishops’ appointments during the reporting period.” [2b] (Section II)

17.20 In a report dated 3 November 2008, Amnesty International stated:

“In September 2008 police carried out a violent crackdown on peaceful mass protests in Ha Noi [Hanoi]. Since December 2007, members of the Catholic Church there engaged in peaceful mass protests and prayer vigils to support the church’s claims to ownership of two pieces of land. During the crackdown police injured several people with their batons, and 20 people were hospitalised after teargas was used against protesters. At least eight people were arrested in the last wave of protests which began in mid-August; two of them remain in detention. Others, including senior church officials, remain at risk of arrest. Following the crackdown, the authorities continued to threaten and otherwise intimidate Catholics who supported the church’s claims. The government also failed to protect them against attacks, acts of intimidation and harassment by others, including state-sponsored gangs, even when police were present at the site. Reports of intimidation against Catholics increased in Ha Noi following the crackdown on Catholics and the public campaign against the protesters in the state-controlled mass media.” [3b]

17.21 On 1 October 2008 Amnesty International released a report documenting “intimidation and harassment against Catholics in Hanoi,” in which it also noted that “State-sponsored gangs have attacked at least one Catholic church outside Ha Noi, and discrimination against Catholics is growing.” The report stated further:

“Amnesty International believes that more people may have been arrested and that others are at risk of arrest, particularly priests at Thai Ha parish, the Archbishop of Ha Noi, and hundreds of Catholic protesters from rural areas, who travelled to join the mass protests in August and September [2008]. According to reports received by Amnesty International, police are searching for additional protesters... An unknown number of parishioners have also been called in for questioning, where police have tried to establish who organized the mass protests... the authorities have ordered school teachers to monitor Catholic students’ activities and cautioned that teachers will be held accountable if their students are found to take part in any prayer vigils or demonstrations... Others perceived by the authorities as organisers of the protests have received threats of violence... Media, which by and large is a government mouthpiece and under its strict control, have published numerous articles in an intensifying campaign to discredit Catholic leaders in Ha Noi... Amnesty International believes that this media campaign may fuel further violent attacks by individuals against church leaders and parishioners, and that it is partly perpetuating discrimination and intimidation against parishioners and the Catholic community at large in Viet Nam. Reports are increasingly emerging about attacks and acts of discrimination against Catholics in Ha Noi... Students are increasingly worried to speak about their faith at school or at university, where reports are emerging about bullying and expulsions.” [3c]

17.22 In a report dated 6 October 2008, Human Rights Watch stated:

“This is the harshest crackdown on Catholics in Vietnam in decades... Vietnam has not seen such large numbers of Catholics participating in mass public protests since the 1950s, nor has the government responded to Catholics so violently in recent decades... Hundreds of unidentified thugs, some in the blue shirts of the Communist Youth League, have harassed, cursed, and spit at parishioners and destroyed church statues [sic]... Hanoi authorities targeted for harassment Archbishop Kiet after he publicly defended the prayer vigils... The archbishop has limited his activities outside his residence due to security concerns. The government is also carrying out an intense smear campaign against Archbishop Kiet in the state-controlled media... ” [5b]

See also Section 18: Ethnic groups

Protestants

17.23 The USSD’s IRFR 2008 noted that the government continued to ban and actively discourage participation in certain unrecognised religious groups, including some Protestant ones. As recorded by the same report:

“The two largest officially recognized Protestant churches are the Southern Evangelical Church of Vietnam (SECV or ECVN-S) and the smaller Evangelical Church of Vietnam North (ECVN). The Grace Baptist Church and the United World Mission are also officially recognized. A growing number of other Protestant denominations are also present, including the Vietnam Mennonite Church, the Vietnam Presbyterian Church, and the Vietnam Seventh-day Adventist Church (all officially registered), as well as others yet to be registered. Estimates of the number of Protestants ranged from government figures of 610,000 to claims by churches of more than 1.6 million.

There were estimates that the growth of Protestant believers has been as much as 600 percent over the past decade. Some new converts belong to unregistered evangelical house churches. Based on adherents' estimates, two-thirds of Protestants are members of ethnic minorities, including minority groups in the Northwest Highlands (H'mong, Dzao, Thai, and others) and in the Central Highlands (Ede, Jarai, and Mnong, among others)." [2b] (Section I)

17.24 The report also stated:

"In February 2005, the Prime Minister issued the 'Instruction on Some Tasks Regarding Protestantism,' which calls on authorities to facilitate the requests of recognized Protestant denominations to construct churches and to train and appoint pastors. Further, the Instruction directs authorities to help unrecognized denominations register their congregations so that they can worship openly and move towards fulfilling the criteria required for full recognition. The Instruction directs authorities in the Central and Northwest Highlands to help groups of Protestants register their religious activities and practice in homes or 'suitable locations,' even if they do not meet the criteria to establish an official congregation. The Instruction also directs local officials to allow unregistered 'house churches' to operate so long as they are 'committed to follow regulations' and are not affiliated with separatist political movements." [2b] (Section II)

17.25 As reported by the same source:

"Participation in religious activities throughout the country continued to grow, and Protestants in the Central Highlands continued to report significant improvements in their situation. The Government continued to register Protestant house churches and meeting points across the country; however, hundreds of applications remained pending, especially in the Northwest Highlands... In certain cases recognized and unrecognized Protestant groups were able to overcome local harassment or to overturn negative local decisions after they appealed to higher-level authorities... There were reports that local officials in rural communities continued to discourage conversion to Protestantism... Contacts between some unregistered Protestant organizations and their foreign supporters are discouraged but occur regularly, including training and the provision of financial support and religious materials... In a number of isolated instances, local officials repressed Protestant believers in some parts of the Central and Northwest Highlands and other areas by forcing church gatherings to cease, closing house churches, and pressuring individuals to renounce their religious beliefs, often unsuccessfully. Some ethnic minority worshipers in the Central Highlands – particularly in areas suspected to be affiliated with the 'Dega Church' – continued to be prevented from gathering to worship. However, the number of credible reports of incidents was significantly lower compared with previous years and appeared to reflect individual bias at the local level rather than official central government policy. In some instances the local officials involved were reprimanded or fired... Although religious leaders of some Protestant congregations in the Central Highlands believe local authorities are actively discouraging new converts from continuing to practice their faith, there were few credible reports of leaders of unregistered churches in the Central and Northwest Highlands being harassed or detained and pressured to renounce their faith during this reporting period... There were indications that, at least in some cases, more senior government officials intervened and rebuked local

authorities for harassing house churches in contravention of the Prime Minister's Instruction on Protestantism. In a few incidents in the Mekong Delta, local authorities reportedly increased harassment of groups that submitted registration applications... Religious contacts from the Central and Northwest Highlands reported that attempted forced renunciations continued to decrease. A few incidents were reported during the period covered by this report... Many recognized and unrecognized religious groups, especially Protestant groups in the Central and Northwest Highlands, reported that the situation for their practitioners continued to improve overall." [2b] (Introduction to Vietnam and Section II)

17.26 The report also stated:

"Many pastors of Protestant denominations such as the Seventh-day Adventists, Mennonites, Baptists, United Gospel Outreach Church, and Assemblies of God preferred not to join the SECV or ECVN because of doctrinal differences. In many parts of the country, particularly in urban areas, these and other Protestant denominations reported that they were able to practice openly and with the knowledge of local officials. While there were exceptions, the level of official harassment of unrecognized house churches belonging to non-SECV and ECVN denominations continued to decline across the country. The Government held discussions about registration and recognition with leaders of a number of Protestant denominations, the Church of Jesus Christ of Latter-day Saints, and the Jehovah's Witnesses." [2b] (Section II)

17.27 The same source also noted:

"The Government remained concerned that some ethnic minority groups in the Central Highlands were operating a self-styled 'Dega Church,' which reportedly mixes religious practice with political activism and calls for ethnic minority separatism...The experience of Protestantism in the Central Highlands is complicated by the presence of 'Dega' separatists, who advocate an autonomous or independent homeland for the indigenous persons who live in the area, particularly in Gia Lai, Dak Nong, and Dak Lak Provinces. These separatists are reported to have links to political advocacy groups residing in the United States. The relationship between the Dega movement and Protestant believers belonging to the SECV is tense in some parts of the Central Highlands. Dega activists reportedly have threatened that SECV pastors would not be allowed to serve in a 'Dega State' unless they abandon the SECV. Other Protestant pastors have accused the Dega movement of manipulating religion for political purposes." [2b] (Introduction to Vietnam and Section III)

17.28 In a report dated February 2008, Christian Solidarity Worldwide stated:

"In 2006, an internal religious affairs training manual covering the northern highland provinces was leaked from the government Committee on Religious Affairs (CRA). This document implicated the government in a plan to 'resolutely subdue the abnormally rapid and spontaneous development of the Protestant religion in the region' (p. 44). After widespread international criticism, the government undertook to revise the manual, and a new edition was provided to foreign diplomatic officials in 2007. Although the revised version involves a lessening of the inflammatory language which was more

characteristic of the 2006 manual, there is no change to its core objective to 'solve the Protestant problem' by subduing its development. It retains a suspicious tone about the politically nefarious nature of religion and its potential to cause instability among ethnic minorities, which provides the context for this response. Whereas the 2006 manual provided specific legitimacy for local officials to force renunciations of faith among members of less well-established congregations, the 2007 edition imposes an undefined and arbitrary condition of stability upon the freedom of a congregation to operate. Therefore, the treatment of any congregation deemed not to 'stably practise religion' is implicitly left to the arbitration of local officials, who had previously been mandated to force renunciations of faith. Without a full and unconditional prohibition on forcing renunciations of faith, the amended manual does not go far enough to address the problems in the 2006 original. Of further concern is the fact that despite the promulgation of a policy framework for the registration of congregations in 2004-05, the training manual still uses the terminology of 'pilot projects'. This indicates a severe deficiency in the normalisation process of Protestant congregations in the northern highlands, and brings into question the efficacy of Vietnam's current policy framework for religious activities." [20b] (p3)

See also Section 18: Ethnic groups, Hmong and Montagnards

Cao Dai

- 17.29 As noted by the USSD's IRFR 2008, "Cao Dai is syncretistic, combining elements of many faiths", and several Cao Dai organisations comprise 1.5 to 3 per cent of the population. [2b] (Section I) The same report noted that the government continued to ban and actively discourage participation in certain unrecognised religious groups, including some Cao Dai ones. [2b] (Section II) The report also stated:

"Government statistics put the number of Cao Dai at 2.3 million, although Cao Dai officials routinely claim as many as 5 million adherents. Cao Dai groups are most active in Tay Ninh Province, where the Cao Dai 'Holy See' is located, in Ho Chi Minh City, and throughout the Mekong Delta. There are many separate groups within the Cao Dai religion; the largest is the Tay Ninh sect, which represents more than half of all Cao Dai believers." [2b] (Section I)

Muslims

- 17.30 Muslims make up less than 0.1 per cent of the population and the government officially recognises one Muslim organisation. (USSD IRFR 2008) [2b] (Section I) The USSD's IRFR 2008 also recorded:

"Mosques serving the small Muslim population, estimated at between 50,000 to 80,000 people, operate in Ho Chi Minh City, Hanoi, western An Giang Province, and provinces in the southern coastal area. The Government officially estimates there are 67,000 Muslim believers. The Muslim community is composed mainly of ethnic Cham, although in Ho Chi Minh City and An Giang Province it includes some ethnic Kinh and migrants originally from Malaysia, Indonesia, and India. Approximately half of the Muslims are Sunnis; the other half practice Bani Islam, a type of Islam unique to the ethnic Cham who live on the south-central coast." [2b] (Section I)

- 17.31 Muslim groups are allowed to provide religious education to children. Cham Muslims regularly hold religious and language classes outside of normal classroom hours in their mosques, but, like other religious groups, are not permitted to operate independent schools beyond preschool and kindergarten. (USSD IRFR 2008) [2b] (Section II)

Ching Hai

- 17.32 Ching Hai is a Buddhist-influenced personality cult, founded by, named after, and led by a Vietnamese-born woman, now living outside the country. The group is also referred to as the Quan Yin Method (the form of meditation that it advocates) or Thanh Hai Vo Thuong Su (the Vietnamese title for Supreme Master Suma Ching Hai, a title by which its leader is known). (Ching Hai website, accessed on 13 May 2009) [23]
- 17.33 The Quan Yin Method requires two and a half hours of meditation per day and refraining from killing, lying, stealing, sexual misconduct, and the use of intoxicants. Followers are also expected to be strict vegetarians. The website of Ching Hai lists representatives of the cult around the world. No representatives are listed for Vietnam. (Ching Hai website, accessed on 13 May 2009) [23]

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ETHNIC GROUPS

- 18.01 As recorded by the Economist Intelligence Unit's (EIU) Country Profile for Vietnam in 2008, "The populations of the Red River and Mekong deltas are almost entirely ethnic Vietnamese (kinh), but one-sixth of the population belongs to one of the 53 ethnic minorities." [15] (p9)
- 18.02 Ethnologue.com, a website specialising in languages of the world, accessed on 13 May 2009, stated that there are 54 official ethnic communities within Vietnam. [24] The website of the Vietnam National Administration of Tourism, accessed on 12 May 2009, also provides information on these ethnic communities. [17d]
- 18.03 The US State Department's 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, recorded, "Although the government officially prohibits discrimination against ethnic minorities, longstanding societal discrimination against ethnic minorities persisted. Despite the country's significant economic growth, ethnic minority communities benefited little from improved economic conditions." [2a] (Section 5)
- 18.04 The report noted further, "The government continued to address the causes of ethnic minority discontent through special programs to improve education and health facilities and to expand road access and electrification of rural communities and villages." [2a] (Section 5)
- 18.05 The same report stated:

“The government maintained a program to conduct classes in some local ethnic minority languages up to the fifth grade. The government worked with local officials to develop local language curricula, but it appeared to implement this program more comprehensively in the Central Highlands than in the mountainous northern and northwestern provinces. The government operated special schools for ethnic minorities in many provinces, including subsidized boarding schools at the high school and middle school levels, and offered special admission and preparatory programs as well as scholarships and preferential admissions at the university level. There were also a few government-subsidized technical and vocational schools for ethnic minorities. Nonetheless, there were credible cases of discrimination against Christian ethnic minorities, although the law provides for universal education for children regardless of religion or ethnic group.” [2a] (Section 5)

See also Section 17: Catholics and Protestants

18.06 The USSD Report 2008 also noted:

“The government broadcast radio and television programs in ethnic minority languages in some areas. The government also instructed majority ethnic Kinh officials to learn the language of the locality in which they worked. Provincial governments continued initiatives designed to increase employment, reduce the income gap between ethnic minorities and ethnic Kinh, and make officials sensitive and receptive to ethnic minority culture and traditions... The government also maintained infrastructure development programs that targeted poor, largely ethnic minority areas and established agricultural extension programs for remote rural areas.” [2a] (Section 5)

CHINESE (HOA)

18.07 A report by the Minorities at Risk Project, dated 31 December 2003, stated:

“The Chinese are well integrated into Vietnamese society. There is no history of persistent protest or rebellion; there is little support from kindred elsewhere for such activities. Furthermore, the government of Vietnam does not actively discriminate against or repress the group. [sic] More than 400,000 Chinese fled the country in the late 1970s but they are unlikely to return as they have settled in China and other Southeast Asian and Western countries. The Chinese remain economically advantaged in relation to the Kinh. This situation will likely continue unless there are reversals in Vietnam's economic and political liberalization programs. Links between the Hoa [Chinese] and the overseas Chinese community have helped to promote Vietnam's economic growth and could help assuage any potential economic downturn... The Chinese are reportedly dispersed across the country, although there are reported to be up to half a million Chinese residing in Ho Chi Minh City. There is limited information available about the cultural characteristics of the Chinese Vietnamese. They speak Mandarin but many are also likely to speak Vietnamese. Referred to as the Hoa in Vietnamese, the Chinese are Buddhists and they are physically distinguishable from the Vietnamese, who are referred to as the Kinh.” [28]

18.08 The same source stated:

“Since the early 1980s, political, economic, and cultural restrictions against the Chinese have slowly been lessened. In 1982, for instance, a law was passed which recognized the Hoa as Vietnamese citizens that possess the rights of all other citizens. Restrictions were still maintained on Chinese employment in the security sphere (e.g., armed forces). All employment restrictions were removed in 1986. The Chinese were able to expand their economic influence after Vietnam launched an economic liberalization program late in the decade. Reports indicate that the economically advantaged Chinese control up to 50% of local commercial activities in Ho Chi Minh City. In the mid-1990s, all official policies that limited the participation of the Chinese in the political sphere were lifted. They possess the same rights as the country's other citizens. There are no known Chinese political, economic, or cultural organizations that are actively pursuing group interests. There have been no reports of tense relations between the Hoa and the Kinh from 1998-2003. The relationship between the Chinese and state authorities has vastly improved since the late 1970s. The improvement in the status of the Chinese has also been mirrored in the China-Vietnam relationship. Bilateral trade is an important source of revenue for Vietnam; in 1999, trade between the two countries was valued at \$1.5 billion, up from \$1 billion the previous year. The Hoa have also been critical in helping to draw in foreign investment from other Southeast Asian countries.” [28]

- 18.09 In its World Refugee Survey 2008, the US Committee for Refugees and Immigrants reported:

“Vietnam hosted some 9,500 ethnic Chinese Cambodians who arrived in 1975. The Office of the UN High Commissioner for Refugees (UNHCR) considered them stateless as Cambodia no longer recognized them and most had lost any documentation proving their nationality. About 2,300 lived in four camps in Binh Duong and Binh Phuoc Provinces and Ho Chi Minh City since the 1980s. The rest lived mostly in and around Ho Chi Minh City. The Prime Minister promised to begin naturalizing them in 2007 and, in November, the Government agreed to waive all fees (about \$200 per person) but postponed the process until 2008... Refugees did not have the right to work legally in Vietnam. It was difficult for refugees to work for companies or the Government because they lacked legal status and identity documents. They worked for fellow ethnic Chinese in Ho Chi Minh City, however, or in the areas surrounding the camps without work permits. This consigned them to low-paying jobs without the protection of labor legislation or insurance.” [21]

See also Section 26: Foreign refugees

HMONG

- 18.10 As noted by the US State Department's International Religious Freedom Report 2008 (IRFR 2008):

“Based on adherents' estimates, two-thirds of Protestants are members of ethnic minorities, including minority groups in the Northwest Highlands (H'mong, Dzao, Thai, and others)... Many ethnic minorities, particularly among the H'mong, Dao, and Jarai groups in the Northwest and Central Highlands, have converted to Protestantism... Local officials in several northwestern villages continued to attempt to convince or force H'mong Protestants to recant their faith.” [2b] (Sections I and II)

- 18.11 The USSD Report 2008 recorded, "At year's end the government's Committee for Religious Affairs had not approved publication of a Hmong-language Bible, permission for which was requested more than two years ago, pending approval from the Ministry of Education and Training." [2a] (Section 2c)

See also Section 17: Protestants

MONTAGNARDS

- 18.12 The Montagnards is the collective term used for a number of ethnic minorities that inhabit the Central Highlands of Vietnam. In a report dated 3 November 2008, Amnesty International stated:

"Human rights violations against ethnic minority Montagnards in the Central Highlands continue. These include restrictions on movement and forcing Christians belonging to unauthorized 'house churches' to renounce their religion. An unknown number of Montagnards from among the more than 250 who were sentenced to lengthy prison terms in connection with the large-scale protests in 2001 and 2004 around land ownership and religious freedom are believed to remain in prison. Many of them were sentenced to between five and 12 years' imprisonment under Articles 87 (Undermining the unity policy), 88 (Conducting propaganda against the Socialist Republic of Viet Nam), 89 (Disrupting security) and 91 (Fleeing abroad or defecting to stay overseas with a view to opposing the people's administration) of the national security section of the Penal Code." [3b]

- 18.13 The report continued:

"In April 2004, thousands of Montagnard people protested against government policies in three provinces of the Central Highlands. Most of the protesters were Christians who had planned five days of peaceful protests against government policies on long-standing land disputes, restrictions on religious practice and restrictions on freedom of movement and expression imposed since the last major protests in 2001. The authorities used disproportionate force to break up the demonstrations. At least eight people were unlawfully killed and many hundreds injured in the ensuing crackdown. During the period under review, hundreds of Montagnards have attempted to seek asylum in neighbouring Cambodia, where their situation has been precarious, with lack of protection by the Cambodian authorities. A Memorandum of Understanding (MOU) between Viet Nam, Cambodia and UNHCR, signed in January 2005 to resolve the situation of asylum-seekers, remains in place. It appears to have been violated by the Vietnamese authorities, with reports that in some cases people who had returned from Cambodia to Viet Nam under the MOU were detained, interrogated and ill-treated." [3b]

- 18.14 The USSD Report 2008 noted:

"The government continued to honor a tripartite memorandum of understanding signed with the government of Cambodia and the UNHCR to facilitate the return from Cambodia of all ethnic Vietnamese who did not qualify for third country resettlement. Local government authorities observed but did not hinder fact finding and monitoring visits by UNHCR and foreign diplomatic mission representatives to the Central Highlands. The UNHCR

reported that it was able to meet with returnees in private. Foreign diplomats experienced some resistance from lower level officials in permitting private interviews of returnees. As in previous years, local police officials sometimes were present during foreign diplomat interviews with returnees but left when asked. Provincial governments generally continued to honor their obligations to reintegrate peacefully ethnic minority returnees from Cambodia. The UNHCR reported that the situation in the Central Highlands appeared to be one of integrating ethnic minorities into a national community rather than a refugee-producing situation and that the atmosphere was 'relaxed' during their monitoring visits. The UNHCR also reported that conditions for ethnic minorities in the Central Highlands had improved since the 2001 and 2004 crackdowns. It stated that there was 'no perceptible evidence of mistreatment' of any of the ethnic minority individuals it monitored in the Central Highlands. The flow of ethnic minorities across the border into Cambodia, high in the early part of the year, essentially stopped in mid-year, possibly because almost all new arrivals were determined by the UNHCR to be economic migrants rather than refugees." [2a] (Section 2d)

18.15 The same source recorded:

"Some members of ethnic minority groups continued to flee to Cambodia and Thailand, reportedly to seek greater economic opportunity or shortcuts to immigration to other countries. Government officials monitored certain highland minorities closely, particularly several ethnic groups in the Central Highlands, because of concern that the form of Protestant religion they practiced encouraged ethnic minority separatism. The government continued to impose security measures in the Central Highlands in response to concerns over possible ethnic minority separatist activity. There were reports that ethnic minority individuals telephoning the ethnic minority community abroad were a special target of police attention. There were a few reports that ethnic minorities seeking to enter Cambodia were returned by Vietnamese police operating on both sides of the border, sometimes followed by police beatings and detentions. The government continued to address the causes of ethnic minority discontent through special programs to improve education and health facilities and to expand road access and electrification of rural communities and villages. The government allocated land to ethnic minorities in the Central Highlands through a special program, but there were complaints that implementation of these special programs was uneven." [2a] (Section 5)

18.16 The USSD Report 2008 also noted, "In April [2008] a fresh wave of demonstrations in the Central Highlands resulted in dozens of reported arrests and detentions of individuals suspected of organizing the protests. Local observers reported the demonstrations were prompted by ethnic minority groups protesting local land use policies." [2a] (Section 1e)

18.17 In its report, Freedom in the World 2008, Freedom House stated, "Human rights groups have accused the government of arresting more than 350 Montagnards ('mountain dwellers' in French) since 2001, and many are given long prison terms for protesting against land seizures and demanding greater religious freedom (many are Catholic)." [29] In its 2009 World Report (covering events in 2008), Human Rights Watch recorded:

"Authorities beat and arrest members of ethnic minorities in remote areas, such as Montagnards in the Central Highlands, for refusing to join state-

sanctioned church organizations, protesting land confiscation, making contact with relatives or groups abroad, or trying to seek political asylum in Cambodia... In April 2008, police and soldiers forcibly dispersed Montagnard Christians demonstrating in the Central Highlands, and arrested dozens of protesters. In August four Montagnards were imprisoned on charges of organizing protests and helping people flee to Cambodia.” [5a]

[See also Section 12: Prison conditions](#)

[See also Section 17: Catholics and Protestants](#)

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LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

19.01 See the following sources:

US State Department, 2008 Country Report on Human Rights Practices (USSD Report 2008), 25 February 2009 (Section 5: Other Societal Abuses and Discrimination)

<http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119063.htm> [2a]

GlobalGayz, Gay Vietnam News & Reports, 1997-2009

<http://www.globalgayz.com/vietnam-news.html> [18]

Gay Times, Gay Guide: Vietnam

<http://www.gaytimes.co.uk/Hotspots/GayGuide-action-Country-countryid-1016.html> [31]

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DISABILITY

20.01 See the following source:

US State Department, 2008 Country Report on Human Rights Practices (USSD Report 2008), 25 February 2009 (Section 5: Persons with Disabilities)

<http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119063.htm> [2a]

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WOMEN

LEGAL RIGHTS

21.01 The website of the United Nations Inter-Agency Project (UNIAP) on Human Trafficking in the Greater Mekong Sub-Region, accessed on 14 May 2009, recorded that all forms of discrimination towards women are prohibited by the Vietnamese Constitution and laws, and that Vietnam is a signatory to the UN Convention on the Elimination of all forms of Discrimination Against Women

(CEDAW). [30] In a report dated 2 February 2007, the UN Committee on the Elimination of Discrimination against Women stated:

“While welcoming the adoption of the new Law on Gender Equality as an improvement of the legal regime and the implementation of the Convention as well as other legal and policy measures that have been put in place in different areas in recent years to eliminate discrimination against women and girls and to promote gender equality, the Committee regrets that the State party did not provide sufficient information or data on the actual impact of these laws and measures and the extent to which they have resulted in accelerating the advancement of women and girls and their enjoyment of their human rights in all areas covered by the Convention.” [32] (p2)

- 21.02 The US State Department’s 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, noted, “Despite the large body of legislation and regulations devoted to the protection of women’s rights in marriage and in the workplace, as well as labor code provisions that call for preferential treatment of women, women did not always receive equal treatment.” [2a] (Section 5)

POLITICAL RIGHTS

- 21.03 The USSD Report 2008 stated, “The law provides the opportunity for equal participation in politics by women and minority groups. There were 127 women in the National Assembly, or 26 percent, a slightly lower percentage than in the previous assembly.” [2a] (Section 3)

- 21.04 The same report also noted:

“The Women’s Union and the National Committee for the Advancement of Women (NCFAW) continued to promote women’s rights, including political, economic, and legal equality and protection from spousal abuse. The Women’s Union also operated microcredit consumer finance programs and other programs to promote the advancement of women. The NCFAW continued implementing the government’s national strategy on the advancement of women by the end of 2010. Key areas of this strategy focus on placing more women in senior ministry positions and in the National Assembly. The strategy also focuses on increasing literacy rates, access to education, and healthcare.” [2a] (Section 5)

SOCIAL AND ECONOMIC RIGHTS

- 21.05 As recorded by Freedom House in its report, Freedom in the World 2008, “Economic opportunities have grown for women, but they continue to face discrimination in wages and promotion.” [29] The USSD Report 2008 noted, “While there is no legal discrimination, women continued to face societal discrimination.” [2a] (Section 5)

- 21.06 As recorded by the website of the US State Department’s Bureau of Consular Affairs, accessed on 30 April 2009, “Vietnamese law does not recognize common-law marriages. Authorities do issue certificates verifying cohabitation but these do not constitute legal marriages. Vietnamese law prohibits marriage between blood siblings, half siblings, first cousins or any two persons related closer than three degrees of separation. The legal age for marriage is 20 for

men, 18 for women... Divorce records are maintained by the courts where they were issued.” [2d]

- 21.07 The website of the United Nations Inter-Agency Project (UNIAP) on Human Trafficking in the Greater Mekong Sub-Region, accessed on 14 May 2009, stated, “Forced marriage, under-age marriage and irregular marriage registration are strictly prohibited by the Vietnamese Marriage and Family Code (2000). Depending on the nature of violations, the penalties on violation can be defined as administrative fine or criminal.” [30]

VIOLENCE AGAINST WOMEN

- 21.08 In its report, Freedom in the World 2008, Freedom House noted, “Many are victims of domestic violence, and thousands of women each year are trafficked internally and externally and forced into prostitution.” [29] The USSD Report 2008 stated:

“The law prescribes punishment ranging from warnings to a maximum of two years' imprisonment for ‘those who cruelly treat persons dependent on them.’ The 2007 Law on Domestic Violence Prevention and Control went into effect on July 1 [2008]. It specifies acts constituting domestic violence, assigns specific portfolio responsibilities to different government agencies and ministries, and stipulates punishments for perpetrators of domestic violence; however, NGO and victim advocates considered many of the provisions to be weak. While the police and legal system generally remained unequipped to deal with cases of domestic violence, the government, with the help of international and domestic NGOs, began training police, lawyers, and legal system officials in the 2007 law.” [2a] (Section 5)

- 21.09 The same source stated:

“Officials increasingly acknowledged the existence of domestic violence as a significant social concern, and this was discussed more openly in the media. Domestic violence against women was considered common, although there were no firm statistics measuring the extent of the problem. Several domestic and international NGOs worked on the problem. Hot lines for victims of domestic violence operated by domestic NGOs existed in major cities. The Center for Women and Development, supported by the Vietnam Women's Union, also operated a nationwide hot line, although it was not widely advertised in rural areas. While rural areas often lacked the financial resources to provide crisis centers and domestic hot lines, the 2007 law established ‘reliable residences’ allowing women to turn to another family while local authorities and community leaders attempt to confront the abuser and resolve complaints. Government statistics reported that approximately half of all divorces were due in part to domestic violence. The divorce rate continued to rise, but many women remained in abusive marriages rather than confront social and family stigma as well as economic uncertainty. The government, with the help of international NGOs, supported workshops and seminars aimed at educating women and men about domestic violence and also highlighted the issue through public awareness campaigns. Domestic NGOs were increasingly engaged in women's issues, particularly violence against women and trafficking of women and children. A government-supported national center provided services to victims of trafficking, including

a shelter and vocational training. The center was partly supported by foreign foundations and NGOs.” [2a] (Section 5)

21.10 The report noted further:

“The act of sexual harassment is clearly defined; however, its prevention is not specified in legal documents. Ethical regulations for government and other public servants do not mention the problem, although it existed. Victims of sexual harassment may contact social associations such as the Women's Union to request their involvement. In serious cases victims may sue offenders under Article 121 of the penal code, which deals with ‘humiliating other persons’ and specifies punishments that include a warning, noncustodial reform for up to two years, or a prison term ranging from three months to two years. However, in reality sexual harassment lawsuits were unheard of, and most victims were unwilling to denounce the offenders publicly.” [2a] (Section 5)

21.11 The USSD Report 2008 also noted:

“The law prohibits using or threatening violence, taking advantage of a person who cannot act in self defense, or resorting to trickery to have sexual intercourse with a person against that person's will. This appears to criminalize rape, spousal rape, and in some instances sexual harassment; however, there were no known instances of prosecution for spousal rape or sexual harassment. Other rape cases were prosecuted to the full extent of the law. No reliable data were available on the extent of the problem.” [2a] (Section 5)

21.12 A report by the Canadian Immigration and Refugee Board (IRB) dated 16 March 2007 stated:

“Domestic abuse is reportedly widespread in Vietnam...The Women's Union reportedly found that about 40 percent of women have experienced abuse in the home. Also according to Viet Nam News, a survey reportedly conducted by a Vietnamese research organization found that 20 to 25 percent of families have reported incidents of domestic violence... Sources suggest that unless abuse results in ‘serious injury’, it is often accepted - by both men and women - as a ‘normal’ part of domestic life... Therefore, many Vietnamese believe that domestic violence refers only to ‘extreme physical violence’... Several sources highlight cultural attitudes related to the roles of men and women in Vietnam as a factor in the way spousal abuse is perceived in the country... Rather than face social stigmatization, some women remain in abusive relationships... spousal abuse is not generally considered to be a criminal act deserving of punishment to the same degree as other crimes... According to the results of a four-year research study on domestic violence in Vietnam... women who report domestic violence to the police are often encouraged to return home to reconcile with their partners... In general, police will not intervene in situations of domestic violence unless the victim specifically asks them to... the law forbidding spousal abuse is ‘only rarely enforced’.” [6d]

21.13 The same report stated further:

“Non-governmental organizations (NGOs) have established some services for victims of domestic abuse... For example, a women's centre for counselling and healthcare runs a hotline that provides counselling to victims of domestic

abuse... With the support of international donors, a provincial branch of the Women's Union is educating the public about spousal abuse, providing counselling to and intervention services for abused women, as well as running 'husband and father' clubs... There is a domestic violence hotline in Ho Chi Minh City, as well as several shelters - however these services are reliant on donor funding. Viet Nam News reports that the Women's Union supports 'many' projects to prevent domestic violence and help victims." [6d]

[See also Section 22: Children](#)

[See also Section 23: Trafficking](#)

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CHILDREN

GENERAL INFORMATION

22.01 As noted by the US State Department's 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, "International organizations and government agencies reported that, despite the government's promotion of child protection and welfare, children continued to be at risk of economic exploitation." [2a] (Section 5)

22.02 The USSD Report 2008 also stated:

"The government continued to implement a family planning policy that urged families to have no more than two children, but the policy emphasized exhortation and education rather than coercion. The government can deny promotions and salary increases to public sector employees with more than two children, and some cases of denied promotion or financial penalties were reported, although the policy did not appear to be enforced in a consistent manner. These types of sanctions were becoming increasingly less effective as a larger segment of the population, particularly in urban areas, continued to move into the private sector." [2a] (Section 1f)

22.03 In a letter dated 12 May 2008, the British Embassy in Hanoi stated:

"According to article 18 of the Civil Code [17g], persons who are full eighteen years old or older are adults. Persons who are not yet full eighteen years old are minors. Also according to the Civil Code (article 20 about the civil act capacity of minors who are between full six years old and under full eighteen years old):

1. Persons who are between full six years old and under full eighteen years old must have the consents of their representatives at law when establishing and performing civil transactions, except those transactions to meet their daily life needs suitable to their age group or otherwise provided for by law.
2. In cases where a person who is between full fifteen years old and under full eighteen years old has his/her own property to ensure the performance of obligations, such person may establish and perform civil transactions by him/herself without the consent of his/her representative at law, unless otherwise provided for by law." [8d]

22.04 In its Concluding Observations on Vietnam dated 17 October 2006, the UN Committee on the Rights of the Child (CRC) expressed concern that “some provisions in the Penal Code (including articles 254 to 256 related to child prostitution) refer to children as to those below the age of 16 only.” [13] (p3) A report by Human Rights Watch, dated November 2006, stated, “Vietnam’s Penal Code establishes the age of criminal responsibility at 14 for criminal offenses and 12 for administrative offenses. It provides for certain exemptions for juvenile offenders under the age of 16, and allows early release of juvenile offenders who have shown progress and served half their sentence.” [5c] (p15) The report stated further:

“The Penal Code calls on courts to consider sanctions that are ‘educative and preventive’ when dealing with juvenile cases. Locally-based ‘education measures’ aim to ‘create conditions for such persons to labor and study in the community and prove their repentance right in the normal social environment under the supervision and with the assistance of the [local] People’s Committees, social organizations, and families.’ Vietnam’s Law on Child Protection, Care and Education (Law on Child Protection), promulgated in January 2005, calls for law enforcement institutions to work with families, schools, and society to educate children who have violated laws: ‘The handling of children committing acts of law violation is aimed mainly to educate and help those children to realize their wrong-doings, redress such wrong-doings and make progress.’” [5c] (p15-16)

22.05 The USSD Report 2008 noted:

“Child labor remained a problem, particularly in rural areas, where 72 percent of the population resided. The law prohibits most child labor but allows exceptions for certain types of work. The law sets the minimum age for employment at 18, but enterprises may hire children between 15 and 18 if the firm obtains permission from parents and MOLISA [Ministry of Labor, Invalids, and Social Affairs]. In 2006 MOLISA reported that approximately 30 percent of children between the ages of six and 17 participated in some economic activity, usually on family farms or in family businesses not within the scope of the law.” [2a] (Section 6d)

EDUCATION

22.06 As noted by Europa World, accessed on 24 April 2009:

“Primary education, which is compulsory, begins at six years of age and lasts for five years. Secondary education, beginning at the age of 11, lasts for seven years, comprising a first cycle of four years and a second cycle of three years. In 2004/05 total pre-primary enrolment included 61% of children in the relevant age-group. In the same year enrolment within primary education included 93% of children in the relevant age-group (males 96%; females 90%), while secondary enrolment included 75% of the relevant age-group (males 76%, females 94%). In 2004/05 there were 10,376 pre-primary institutions, 14,518 primary schools and 12,299 secondary schools, as well as 230 higher education institutions at which over 1.3m. students were enrolled.” [1]

22.07 The USSD Report 2008 recorded, “Education is compulsory, free, and universal through the age of 14; however, authorities did not always enforce

the requirement, especially in rural areas, where government and family budgets for education were strained and children's contribution as agricultural laborers was valued." [2a] (Section 5)

- 22.08 The Economist Intelligence Unit's (EIU) Country Profile for Vietnam in 2008 stated, "Vietnam has high literacy rates. Although access to higher levels of education has historically been limited, the introduction of near-universal primary education has produced high literacy rates. The Viet Nam Living Standards Survey 2002 found that 92% of the population aged ten years and older were literate – 89% of females and 95% of males." [15] (p9)
- 22.09 The same report stated further, "Vietnam's school enrolment rates have risen to record levels, with particularly rapid growth at the tertiary level. The number of university students rose from 974,000 in 2001 to 1.9m in 2007; the share of students in private institutions rose from 12% to 17% over this period, reaching 265,000 by 2007." [15] (p9)

CHILD CARE

- 22.10 A report by the United Nations Children's Fund (UNICEF), accessed on 12 May 2009, stated:

"Child protection concerns are increasing in Viet Nam. More than 2.6 million children in Viet Nam are reported to be in need of special protection. Among their ranks are children who are abused, sexually exploited and trafficked; street children; children with disabilities; children in conflict with the law; orphans, abandoned children, and children affected by HIV and AIDS; and children living in poverty. Their circumstances are almost uniformly grim. Few children in Viet Nam live in institutions. Many more struggle to survive on their own. Some are forced to work. And others live on the streets – a scenario that places them at high risk of contracting HIV, using drugs and falling prey to crime and sex work. There are many complex reasons why children are trapped in these difficult situations. Economic factors such as poverty, income disparities and the shift to a market economy have made more children vulnerable. Social trends such as, migration, disintegrating family values and gender discrimination also harm children. Systemic issues such as the lack of a comprehensive legal framework, poor law enforcement and limited understanding of child protection threaten children as well. Accelerating HIV infections also place children at higher risk." [10a]

- 22.11 The report continued:

"Compounding the problem is the fact that Viet Nam does not have a comprehensive child protection system or formal child protection services. Their absence thwarts efforts to reach out to and care for children in need of special protection. The Government of Viet Nam is starting to tackle these issues. With direct support from UNICEF, the Government is developing a National Child Protection Strategy that creates a protective structure and system for children for the period 2006-2015." [10a]

- 22.12 The USSD Report 2008 noted:

"There were fewer reports that parents coerced daughters into prostitution or made extreme financial demands that compelled them to engage in

prostitution... Anecdotal evidence suggested that child abuse occurred, but there was no information on the extent of such abuse. Child prostitution, particularly of girls but also of boys, existed in major cities. Many prostitutes in Ho Chi Minh City were under 18 years of age. Some minors were forced into prostitution for economic reasons. According to the Ministry of Labor, Invalids, and Social Affairs (MOLISA), there were an estimated 23,000 street children, who were vulnerable to abuse and were sometimes abused or harassed by police. MOLISA managed two centers to provide support for children in needy situations. Youth unions also launched awareness campaigns.” [2a] (Section 5)

22.13 The report also stated, “Children were trafficked for the purpose of prostitution, both within the country and to foreign destinations. An NGO advocate estimated that the average age of trafficked girls was between 15 and 17. Some reports indicated that the ages of girls trafficked to Cambodia typically were lower.” [2a] (Section 5)

22.14 In its Concluding Observations on Vietnam dated 17 October 2006, the UN Committee on the Rights of the Child (CRC) noted:

“The Committee expresses concern at the information that child prostitution and sex tourism are an increasing problem in the country and that at least 10 per cent of sex workers in Viet Nam are believed to be children... While the Committee notes that the official institutions, including the Ministry of Labour, Invalids and Social Affairs (MOLISA), the Women’s Union, the Youth Union and the Committee for the Population, Family and Children, have active programmes aimed at victims’ protection, it is concerned that many of these efforts lack adequate financial resources... the Committee is concerned that: (a) Recovery and reintegration services are limited in coverage and there is a lack of adequately trained professionals; (b) Measures to assist families in the process of reunification with child victims are insufficient; (c) With regard to articles 254 to 256 of the Penal Code, victims of prostitution aged between 16-18 may not always be treated as victims under the law and can be administratively sanctioned; and (d) There is a lack of specialized teams of police, prosecutors or judges to deal with criminal activities... ” [13] (p4-5)

22.15 A report by Human Rights Watch, dated November 2006, stated:

“The Committee for Population, Family and Children (CPFC) is the ministerial-level state agency with national responsibility for child protection, care, and education of children in need of special protection, including those who have been separated from or unable to live with their parents or guardians. It is also responsible for monitoring the operation of all ‘child support establishments,’ which presumably include Social Protection Centers, to ensure that their operation is consistent with their purposes and legal requirements. Together with the Ministry of Public Security, the CPFC is responsible for overseeing the protection of children’s rights... Human Rights Watch’s research indicates that none of these systems or governmental bodies is fully meeting its obligations to protect and care for street children and to ensure their rights are protected... Vietnam’s social protection system, put in place after de-collectivization in 1988, is responsible for the care of vulnerable people, including homeless children, orphans, children with disabilities, and street children. Social relief policies are developed centrally but implemented at the local level... People’s Committees manage ‘social relief beneficiaries,’ who are sent to local Social Protection Centers (as already noted, these are also called

Social Charity Establishments or Social Relief Centers), when they face exceptional difficulties or are unable to support or house themselves. The 'regular social relief regime' covers the needs of orphans, 'lonely elderly,' seriously disabled persons, and chronically-ill mental patients. The 'irregular social relief regimes' covers people who fall into hardship because of natural calamities or death of a family member, as well as 'wandering beggars'—which includes street children." [5c] (p13-15)

22.16 Regarding 'social protection centres', the same report stated:

"A Vietnamese researcher explained how Social Protection Centers work in reality: '[They] are places for the temporary custody of those who have been picked up by the district authorities during their campaigns. These centers are for people who have not committed any serious crimes, but whose behavior and lifestyle may pose a threat to social order and security. They are, therefore, gathered or arrested without any order from the court or from any judiciary bodies.'... According to the Implementation Decree of the Law on Child Protection, 'child support establishments,' which include Social Protection Centers, are required to provide: 'Distinct ... education for [disabled] children; education and re-education for children in conflict with the law; detoxification for drug-addicted children; management, nurturing and education for children of social sponsor groups [i.e. children who are social relief beneficiaries]; provision of accommodation, meals and other services for ... children in special circumstances.' According to Decree 25, which regulates Social Protection Centers, the government is responsible for examining and inspecting the institutions' adherence to the law, handling violations, and settling 'complaints and denunciations about violations of policies and regimes related to operations' of the centers. Organizations and individuals found to have violated laws regulating Social Protection Centers are to be disciplined, administratively sanctioned, or examined for penal liability, depending on the nature and seriousness of their violations." [5c] (p17-18)

22.17 The report stated further:

"Despite the establishment of CPFC drop-in counseling centers, it is clear that the government never fully abandoned the approach of involuntary institutionalization or detention of street children. In theory, police who pick up street children who have not committed any crime are supposed to take them to drop-in centers, where staff is supposed to try to find out where the children are from and if possible, reunite them with their families. In practice, this rarely happens. (Footnote: Social workers in Hanoi say the drop-in centers are not able to fully investigate the family's situation and whether it is in the child's best interest to return home.) Police often bypass the drop-in centers and send street children directly to a Social Protection Center, especially during official round-up campaigns. 'The CPFC is supposed to manage the problem, but in fact police often send street children to Social Protection Centers,' said a staff person from an international organization in Hanoi. 'There's no coordination, and no support or supervision once they're in the [centers]... A Vietnamese researcher based in Hanoi told Human Rights Watch in August 2006: 'It's still a huge problem [homeless children]. There are millions of poor farmers in Vietnam who can't afford to feed their children. Those children go to Hanoi. The government has campaigns to clear the cities of street children and beggars. After 2003, some returned to their families, but after a while, many ended up back in the city again. The government was supposed to give

the families some incentive to keep those children at home, but the incentive is not enough. So the children return to the city, but to other areas, where they can avoid the police.” [5c] (p28-29 and 33)

22.18 In conclusion, the report stated:

“On paper, many Vietnamese laws, decrees, and directives are consistent with the Convention on the Rights of the Child and demonstrate the government’s stated commitment to care, protect, and educate children. Policies regarding street children largely call for a humanitarian approach that prohibits abuse and promotes rehabilitation and family reunification. In practice, however, the government regularly authorizes campaigns in which street children are arbitrarily rounded up and institutionalized. Government officials turn a blind eye towards the abysmal conditions in the Social Protection Centers, particularly at Dong Dau, and the physical and emotional abuse street children suffer there. Social Protection Centers in their current form are inappropriate institutions for children and run contrary to policy objectives of protecting and rehabilitating street children and helping to reunite them with their families.” [5c] (p66)

22.19 The USSD Report 2008 noted:

“There were multiple arrests of private citizens and government officials for offering payments to birth parents in exchange for relinquishing infant children for adoption, creating fraudulent documents to conceal the child’s identity, and trafficking these children to other provinces where they were offered for adoption. In addition there were documented cases in which small children and infants were kidnapped and sold for adoption to persons in Europe, North America, or China. The MPS [Ministry of Public Security] identified the problem of kidnapping and trafficking in children for purposes of adoption as one of increasing concern, and these cases were highlighted in the media.” [2a] (Section 5)

See also Section 23: Trafficking

22.20 As recorded by the website of the US Embassy in Hanoi, accessed on 30 April 2009:

“The definition of an adoptable orphan is provided in Decree 68/2002 Article 44, which states that a child cannot be released for adoption without ‘the written voluntary agreement of the father and/or mother of that child.’ The decree lists only three exceptions to this rule. The first is if both parents are deceased; the second is if the child ‘has been abandoned or left at a medical establishment;’ and the third is if ‘the child’s parents have lost their civil act capacity’ [sic]. Decree 69/2006 clarifies that the orphanage or People’s Committee must prove that a child is covered by one of these exceptions. Otherwise, a child is still considered to be under his parents’ custody, whose consent is required prior to any adoption being authorized. Decree 68/2002 and Decree 69/2006 also establish that in the case of a child who has been abandoned or left at a medical facility, a 30 day search must be made for the birth parents, and in all cases a separate 30 day search must be made for domestic adoptive parents. These searches are conducted by the orphanage or local People’s Committee.” [2e] (Adoption Legislation and Administrative Structure)

22.21 In 2007 the orphan population was estimated at 1.5 million out of a total population of 30.2 million children in Vietnam. (UNICEF, 2007) [10b] In a letter dated 12 May 2008, the British Embassy in Hanoi replied to questions submitted by the COI Service:

“1. Claims have been made in the past that some children's homes in Vietnam are essentially recruiting centres for trafficking, mainly for prostitution. Is there any evidence that this is the case?

There were informal rumours about this in Vietnam. UNICEF and several Embassies have raised this issue. However, people in Vietnam are now worried that some orphanages do not have the right protection in place (or worse, decide not to put the protection in place) to ensure that all adoptions are legitimate (eg that the baby has not been bought). Child adoption from orphanages is not always a tool of trafficking of children. However, recently the Vietnamese TV has raised the issue of adoption system being abused by traffickers (esp in a far-reaching/ remote localities). The police has [sic] just detected some cases. The latest news about this is a trafficking case detected by the police of Quang Ninh (a province borders with China). The news was highlighted on ‘Cong an Nhan dan’ (the People’s Police) Newspaper on 12 May 2008.

2. What is the general standard of care and conditions in Vietnam's orphanages/children's homes?

According to UNICEF, the standard of care and conditions in Vietnam orphanages are very basic. Actually, children do not stay in a separate area but they have to stay with other group of people, eg elderly people. Almost all of the institutional care programmes in Vietnam provide the children with basic accommodation including food, clothing and education. It is indicated that in almost all of the centres, the focus is exclusively on the education; other aspects of the child's holistic development are largely neglected. About the life of the children in Vietnam's child care centres, it is said that there are very limited leisure time and/or few cultural activities for the children. Although many centres arrange between 2-3 excursions a year, and although in some centres the children have access to a library, TV and some sport facilities, the quality and quantity of leisure time and cultural activities are very poor. Often it is a staff of the centre who switch on and off the TV-set and decide which programmes the children may watch. In many cases, they choose programmes that are more suitable for very young children although the audience consists of teenagers as well. Additionally, very few toys are available for the younger children. Staffs are recruited without any security checks to ensure they have never had a record of child abuse (sexual, physical, and emotional) before. Staffs are selected mainly basing on their education certificates. A deputy head of a childcare centre in Ha Tay province said that they rely on the education background of a person to employ her/him to work in the centre. He also said the recruitment procedures did not involve any of the local police. [sic]

3. Are there any other institutions that care for children without families? If so, what are these and what is the general standard of care and conditions?

According to official statistics, there are 373 social institutions in the country. 138 (40%) are run by the government and the rest are run by NGOs/INGOs, religious organisations and private entities. However, a study by UNICEF shows that there are a total of 372 centres providing care for children; 76 of these centres accommodate both children and elderly people, abandoned persons or persons with disabilities. Of the 372 institutions out of the 61 provinces, 252 are governmental (both national and local) or joint governmental and non-governmental programmes. Conditions of these centres are about the same. [sic]

4. Are Vietnam's Social Protection Centres one and the same as government orphanages? If not, please explain the differences, including in conditions.

Vietnam's Social Protection Centres are government orphanages. This type of centre is a mixed social protection centre where children and elderly people (aged 60 and above) live together. UNICEF studied the condition of one centre. There were about 80 elderly persons and 34 children living in the centre. The centre has 36 staffs. They are poorly paid and are not provided with proper training before they started their jobs. Of 61 provinces, 21 (34.4%) have minimum standards for the selection and employment of staff. In most cases, the standards concern the degree of enthusiasm, love of children, high moral standards and education/training. Around 53% of the centres had offered their staff in-service training [sic]...

7. Is it a crime for parents to abandon their children? What are the likely consequences or punishments where a parent/family is known to have abandoned their child?

In theory, it is a crime for parents/guardians to abandon their children. Decree No 114 of the Government issued on 03/10/2006 stipulated: An administrative fine of VND 5,000,000 to VND 10,000,000 will be imposed on parents/guardians who:

1. Abandon their children right after their children were born;
2. Leave their children with other people without contributing any care/financial support to bring them up even though they are capable of doing this for their children, except adoption cases as stipulated by laws;
3. Force their children to live on themselves without giving them any care/support which make them then become disadvantaged children as defined in Article 40 of the 'Law on Child Protection, Care and Education' [17h] (Article 40.- Disadvantaged children include orphans having no one to rely on, abandoned children; defective and disabled children; children being victims of toxic chemicals; children infected with HIV/AIDS; children doing hard or hazardous jobs or contacting noxious substances; children working far from their families; street children; sexually-abused children; children addicted to narcotics and juvenile offenders).

So, it is against the law for parent/guardians to abandon their children. In theory those people would be imposed with administrative fine for their behaviour. However, there are some cases in which parents/guardians are not punished for this. For example, there are cases where a HIV/AIDS parent, a young and unmarried mother abandon their children. [sic]

8. Is there a legal duty for the family to care for a child? If so, how does this work if the family are simply unable to care for their child (for example, in the case of a single parent with a severe illness and no other relatives).

Yes it is. [sic] Article 24 of the 'Law on Child Protection, Care and Education' says: 'Parents and guardians are the first persons responsible for the care and nurture of children, giving them the best conditions for development; when meeting with difficulties which cannot be overcome by themselves, they may ask for help from concerned agencies and/or organisations in order to fulfil their child-care and -nurture responsibility.' Article 25 of the same law also says:

'1. Parents have the responsibility to ensure conditions for their children to live with them.

3. In cases where children whose mothers and/or fathers are serving imprisonment sentences and who have no one to rely on, the People's Committees at all levels shall organise the care and nurture of those children at surrogate families or child-support establishments.'

9. Is there a legal guardianship/custody system in place? For example, if it is not safe to return a child to the parents (eg back to an abusive situation), is there any legal framework in place for the child to reside with other family members?

There is guardianship system in Vietnam. There are both natural guardians and appointed ones. The natural guardians are determined as follows:

1. In cases where there is no agreement to the contrary amongst the biological siblings, the eldest brother or sister who has attained adulthood and who meets all the requirements must be the guardian for his/her younger siblings who are minors; if the eldest brother or sister does not meet all the requirements to be a guardian, the next eldest sibling who has attained adulthood and who meets all the requirements must be the guardian.

2. In cases where there are no biological siblings or where the biological siblings do not meet all the requirements to be a guardian, the paternal grandparents or the maternal grandparents who meet all the requirements must be the guardians (the Civil Code, Article 70)

3. If the child does not have a natural guardian, then the next closest relatives must appoint one person amongst themselves, or the People's Committee of the commune/ward or township together with the local social organisations, shall have the responsibility to appoint a guardian or propose a charitable to assume the guardianship. [sic]

4. The appointment of a guardian must have the consent of the appointed person and be recognised by the relevant People's Committee in accordance with the requirements for guardianship: being fully eighteen years of age; having full capacity for civil acts; and having necessary conditions to ensure the performance of the guardianship." [8d]

HEALTH ISSUES

22.22 The website of One World, accessed on 14 May 2009, stated:

"To fulfil its commitment to child protection, the government introduced a new regulation in 2005 under which children up to six years old should receive primary healthcare, medical check-ups and treatment free of charge. However there are signs that the necessary funding has not yet materialised at the level of individual health centres. In 2005 27% of young children were underweight for their age and a more concerted effort will be needed to address malnutrition and child health problems – a contributory factor is the slow

progress in improving access to adequate sanitation, in part a failure of donor coordination.” [27]

- 22.23 The website of the World Health Organisation (WHO), accessed on 12 May 2009, recorded:

“Despite the steep decline in the under-five and infant mortality rates, neonatal mortality has hardly changed, and Viet Nam remains one of the 42 countries in the world estimated to account for 90% of all under-five deaths. Every fourth child (25.2%) is undernourished and anaemia persists in women of child-bearing age and young children. There are also considerable variations throughout the country, depending on geographical area, ethnicity and overall socioeconomic status.” [11a] (p35)

[See also Section 21: Women](#)

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TRAFFICKING

- 23.01 The US State Department’s 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, noted:

“The law prohibits trafficking in persons, but trafficking, particularly in women and children for sexual exploitation and men for forced labor overseas, remained a significant problem. Reliable statistics on the number of citizens who were victims of sex related trafficking were not available; however, there was evidence that the number was growing. Documentation of known trafficking cases as well as the level of case adjudications and prosecutions increased, while the government became more open in identifying and prosecuting trafficking cases and public awareness rose. As the country's economy continued to grow, international and domestic criminal organizations involved in human trafficking sought to take advantage of increased exposure to international markets, expanded use of the Internet, and a growing gap between rich and poor to exploit persons at risk and develop trafficking networks.” [2a] (Section 5)

- 23.02 The USSD Report 2008 also noted:

“Women were trafficked primarily to Cambodia, Malaysia, China, Taiwan, and South Korea for sexual exploitation. Women also were trafficked to Hong Kong, Macau, Thailand, Indonesia, the United Kingdom, Eastern Europe, and the United States. There were reports that some women going to Taiwan, Hong Kong, Macau, South Korea, and China for arranged marriages were victims of trafficking. Women and children also were trafficked within the country, usually from rural to urban areas. Men were trafficked regionally to work in construction, agriculture, fishing, and other commercial enterprises.” [2a] (Section 5)

- 23.03 The report stated further:

“Poor women and teenage girls, especially those from rural areas, were most at risk for being trafficked. Research by the MPS [Ministry of Public Security]

and the UN Children's Fund indicated that trafficking victims could come from any part of the country but were concentrated in certain northern and southern border provinces, especially the Mekong Delta and central province of Thanh Hoa. Some were sold by their families as domestic workers or for sexual exploitation. In some cases traffickers paid families several hundred dollars in exchange for allowing their daughters to go to Cambodia for an 'employment offer.' Many victims faced strong pressure to make significant contributions to the family income; others were offered lucrative jobs by acquaintances. False advertising, debt bondage, confiscation of documents, and threats of deportation were other methods commonly used by the traffickers, family members, and employers. Individual opportunists, informal networks, and some organized groups lured poor, often rural, women with promises of jobs or marriage and forced them to work as prostitutes. Family relatives were often involved in trafficking cases. The government stated that organized criminal groups were involved in recruitment, transit, and other trafficking related activities. The law provides for prison sentences of two to 20 years for each offense for persons found guilty of trafficking women, and between three years and life in prison for each offense for persons found guilty of trafficking children. The government continued to increase efforts to prosecute traffickers." [2a] (Section 5)

- 23.04 As noted by the US State Department's Trafficking in Persons Report 2008, published on 4 June 2008:

"Vietnam is primarily a source country for women and children trafficked for commercial sexual exploitation and forced labor... Vietnam has an internal trafficking problem with women and children from rural areas trafficked to urban centers for commercial sexual exploitation and forced labor... The Government of Vietnam does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government stepped up prosecutions and strengthened cross-border cooperation on sex trafficking with Cambodia, China, and Thailand to rescue victims and arrest traffickers. At the same time, there were some cases in which Vietnamese workers on contracts brokered by recruiters linked to state-licensed companies were exploited and, in its intervention, the government may have focused on upholding its image of Vietnam as an attractive source of guest workers, to the detriment of investigating complaints of trafficking. Vietnam collaborated with law enforcement from Cambodia, the P.R.C, and Laos to rescue victims and arrest traffickers suspected of sex trafficking." [2c] (p260)

- 23.05 The report stated further:

"The Vietnamese government demonstrated increased law enforcement efforts to combat trafficking in persons for sexual exploitation and uneven efforts to combat labor trafficking. Existing laws do not comprehensively cover trafficking in persons; however, various statutes in the Penal Code allow for all forms to be prosecuted. The government's July 2007 Prime Ministerial Directive 16 directed to the Ministry of Justice to propose draft legislation to the National Assembly on a comprehensive new anti-TIP law and broadened the definition of trafficking in Vietnam to include men, not just women and children. The Directive also imposed a level of accountability on all provincial People's Committee chairmen for combating trafficking in persons. Penalties prescribed for trafficking both for sexual and labor exploitation are sufficiently

stringent and those for sexual exploitation are commensurate with those for other grave crimes, such as rape. The majority of traffickers are prosecuted under Articles 119, 120, and 275 of the Penal Code, which deal with trafficking for commercial sexual exploitation. The government did not report any prosecutions or convictions for crimes of labor trafficking such as forced labor or debt bondage. According to Vietnam's National Steering Committee on trafficking in persons, in 2007, police investigated 369 cases of sex trafficking involving 930 women and children victims. Police arrested 606 suspected traffickers and prosecuted 178 cases, obtaining 339 individual convictions of trafficking offenders. Nineteen traffickers were sentenced to 15-20 years in prison. The remaining 320 received convictions with sentencing of less than 15 years. The level of involvement by officials in facilitating trafficking appears to be low. There are occasional reports of border guards taking bribes to look the other way." [2c] (p261)

23.06 The same report recorded:

"The Vietnamese government demonstrated growing efforts at protecting victims in 2007, especially for victims of sex trafficking. A number of victim assistance and assessment centers were established in particular border areas. Sex trafficking victims were encouraged to assist in the investigation and prosecution process, as well as file civil suit against sex traffickers. There were no reports of sex trafficking victims being punished or otherwise penalized for acts committed as a direct result of being trafficked. The government still has no formal system of identifying victims of any type of trafficking, but the Vietnam Women's Union (VWU) and international organizations, including IOM and UNICEF, continue training the Border Guard Command and local Vietnamese authorities to identify, process, and treat victims. In 2007, the Government issued Decision No. 17, on receiving and providing assistance to sex trafficking victims returning from abroad... In March 2007, the VWU opened the national 'Center for Women and Development' in Hanoi to provide shelter, counseling, financial and vocational support to sex trafficking and domestic violence victims. The Ministry of Labor, Invalids, and Social Affairs (MOLISA) reported that 422 women and child victims of sex trafficking were repatriated... Vietnam has not ratified the 2000 UN TIP Protocol." [2c] (p261-262)

23.07 In its 2009 World Report (covering events in 2008), Human Rights Watch noted, "Vietnam continues to be a source of and transit point for women and girls trafficked for forced prostitution, fraudulent marriages, and forced domestic servitude to other parts of Asia. Sex workers, trafficking victims, street children, and street peddlers-officially classified by the government as 'social evils'-are routinely rounded up and detained without warrants in compulsory 'rehabilitation' centers, where they are subject to beatings and sexual abuse." [5a]

[See also Section 21: Women](#)

[See also Section 22: Children](#)

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MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

24.01 The website of the World Health Organisation (WHO), accessed on 12 May 2009, recorded:

“Until the end of the 1980s, the Government of Viet Nam financed and provided free health care services to the population. The economic crisis of 1986 caused the launch the doi moi (reforms) in an attempt to transform the country from a state-controlled to a market economy. In the health sector, wide-ranging reforms were introduced in 1989. A number of market-oriented measures, including user charges, private sector provision and liberalization of the production and sale of pharmaceuticals, were implemented. The impacts of these reforms are still affecting the health system today. The doi moi renewal process is generally recognized as having helped to improve the well-being of Viet Nam’s population by substantially reducing poverty and increasing per capita GDP growth to an average of more than 7% per annum in the past decade. Nonetheless, Viet Nam remains among Asia’s low-income countries, with many inequalities, including growing health disparities between urban and rural, rich and poor, and different geographical areas... Viet Nam’s health indices have improved substantially in recent years, although it has had to face a host of relatively new health problems, such as avian influenza, which remains a serious public health threat to the country. Other new challenges to the health sector include: rising incidences of noncommunicable and lifestyle-related diseases, such as tobacco-related diseases and road accidents; the escalating HIV/AIDS epidemic, coupled with the simultaneous rise in tuberculosis; and the emergence of diseases such as dengue and lymphatic filariasis. These new challenges require a less fragmented health system with better strategies and more resources that can be mobilized to cope effectively and efficiently with current demands.” [11a] (p6 and 7)

24.02 The same source noted:

“Viet Nam’s health system retains its socialist basis, with the state health system playing a key role in health service provision. Services are delivered by both private providers and an extensive public network of village health workers, commune health stations, intercommunal polyclinics, district hospitals, district preventive health centres, provincial hospitals, and regional, central and specialist hospitals. Planning and management of the public network involves the national Ministry of Health, provincial departments of health and district health offices, which are responsible for village health workers and commune health stations. The 1056 public hospitals provide 17.24 beds per 10 000 residents and deliver most inpatient care; the 49 private hospitals provide only 0.48 beds per 10 000 residents. Central-level public hospitals are overcrowded, with an occupancy rate of 116% in 2002, compared with 98% for provincial hospitals and 85% for district hospitals. This is largely due to patients bypassing lower levels of care (when they have the resources to do so) as there is a degree of distrust in the quality of services, particularly at district level. Evidence on quality standards is limited, but widely

acknowledged to need improvement. In 2004, only 75% of cases referred to central hospitals by district and provincial clinics and only 59% of patients referred to clinics at the provincial level were diagnosed correctly.¹⁰ Inequities are evident in the inpatient admission rate and the average length of hospital stay, both of which are nearly twice as high for the highest quintile compared with the lowest... A significant volume of outpatient services are provided by private hospitals and the 30 000 private general practitioner clinics. There is a serious imbalance in the distribution of private practitioners, with a higher concentration in areas with higher living standards.” [11a] (p14)

24.03 According to the website of the Vietnamese Embassy in the United States, accessed on 12 May 2009, “In the face of economic difficulties, the Vietnamese Government has decided to increase the number of the beneficiaries of free medical charges for poor households and those in mountainous areas, to enhance malaria control, to extend the aid to purchase medical insurance for poor families, war invalids and soldiers. The State has attached great importance to primary health care for the community.” [17b]

24.04 The website of One World, accessed on 14 May 2009, stated:

“Despite a dramatic fall in cases of malaria since 1995 and control over polio and tuberculosis, healthcare at local level - especially in remote areas - is still very poor in terms of quantity and quality. Health insurance for the poor was adopted several years ago but access to free healthcare for those groups has remained modest. UNDP [UN Development Programme] is recommending that the government increases the relatively small share of national income devoted to health.” [27]

HIV/AIDS

24.05 The website of the WHO, accessed on 12 May 2009, recorded:

“In 2005, an estimated 260 000 people were living with HIV, a 12-fold increase since 1995, although the annual incidence of HIV notifications in 2005 was 13 731, somewhat less than the peak of 16 980 in 2003. The estimated HIV prevalence among injecting drug users and female sex workers is 33% and 3.5%, respectively. The average prevalence among pregnant women increased twelve-fold from 0.03% in 1994 to 0.37% in 2005, exceeding 1% in a number of provinces. The need for care and treatment of HIV/AIDS patients has already become a challenge and is set to increase in the coming years. Approximately 42 000 people living with HIV in 2006 were in need of antiretroviral treatment, but only 8500 had access to it, and it is projected that the number in need of the treatment will increase rapidly in the next few years. Widespread stigma and discrimination against people living with HIV, including from the health care setting, prevent (potential) patients from accessing prevention and treatment, but the government has demonstrated an increasing interest in confronting this problem.” [11a] (p11)

24.06 In an article dated 11 May 2009, UNAIDS stated:

“Although the country faces challenges to meet its universal access targets, Viet Nam has made significant progress in some areas. Expansion of coverage and access to quality HIV treatment and care have been considerably improved in those areas with high HIV prevalence since the

targets were set in 2006. There has been a 50% increase in the number of eligible pregnant women receiving antiretroviral treatment, and a six-fold increase in access to antiretroviral treatment. Methadone pilot sites started operation in two provinces in 2008.” [33]

- 24.07 As noted by the website of the US President’s Emergency Plan for AIDS Relief (PEPFAR), accessed on 14 May 2009:

“Vietnam faces a concentrated HIV epidemic... The government now reports HIV cases in all provinces, 93 percent of all districts, and 49 percent of all communes, although many high prevalence provinces report cases in 100 percent of communes... HIV prevalence among drug users was estimated to be 32 percent in 2003 and another study in 2005 estimated prevalence rates of 1.6 percent among all people in prostitution, compared to 33 percent in people in prostitution who also use injecting drugs.” [25]

- 24.08 The US State Department’s 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, noted:

“There was no evidence of official discrimination against persons with HIV/AIDS, but societal discrimination against such persons existed. There were credible reports that persons with HIV/AIDS lost jobs or suffered from discrimination in the workplace or in finding housing, although such reports decreased. In a few cases, children of persons with HIV/AIDS were barred from schools, despite its being against the law. With the assistance of foreign donors, the national government and provincial authorities took steps to treat, assist, and accommodate persons with HIV/AIDS and decrease societal stigma and discrimination, although overall consistency was lacking. Religious charities were sometimes permitted to operate in this area.” [2a] (Section 5)

TUBERCULOSIS (TB)

- 24.09 The Stop TB Partnership’s website, accessed on 12 May 2009, included Vietnam among 22 countries accounting for 80 per cent of TB cases in the world. It noted, “The preliminary results of the 2007 national survey of the prevalence of TB disease indicate that prevalence is higher than previously estimated. Although estimating TB incidence from the prevalence of TB disease is not straightforward, the survey also suggests that TB incidence may be higher, and the case detection rate lower, than previously estimated.” [12] (p161)

- 24.10 The website of the WHO, accessed on 12 May 2009, recorded:

“Tuberculosis remains a major public health problem; Viet Nam ranks 13th out of the 22 countries with the highest Tuberculosis (TB) burden. Although TB has been a national priority for more than 10 years and targets for 100% DOTS coverage and for case detection and cure have been met for the last few years, an average of more than 55 000 new respiratory TB patients and at least 14 000 new non-respiratory cases have been reported each year for the last five years. The impact of the National TB Programme has been mitigated by the rapid spread of HIV since the early 1990s; HIV/AIDS sentinel data show that 4.3% of TB patients were HIV-positive in 2004.” [11a] (p11)

MENTAL HEALTH

24.11 The website of the WHO, accessed on 12 May 2009, recorded that “there are still services, such as mental health, that are poorly resourced and have a serious shortage of trained personnel.” [11a] (p14) The WHO’s Mental Health Atlas 2005 Country Profile for Vietnam noted that a mental health programme was one of the ten objectives listed in the National Health Programme of 1999, but there is no mental health legislation. As recorded by the same source, “Medications approved by the Ministry of Health for people with schizophrenia and epilepsy are routinely available and are free. Medications for other conditions may or may not be available and would not be free.” [11b]

24.12 The same source stated further:

“The country has disability benefits for persons with mental disorders... Primary care is provided for maintenance and rehabilitation. Traditional medicines are routinely used for treatment... Community based mental health care is integrated in the primary care system. Effective psychosocial rehabilitation is still to develop. Proper integration of different facilities is lacking... Out of the 64 provinces and cities in the country, 47 have a psychiatric department in a general hospital and 29 have a psychiatric hospital. However, the level of services and access fall as one moves from province to district to community.” [11b]

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FREEDOM OF MOVEMENT

25.01 The US State Department’s 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, noted, “The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the government imposed some limits on freedom of movement for certain individuals.” The report stated further:

“The 2007 Law on Residence was not broadly implemented, and migration from rural areas to cities continued unabated. Moving without permission hampered persons seeking legal residence permits, public education, and healthcare benefits. Foreign passport holders must register to stay in private homes, although there were no known cases of local authorities refusing to allow foreign visitors to stay with friends and family. Citizens are also required to register with local police when they stay overnight in any location outside of their own homes; the government appeared to have enforced these requirements more strictly in some districts of the Central and Northern Highlands.” [2a] (Section 2d)

25.02 As recorded by the website of the US State Department’s Bureau of Consular Affairs, accessed on 30 April 2009, “Every person residing in Vietnam must be listed on a household registry (Ho Khau), maintained by the Public Security Bureau.” [2d] The USSD Report 2008 noted, “Household registration and block warden systems existed for the surveillance of all citizens, although these systems were generally less intrusive than in the past. Authorities focused

particular attention on persons suspected of being involved in unauthorized political or religious activities.” [2a] (Section 1f)

- 25.03 A report by the Canadian Immigration and Refugee Board (IRB) dated 16 October 2001 noted that if individuals move from one place to another without changing their household registration, they are moving illegally, and would be unable to obtain a job or schooling for their children. [6c] On the same date the Canadian IRB recorded that a household registration document (ho khau) is one of the documents required for a Vietnamese citizen to secure a passport within Vietnam (the other documents being a birth certificate, a government-issued ID card and a letter of introduction for a passport, if applicable). [6e]

See also Section 27: Passports

- 25.04 The Canadian IRB recorded on 16 October 2001 that people would be removed from the household registry (ho khau) if they failed to live continuously at their address for one year. Such people could apply to have their registration restored if they were closely related to the head of the households concerned (sibling, son or daughter, spouse or parent). [6c]
- 25.05 The same source stated further, “For people who emigrate from Vietnam, the government considers them no longer part of their original household and they would lose their registration.” An individual could apply for restoration of his name to the household registry only after returning to Vietnam, but those considered undesirable by the government would not be eligible. [6c]

EXIT/ENTRY PROCEDURES

- 25.06 The US State Department’s 2008 Country Report on Human Rights Practices (USSD Report 2008), published on 25 February 2009, recorded:

“The government refused to issue passports to a number of well-known dissidents... Officials occasionally delayed citizens' access to passports to extort bribes. Prospective emigrants rarely encountered difficulties in obtaining a passport... The government generally permitted citizens who had emigrated abroad to return to visit. However, the government refused to allow certain activists living abroad to return. Known overseas Vietnamese political activists were denied entrance visas.” [2a] (Section 2d)

See also Section 14: Opposition groups and political activists

See also Section 27: Passports

- 25.07 The report stated further:

“Emigrants were not permitted to use Vietnamese passports after they acquired other citizenship. The government generally encouraged visitation and investment by such persons but sometimes monitored them carefully. During the year the government liberalized travel restrictions for overseas Vietnamese, adopting a multiple-entry visa program for ‘qualified’ persons, and in November the National Assembly passed legislation allowing for dual citizenship.” [2a] (Section 2d)

See also Section 27: Citizenship and nationality

25.08 On 22 February 2007 the Canadian Immigration and Refugee Board (IRB) noted, "People born in Vietnam travelling with foreign passports must obtain a visa in order to exit or enter Vietnam... Those who have contributed 'much to national liberation,' however, are an exception; they do not require visas even if they hold foreign passports." [6i] On the other hand, as noted by the same source in an earlier report dated 2 August 2000, dissidents living abroad may experience problems if applying for a visa to re-enter Vietnam. There have been cases where people openly opposed to the regime have been allowed to return to Vietnam, although they were kept under surveillance and harassed repeatedly by the police during their visit. [6b] [6a regulations translated and reproduced in full]

25.09 On 10 February 2004 the Canadian IRB recorded:

"Regarding whether a person who left Vietnam would be able to bring her non-citizen spouse to Vietnam to live, the Ordinance on Entry, Exit and Residence of Foreigners in Vietnam stipulates that a person who is living temporarily in Vietnam may apply for permanent residency if they are a 'spouse, child or parent of a Vietnamese citizen permanently residing in Vietnam' (ibid. 28 Apr. 2000, Ch. 3, Art. 13). The Ordinance also states that applications for permanent residency in Vietnam should be filed at an office responsible for entry and exit under the Ministry of Police (ibid.)." [6g]

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FOREIGN REFUGEES

26.01 See the following sources:

US State Department, 2008 Country Report on Human Rights Practices (USSD Report 2008), 25 February 2009 (Section 2d: Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons) <http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119063.htm> [2a]

US Committee for Refugees and Immigrants, World Refugee Survey 2008: Country Report: Vietnam <http://www.refugees.org/countryreports.aspx?id=2179> [21]

[See also Section 18: Chinese \(Hoa\)](#)

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CITIZENSHIP AND NATIONALITY

27.01 See the following sources:

US State Department, 2008 Country Report on Human Rights Practices (USSD Report 2008), 25 February 2009 (Section 2d: Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons) <http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119063.htm> [2a]

Canadian IRB, VNM41977.E, 10 February 2004, Whether a person who was born in Vietnam to Chinese parents, and who left the country as an adult and remained outside of Vietnam for over 30 years, is entitled to Vietnamese nationality; whether this person would be able to bring his or her spouse, who does not have Vietnamese nationality, to Vietnam

<http://www2.irb-cisr.gc.ca/en/research/rir/?action=record.viewrec&gotorec=447176> [6g]

Constitution of the Socialist Republic of Vietnam 1992 (Article 49, Chapter 5)
http://www.vietnamembassy-usa.org/learn_about_vietnam/politics/constitution/ [17a]

Law No. 07/1998/QH10 on Vietnamese Nationality, 20 May 1998, effective from 1 January 1999

<http://www.unhcr.org/refworld/country,LEGAL,,LEGISLATION,VNM,4562d8cf2,3ae6b56010,0.html> [17i]

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US Committee for Refugees and Immigrants, World Refugee Survey 2008: Country Report: Vietnam

<http://www.refugees.org/countryreports.aspx?id=2179> [21]

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<http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119063.htm> [2a]

US State Department, Bureau of Consular Affairs, Vietnam Reciprocity Schedule (Passport and Other Travel Documents)
http://travel.state.gov/visa/frvi/reciprocity/reciprocity_3705.html [2d]

Canadian IRB, VNM101947.E, 22 February 2007, Exit and entry laws; whether someone who has fallen out of favour with the government can obtain a passport; corruption and the passport application process; whether or not clearance by police is required; reasons why a citizen's passport application would be rejected

<http://www2.irb-cisr.gc.ca/en/research/rir/?action=record.viewrec&gotorec=450961> [6i]

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Annexes

ANNEX A – CHRONOLOGY OF MAJOR EVENTS

- 1945** The Viet Minh seizes power. Ho Chi Minh announces Vietnam's independence.
- 1946** French forces attack Viet Minh in Haiphong in November, sparking the war of resistance against the colonial power.
- 1950** Democratic Republic of Vietnam is recognised by China and USSR.
- 1954** Viet Minh forces attack an isolated French military outpost in the town of Dien Bien. The attempt to take the outpost lasts two months, during which time the French government agrees to peace talks in Geneva. At the Geneva conference, Vietnam is split into North and South at the 17th Parallel.
- 1956** South Vietnamese President Ngo Dinh Diem begins campaign against political dissidents.
- 1957** Beginning of communist insurgency in the South.
- 1959** Weapons and men from North Vietnam begin infiltrating the South.
- 1960** American aid to Diem increased.
- 1962** Number of US military advisors in South Vietnam rises to 12,000.
- 1963** Viet Cong, the communist guerrillas operating in South Vietnam, defeat units of the ARVN, the South Vietnamese Army. President Diem is overthrown.
- 1964** US destroyer allegedly attacked by North Vietnamese patrol boats. This triggers start of pre-planned American bombing raids on North Vietnam.
- 1965** 200,000 American combat troops arrive in South Vietnam.
- 1966** US troop numbers in Vietnam rise to 400,000, then to 500,000 the following year.
- 1968** Tet Offensive – a combined assault by Viet Cong and the North Vietnamese army on US positions – begins. More than 500 civilians die in the massacre at My Lai.
- 1969** Ho Chi Minh dies. President Nixon begins to reduce US ground troops in Vietnam as domestic public opposition to the war grows.
- 1970** Nixon's national security advisor, Henry Kissinger, and Le Duc Tho, for the Hanoi government, start talks in Paris.
- 1973** Ceasefire agreement in Paris, US troop pull-out completed by March.

- 1975** North Vietnamese troops invade South Vietnam and take control of the whole country after South Vietnamese President Duong Van Minh surrenders.
- 1976** Socialist Republic of Vietnam proclaimed. Saigon is re-named Ho Chi Minh City. Hundreds of thousands flee abroad, including many “boat people”.
- 1979** Vietnam invades Cambodia and ousts the Khmer Rouge regime of Pol Pot. In response, Chinese troops cross Vietnam’s northern border. They are pushed back by Vietnamese forces. The number of “boat people” trying to leave Vietnam causes international concern.
- 1986** Nguyen Van Linh becomes party leader. He introduces a more liberal economic policy.
- 1989** Vietnamese troops withdraw from Cambodia.
- 1992** New constitution adopted allowing certain economic freedoms. The Communist Party remains the leading force in Vietnamese society.
- 1994** US lifts its 30-year trade embargo.
- 1995** Vietnam and US restore full diplomatic relations. Vietnam becomes full member of Association of Southeast Asian Nations (Asean).
- 1997** Le Kha Phieu becomes party leader. Tran Duc Luong chosen as president, Phan Van Khai becomes prime minister.
- 1998** A senior party member, Pham The Duyet, faces charges of corruption. Economic growth slumps in the wake of the Asian financial crisis.
- 1999** A former high-ranking party member, Tran Do, is expelled after calling for more democracy and freedom of expression.
- 2000** US President Bill Clinton pays a three-day official visit. The US pledges more help to clear landmines left over from the Vietnam war. The Vietnamese government estimates nearly 40,000 people have been killed by unexploded munitions.
- 2001** **April:** The Communist Party chooses Nong Duc Manh as its new leader.
- 2001** **December:** US, Vietnam implement a trade agreement which normalises the trade status between them.
- 2002** **January:** First sets of remains of Vietnamese soldiers killed in Cambodia are repatriated. More than 10,000 are estimated to have been killed in the wars against the French, the Americans and during Vietnam’s 10-year occupation of the country.
- 2002** **May:** Russia hands back the Cam Ranh Bay naval base, once the largest Soviet base outside the Warsaw Pact.
- National Assembly elections return a victory for the ruling Communist Party. No opposition parties contest the poll.

- 2002 July:** President Tran Duc Luong reappointed for second term by National Assembly, which also reappoints Prime Minister Phan Van Khai for second five-year term.
- 2003 June:** Showcase trial of Ho Chi Minh City gangster Nam Cam and 154 others hands down six death sentences.
- 2003 November:** First US warship to visit since the Vietnam War sails into port near Ho Chi Minh City.
- 2004 January:** Vietnam confirms the first human deaths from bird flu. Over the course of the year the virus claims more than 30 lives.
- 2004 June:** Nam Cam, Ho Chi Minh City gangster, is executed.
- 2004 December:** First US commercial flight since the end of the Vietnam War touches down in Ho Chi Minh City.
- 2005 June:** Prime Minister Phan Van Khai makes the first visit to the US by a Vietnamese leader since the end of the Vietnam War.
- 2006 January onwards:** Senior officials are investigated over the alleged embezzlement of millions of dollars of state money in the transport ministry.
- 2006 June:** As part of an anticipated political shake-up, the prime minister, president and National Assembly chairman are replaced by younger leaders.
- 2007 January:** After 12 years of talks Vietnam becomes the 150th member of the World Trade Organization.
- 2007 February:** Government approves a \$33bn plan to build a high-speed rail link between Hanoi and Ho Chi Minh City in the south. US agrees for the first time to help fund a study into the removal of Agent Orange, the highly toxic defoliant used by US forces, from a former US base in Da Nang.
- 2007 June:** President Nguyen Minh Triet makes first visit to the US by a Vietnamese head of state since the Vietnam War ended in 1975.
- 2007 July:** Prime Minister Nguyen Tan Dung reappointed, promises to push through economic reforms.
- 2008 January:** Vietnam takes up a two-year, non-permanent seat on the UN Security Council.
- 2008 July:** Monthly inflation rate of 27.04% marks largest on-year increase since 1991.
- 2008 October:** US and international media campaigners condemn guilty verdicts on two Vietnamese journalists Nguyen Viet Chien and Nguyen Van Hai, who had helped to expose a major corruption scandal. Latter not imprisoned after pleading guilty.
- 2008 November:** Vietnam says it plans to enforce a two-child policy in an attempt to control population growth.

2008 December: China and Vietnam resolve border dispute 30 years after 1979 war which left tens of thousands dead.

Government bans bloggers from raising "inappropriate" subjects.

2009 January: Nguyen Viet Chien among more than 15,000 prisoners released before the end of their prison terms in Lunar New Year amnesty - one of Vietnam's largest.

Government dismisses Nguyen Cong Khe and Le Hoang, the editors of the two largest pro-reform newspapers, over their coverage of the October corruption scandal trial.

(BBC Timeline, 29 April 2009) [14b]

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ANNEX B – GUIDE TO ACRONYMS

AI	Amnesty International
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CPV	Communist Party of Vietnam
CRA	Committee for Religious Affairs
FCO	Foreign and Commonwealth Office (UK)
FH	Freedom House
GDP	Gross Domestic Product
HHCBC	Hoa Hao Central Buddhist Church (Vietnam)
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
ICRC	International Committee for Red Cross
IDP	Internally Displaced Person
MPS	Ministry of Public Security (Vietnam)
NGO	Non Governmental Organization
TB	Tuberculosis
TI	Transparency International
UBCV	Unified Buddhist Church of Vietnam
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
USSD	United States State Department
VFF	Vietnam Fatherland Front
VGCL	Vietnam General Confederation of Labour
WHO	World Health Organisation

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