

COUNTRY OF ORIGIN INFORMATION REPORT

VIETNAM

APRIL 2006

Contents

	Paragraphs
1. SCOPE OF THE DOCUMENT	1.01
2. GEOGRAPHY	2.01
3. ECONOMY	3.01
Official corruption	3.05
Land use	3.11
4. HISTORY	4.01
5. STATE STRUCTURES	5.01
The Constitution	5.01
Citizenship and nationality	5.03
Political system	5.05
National Assembly elections, May 2002	5.08
Judiciary	5.09
Legal rights/detention	5.13
Death penalty	5.16
Internal security	5.18
Prisons and prison conditions	5.22
Military service	5.27
Conscientious objectors and deserters	5.29
Medical services	5.33
Mental health	5.38
People with disabilities	5.40
HIV/AIDS	5.42
Tuberculosis (TB)	5.44
Educational system	5.46
6. HUMAN RIGHTS	6.01
6.A HUMAN RIGHTS ISSUES	6.01
General	6.01
Freedom of speech and the media	6.06
Journalists	6.10
Freedom of religion	6.12
Religious groups	6.19
Buddhists	6.19
Hoa Hao	6.23
Catholics	6.27
Protestants	6.30
Cao Dai	6.34
Muslims	6.36
Ching Hai	6.38
Freedom of assembly and association	6.41
Political activists	6.43
Employment rights	6.48
Child labour	6.49
People trafficking	6.50
Freedom of movement	6.55
Household registration (Ho Khau)	6.55
Identity cards	6.60
Fraudulent documents	6.61
Passports	6.62
Returnees	6.70
6.B HUMAN RIGHTS – SPECIFIC GROUPS	6.72
Ethnic groups	6.72

Chinese (Hoa)	6.78
Hmong	6.82
Montagnards	6.83
Women	6.92
Children	6.97
Family planning	6.99
Childcare arrangements	6.100
Lesbian, gay, bisexual and transgender persons	6.108
6.C HUMAN RIGHTS – OTHER ISSUES	6.110
Refugees	6.110

ANNEXES

Annex A – Chronology of major events

Annex B – Map

Annex C – Political organisations

Annex D – Prominent people

Annex E – List of abbreviations

Annex F – List of source material

1. Scope of the document

- 1.01 This Country of Origin Information Report (COI Report) has been produced by Country of Origin Information Service, Research Development and Statistics (RDS), Home Office, 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. It includes information available up to 10 March 2006.
- 1.02 The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum / human rights determination process.
- 1.03 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. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- 1.04 The structure and format of the COI Report reflects the way it is used by Home Office caseworkers 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.
- 1.05 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.
- 1.06 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.
- 1.07 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.

- 1.08 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 Home Office upon request.
- 1.09 COI Reports are published every six months on the top 20 asylum producing countries and on those countries for which there is deemed to be a specific operational need. Inevitably, information contained in COI Reports is sometimes overtaken by events that occur between publication dates. Home Office officials are informed of any significant changes in country conditions by means of Country of Origin Information Bulletins, which are also published on the RDS website. They also have constant access to an information request service for specific enquiries.
- 1.10 In producing this COI Report, the Home Office 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 Home Office as below.

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ADVISORY PANEL ON COUNTRY INFORMATION

- 1.11 The independent Advisory Panel on Country Information was established under the Nationality, Immigration and Asylum Act 2002 to make recommendations to the Home Secretary about the content of the Home Office's country of origin information material. The Advisory Panel welcomes all feedback on the Home Office's COI Reports and other country of origin information material. Information about the Panel's work can be found on its website at www.apci.org.uk.
- 1.12 It is not the function of the Advisory Panel to endorse any Home Office material or procedures. In the course of its work, the Advisory Panel directly reviews the content of selected individual Home Office COI Reports, but neither the fact that such a review has been undertaken, nor any comments made, should be taken to imply endorsement of the material. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-

Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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Back to contents

Go to list of sources

2. Geography

- 2.01 “The Socialist Republic of Viet Nam 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) [1]
- 2.02 In its Country Profile on Vietnam, updated on 3 January 2006, BBC News Online noted that Vietnam covered an area of 329,247 sq km (127,123 sq miles). The same source recorded that a UN estimate in 2005 put the total population of Vietnam at 83.6 million, with life expectancy of 68 years for men and 72 years for women. [14a] (p1-2)
- 2.03 As indicated by the website of the Vietnam National Administration of Tourism, accessed on 1 February 2006, Vietnam is divided into 64 administrative units, comprised of provinces and cities. [17d]
- 2.04 As recorded by Ethnologue.com, a website specialising in languages of the world, accessed in February 2006, while the official language of the country is Vietnamese, there are another 101 languages in use. [24] (p1)

See also Section 6.B: [Ethnic Groups](#)

See also Annex B: [Map](#)

[Back to contents](#)

[Go to list of sources](#)

3. Economy

- 3.01 The CIA World Factbook 2005, accessed in February 2006, recorded that “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. Substantial progress was achieved from 1986 to 1997 in moving forward from an extremely low level of development and significantly reducing poverty. Growth averaged around 9% per year from 1993 to 1997.” The same source stated further that “Since 2001, (however,) 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.” [4] (p6)
- 3.02 As noted by the Economist Intelligence Unit’s (EIU) Country Report for Vietnam in January 2006:
- “A flurry of legislation, including a new Law on Investment, has been passed that should contribute to an improvement in Vietnam’s business environment. The government has failed to achieve its target of joining the World Trade Organisation (WTO) by end-2005, but negotiations have continued... Real GDP growth reached 8.4% in 2005, a seven-year high, led by strong growth in industry and construction. Inflation picked up again towards the end of 2005, pushed up by high fuel prices. Rapid economic growth has contributed to falling unemployment levels... The merchandise trade deficit has fallen, in line with rapid export growth. New commitments of foreign direct investment have risen sharply. Vietnam has successfully completed its first international sovereign bond issue, and foreign aid pledges have remained generous.” [15a] (p3)
- 3.03 The US State Department (USSD) Report on Human Rights Practices in 2005, published on 8 March 2006, noted that:
- “Economic developments remained a major influence on the human rights situation as the country carried on with its rapid transition from a centrally planned economy to a ‘socialist-oriented market economy.’ Economic reforms and the rising standard of living continued to reduce CPV and government control over, and intrusion into, daily life. However, many persons in isolated rural areas—including members of ethnic minority groups in the Northwest Highlands, Central Highlands, and the central coastal regions—continued to live in extreme poverty. The government continued to seek greater (primarily economic) links with the outside world, with some parallel change in attitude toward human rights. Thus the more urban areas of the country continued to show improvement in this respect, while the Central and Northwest Highlands remained areas of international concern.” [2a] (p1)
- 3.04 The EIU’s Country Profile for Vietnam in 2005 noted that the currency of Vietnam is the Dong (D), and that the exchange rate on 30 August 2005 was D15,865: US\$1. [15b] (p3)

OFFICIAL CORRUPTION

3.05 According to the NGO, Transparency International (TI), in its Corruption Perceptions Index 2005, Vietnam ranked at 107 out of 158 countries, based on the perceptions of business people and country analysts regarding levels of corruption throughout the world. Vietnam scored 2.6 out of ten (ten representing zero perception of corruption). [26]

3.06 The EIU's Country Profile for Vietnam in 2005 stated that:

"Mr Manh [General Secretary of the Communist Party] has fostered a less polarised political environment, and his resolve to clamp down on corruption has had some effect. Low salaries, light punishments for graft and a bureaucratic administration in which opportunities for bribes are widespread combine to foster a culture of corruption, and previous attempts to rein it in were largely unsuccessful. Between 2000 and 2004, 12,300 government employees were disciplined for corruption, and since 2001 the Communist Party has disciplined over 10,000 members, including seven members of the Central Committee and the agriculture and rural development minister, Le Huy Ngo, who was sacked in May 2004 for allowing a swindle in a firm supervised by his ministry. The message is clear: senior officials have been put on notice that they are not beyond the reach of the law." [15b] (p7)

3.07 In January 2006, the EIU's Country Report for Vietnam noted that:

"Owing to the fact that the pervasive nature of official corruption has gradually eroded the moral authority of the [Communist] party and has weakened its political legitimacy, the party's leadership remains determined to tackle this problem... The government has made good progress in building a legislative structure to tackle corruption, with the National Assembly (the legislature) approving the country's first ever anti-corruption legislation in November [2005]. However, there are still concerns about how effective the state's anti-corruption drive will be, even though it is now underpinned by new legislation. One of the most controversial aspects of the Anti-Corruption Law, which will come into effect on June 1st 2006, was the decision not to establish an independent anti-graft agency but instead to set up a National Steering Committee, headed by the prime minister, Phan Van Khai, to lead the state's anti-corruption drive. Although the anti-graft committee is not independent, it will come under pressure from National Assembly deputies to make genuine efforts to tackle corruption. Assembly deputies have been given more room to be assertive in debating national policy, and they are increasingly holding government ministers to account for their actions... Deputies expelled one of their colleagues for corruption, and directed some pointed queries at government ministers, including the deputy prime minister, Nguyen Tan Dung, during question-and-answer sessions in November [2005]." [15a] (p7)

3.08 The same report stated further that:

"In essence, the [new Anti-Corruption] law is aimed at increasing transparency in the state apparatus while making state officials fully accountable for any wrongdoing. There are a number of focal points, notably detecting and preventing corruption, improving the organisation of and co-operation among anti-corruption agencies, and clarifying the roles and responsibilities of government, local state agencies and society as a whole in the fight against corruption. The law also includes articles that are aimed at ensuring transparency in state finance and budgetary activities, state land-use

management, and procurement and use of public property... However, the failure to establish an independent body raises concerns over the effectiveness of the state's anti-corruption drive." [15a] (p13-14)

- 3.09 In its Country Profile on Vietnam, updated on 7 February 2006, the Foreign & Commonwealth Office (FCO) recorded that:

"The CPV [Communist Party of Vietnam] is increasingly concerned at the high level of corruption in Vietnam, which it perceives as a threat not only to economic growth but also to the popular legitimacy of the political system. A crackdown in recent years has netted a number of senior figures (including some Vice Ministers) and further anti-graft efforts, led by the National Assembly, are in the pipeline. But suspicions remain that some areas remain off-limits to anti-corruption efforts, while the media's freedom to investigate corruption is tightly restricted." [8a] (p3)

- 3.10 The USSD Report 2005 stated that "Corruption continued to be a major problem. The government showcased its efforts to fight corruption, including publicizing budgets at different levels of government and streamlining government inspection measures. Cases of government officials accused of corruption were publicized widely." [2a] (section 3) As reported by Freedom House in its report, Freedom in the World 2005:

"Senior party and government officials have publicly acknowledged growing public discontent with official abuses and corruption. However, in the last several years, the government has largely responded with high-profile prosecutions, rather than fundamental reforms at all levels of government. For example, a deputy trade minister was arrested in November [2004] for selling export quotas to Vietnamese garment makers, and a former deputy sports minister was sentenced to eight years in prison in October [2004] for raping a 13-year old girl." [29]

LAND USE

- 3.11 The USSD Report 2005 noted that "During the year [2005] peaceful small protests of farmers demanding redress for land rights issues frequently took place in front of government buildings in Hanoi. Police monitored these protests but did not disrupt them." [2a] (section 2b)
- 3.12 As reported by Freedom House in its report, Freedom in the World 2005, "[However] the leadership increasingly allows farmers and others to hold small protests over local grievances, which often concern land seizures. Thousands of Vietnamese try to gain redress each year by writing letters to or personally addressing officials." [29]
- 3.13 The website of UN Volunteers, accessed on 16 February 2006, stated that in November 2003 the National Assembly passed a revised Land Law, which for the first time required Land Use Certificates to bear the names of both husband and wife if the land belongs to both of them. [16]

[Back to contents](#)

[Go to list of sources](#)

4. History

- 4.01 In its Country Profile on Vietnam, updated on 7 February 2006, the Foreign & Commonwealth Office (FCO) recorded that in 1954 Vietnam was divided into the communist north (Democratic Republic of Vietnam) and the western-backed south (Republic of Vietnam). The same source noted that 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. [8a] (p2) BBC News Online stated on 10 December 2005 that 1957 marked the beginning of the communist insurgency in the south and that the US entered the war in 1964. [14b] (p1)
- 4.02 The FCO recorded in February 2006 that the numbers of US troops in Vietnam rose to over half a million by 1968, but a withdrawal began in 1969 because of the growing domestic unpopularity of the war in the USA and a lack of military success. [8a] (p2) BBC News Online noted in December 2005 that the troop withdrawal was completed in March 1973. [14b] (p2) As recorded by the FCO in February 2006, although the US and the North Vietnamese reached a peace agreement in 1973, the civil war continued and a North Vietnamese invasion two years later led to the rapid collapse of the South Vietnamese regime. Subsequently, the country was formally reunified as the Socialist Republic of Vietnam (SRV) in 1976 and Vietnam was admitted to the UN in 1977. [8a] (p2)
- 4.03 The FCO also noted that 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 provocations Vietnam invaded Cambodia in December 1978 and subsequently installed a friendly regime there. The FCO noted further that as conflict ensued in Cambodia with resistance groups fighting the Vietnamese and their Cambodian allies during the 1980s, Vietnam experienced a period of international and economic 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. [8a] (p2)
- 4.04 The same source stated that following a formal settlement of the conflict in 1991, Vietnam began to normalise its relations with the rest of the world, including the United States in 1995, the same year that Vietnam became a member of ASEAN (Association of Southeast Asian Nations). [8a] (p2) As recorded by BBC News Online on 10 December 2005, in June 2005 Prime Minister Phan Van Khai met US President George W Bush during the first visit to the US by a Vietnamese leader since the end of the Vietnam War. [14b] (p3)

[Back to contents](#)

[Go to list of sources](#)

5. State structures

THE CONSTITUTION

- 5.01 As noted by Europa World, accessed on 1 February 2006, “The 1992 Constitution declares the supremacy of the Communist Party.” [11] According to Article 4 of the 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]
- 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 that “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]

CITIZENSHIP AND NATIONALITY

- 5.03 According to Article 49 of the 1992 Constitution, “A citizen of the Socialist Republic of Vietnam is a person with Vietnamese nationality.” [17a] On 10 February 2004, the Canadian Immigration and Refugee Board (IRB) recorded that “According to an official translation of the Law on Vietnamese Nationality, enacted in January 1999, the government ‘creates conditions for all children born on the Vietnamese territory to have nationality’ (Viet Nam Jan. 1999, Art. 8).” [6h]
- 5.04 The same report stated that “Article 1 of the Law acknowledges ‘members of all ethnic groups are equal in their right to have... Vietnamese nationality’ (ibid., Art. 1).” The report stated further that:
- “Moreover, while Vietnam does not recognize dual nationality (ibid., Art. 3), Article 6 stipulates that it is the state’s responsibility to ‘create favourable conditions’ for individuals who have lost their nationality to regain it (ibid., Art. 6). A person may prove their Vietnamese nationality by providing the following papers:
1. A certificate of Vietnamese nationality; a decision on naturalization in Vietnam, a decision on Vietnamese nationality restoration, a Vietnamese identity card or passport;
 2. His/her birth certificate enclosed with papers proving the Vietnamese nationality of his/her parents, in case of the absence of the papers defined in Point 1 of this Article;
 3. Other papers prescribed by the Government (ibid., Art. 11).” [6h]

POLITICAL SYSTEM

- 5.05 In its Country Profile on Vietnam, updated on 7 February 2006, the Foreign & Commonwealth Office (FCO) noted that:

“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 [Tran Duc Luong] and Prime Minister [Phan Van Khai]. 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 to the regime. 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] (p2-3)

5.06 The FCO also recorded that:

“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 498-Member National Assembly are held every five years. The next elections are due in 2007.” [8a] (p3)

5.07 The US State Department (USSD) Report on Human Rights Practices in 2005, published on 8 March 2006, also noted the positive developments, stating that “The CPV’s constitutionally mandated primacy and the continued occupancy of all senior government positions by party members allowed it to set the broad parameters of national policy. However, the CPV continued to reduce its formal involvement in government operations and allowed the government to exercise significant discretion in implementing policy.” [2a] (p1)

NATIONAL ASSEMBLY ELECTIONS, MAY 2002

5.08 The same source continued, “The most recent elections to choose members of the National Assembly, held in 2002, were neither free nor fair, since all candidates were chosen and vetted by the CPV’s Vietnam Fatherland Front (VFF), an umbrella group that monitors the country’s popular organizations. The National Assembly remained subject to CPV direction; however, the government continued to strengthen the assembly’s capacity.” [2a] (p1)

JUDICIARY

5.09 The USSD Report 2005 recorded that “The law provides for the independence of judges and lay assessors; however, in practice the CPV controls the courts at all levels by selecting judges at least in part for their political reliability. The CPV also influenced high-profile cases and others in which a person was charged with challenging or harming the CPV or the state. During the year [2005] CPV and government officials likely exerted control over court decisions by

influencing lay assessors and judges.” The report stated further that “The judiciary consists of the SPC [Supreme People’s Court]; the district and provincial people’s courts; military tribunals; administrative, economic, and labor courts; and other tribunals established by law.” [2a] (section 1e) The report also noted that:

“The public prosecutor brings charges against an accused and serves as prosecutor during trials. Under the July 2004 revisions to the criminal procedures code, courtroom procedures were to change 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. This was intended to provide more protections for defendants and prevent judges from coercing defendants into confessing guilt; however, the extent to which this change was implemented in practice remained unclear. Although the constitution provides that citizens are innocent until proven guilty, some lawyers complained that judges generally presumed guilt.” [2a] (section 1e)

- 5.10 The same source reported further that “Government training programs to address the problem of inadequately trained judges and other court officials were underway. Foreign governments and the U.N. Development Program (UNDP) provided assistance; however, the lack of openness in the criminal judicial process and the continuing lack of independence of the judiciary hampered progress.” [2a] (section 1e) In its 2005 Country Profile of Vietnam, the Economist Intelligence Unit (EIU) stated that “The judiciary is relatively weak and is not independent of the Communist Party. There are few lawyers, and trial procedures are rudimentary. There is a growing backlog of unsettled civil lawsuits, and the workload of staff at the Ministry of Justice has reportedly tripled since 1994.” [15b] (p10)

- 5.11 The website of the Asia Foundation, accessed on 16 February 2006, stated that:

“Since the beginning of doi moi (renovation policy), the law-making process of Vietnam 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. To address these shortcomings, The Asia Foundation is supporting a project implemented by the Office of the National Assembly to help enhance public participation in drafting laws. The project does so by examining past law-making experience in Vietnam, and by developing refined models of public participation and piloting these models in actual practice. As part of this project, a regional observation program is being organized for Vietnamese law-makers to study participatory procedures elsewhere in Southeast Asia.” [9]

- 5.12 The same source stated that:

“The Foundation is also supporting a community legal assistance project being carried out by the National Legal Aid Agency of the Ministry of Justice in cooperation with the Vietnam Farmer’s Union. This project trains paralegal workers at the commune and village levels to educate fellow citizens about the law and assist them in reaching solutions to legal problems. In addition, the Foundation recently launched a labor law awareness program in Ho Chi Minh City and surrounding provinces in cooperation with the Vietnam General Confederation of Labor.” [9]

LEGAL RIGHTS/DETENTION

- 5.13 Human Rights Watch, in its World Report 2006 (covering events in 2005), stated that “Legislation remains in force authorizing the arbitrary ‘administrative detention’—without trial—for up to two years of anyone suspected of threatening national security.” [5a] (p1) The USSD Report 2005 noted that “The law prohibits arbitrary arrest and detention; however, the government continued to arrest and detain citizens for the peaceful expression of their views.” [2a] (section 1d) The same report stated that:

“The criminal procedure code allows pretrial detainees access to their lawyers from the point of detention; however, bureaucratic delays frequently limited initial contact between detainees and their lawyers, and some detainees, particularly political activists, were not permitted regular access by lawyers until shortly before their trials. The code also provides that during the investigative period, defense lawyers be informed of interrogations and also be able to attend them, be given access to case files, and be permitted to make copies of documents in the files. Legal experts reported that defense attorneys were able to exercise these rights. However, a defendant first must request the presence of a lawyer, and it was not clear whether authorities always advised defendants of their new rights. In national security cases, defense lawyers were granted access to clients only after an investigation had ended. Although the constitution provides for legal counsel for all persons accused of criminal offenses, a scarcity of trained lawyers made this provision difficult to implement. Counsel generally was provided only to those charged with crimes that could lead to life imprisonment or the death penalty. Prior to being formally charged, a detainee has a statutory right to notify family members, and police generally informed the family of the detainee’s whereabouts. However, family members may visit a detainee only with the permission of the investigator.” [2a] (section 1d)

- 5.14 The report also noted that:

“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 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 months to two years 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 has been some form of restriction on movement and travel.” [2a] (section 1d)

- 5.15 In its report, Freedom in the World 2005, Freedom House noted that “Defense lawyers cannot call or question witnesses and sometimes are permitted only to appeal for leniency for their clients. While defendants have a constitutional right to counsel, scarcity of lawyers often makes this right impossible to enforce. Moreover, many lawyers reportedly are reluctant to take human rights and other sensitive cases because they fear harassment and retribution by the state.” [29] Regarding arrest warrants, the British Embassy in Hanoi stated in March 2004

that “The warrant is read out before the accused who may inspect it but not keep it or retain copies.” [8c]

DEATH PENALTY

- 5.16 Amnesty International's Annual Report 2005 (covering events from January to December 2004) recorded that:

“At least 88 people – including 12 women – were sentenced to death in 2004; 44 for drug offences and six for fraud, according to official sources. At least 64 people, four of them women, were reported executed. The true figures were believed to be much higher. In January, the Prime Minister issued a decree making the reporting and dissemination of statistics on the use of the death penalty a ‘state secret’. However, some death penalty and execution cases continued to be reported in the Vietnamese news media. In October, the Prime Minister asked the police to consider changing the method of execution because nervous members of firing squads with trembling hands frequently missed the target. It was reported that relatives of executed prisoners had to bribe officials for the return of bodies which were otherwise buried in the execution ground. Despite reports that the authorities were considering the abolition of the death penalty for economic crimes, two executions for fraud were reported. Some executions continued to take place in public, in front of hundreds of onlookers.” [3a] (p2-3)

- 5.17 In its report, Freedom in the World 2005, Freedom House noted that “The death penalty is applied mainly for violent crimes, but is sometimes also used against Vietnamese convicted of nonviolent crimes, including economic and drug-related offenses.” [29] In February 2006, the FCO stated that:

“Vietnam has among the highest execution rates per capita in the world. Death penalty statistics are officially secret, but executions are thought to number at least 100 per year. 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 may not offer fair trials in many cases. In a positive move, Vietnamese Ministers have spoken of reducing use of the death penalty, but abolition appears a distant prospect.” [8a] (p4)

INTERNAL SECURITY

- 5.18 The USSD Report 2005 recorded that “Internal security primarily 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)
- 5.19 The same report also noted that “The MPS controls the police, a special national security investigative agency, and other internal security units. It also maintained a system of household registration and block wardens to monitor the population, concentrating on those suspected of engaging, or being likely to engage in, unauthorized political activities; however, this system has become less pervasive in its intrusion into most citizens' daily lives.” [2a] (section 1d)
- 5.20 A report by the Canadian IRB on 5 November 2002 stated that “Vowing to ‘root out and punish its own corrupt cops,’ the Ministry of Public Security in Vietnam

was reported to have acknowledged that members of its force, as well as local police, were 'covering up and protecting underworld vice' (DPA 13 July 2001). According to figures quoted in a Deutsche Presse-Agentur article, corrupt police officers could account for one-third of the Ministry's police force (ibid.)." [6g]

See also Section 3, Economy: Official Corruption

5.21 The same report stated further that:

"Referring to a case in which police 'severely' beat a motorcyclist over a 'minor traffic offence,' an August 2002 Agence France Presse article stated that 'often, communist Vietnam's notoriously corrupt police demand bribes as an alternative to a formal booking' (14 Aug. 2002). The same article goes on to report that 'police in Vietnam are widely despised for their routine abuse of power' and that businesses are frequently required to pay police 'protection money' or be forced out of business for 'perceived offences' (ibid.)." [6g]

PRISONS AND PRISON CONDITIONS

5.22 The USSD Report 2005 recorded that:

"Prison conditions reportedly often were harsh but generally did not threaten the lives of prisoners. Overcrowding, insufficient diet, and poor sanitation remained serious problems in many prisons. Most prisoners had access to basic health care... In 2004 diplomatic observers reported Spartan but generally acceptable conditions in two prisons. Prisoners, including those held for political reasons, reportedly were sometimes moved to solitary confinement, where they were deprived of reading and writing materials, for periods of up to several months." [2a] (section 1c)

5.23 The report also stated that "Although political and religious prisoners often were confined under harsh conditions, there was no evidence to suggest their conditions were significantly different than those for the regular prison population. In some instances they received better treatment, including better rations and access to care packages from home, than those in the general prison population." [2a] (section 1c)

5.24 The report continued, "During the year the government did not permit the International Committee of the Red Cross, nongovernmental organizations (NGOs), or diplomatic observers to visit prisons." [2a] (section 1c)

5.25 On 17 February 2005, Amnesty International (AI) reported that on 2 February 2005 over 8,000 prisoners were released, some prisoners of conscience among them, as part of an amnesty to mark Tet, the Lunar New Year. [3c] Citing an article by Antara News on 3 September 2005, the website of International Christian Concern, accessed on 16 February 2006, reported that nearly 25,000 prisoners had been freed in Vietnam over the previous year during major events, including the 30th anniversary of the end of the Vietnam War on 30 April 2005, and more recently to mark Vietnam's 60th National Day on 2 September 2005, when more than 10,400 prisoners were amnestied. [10]

5.26 The USSD Report 2005 recorded that:

“During the year [2005] the government amnestied 26,688 prisoners, in 3 groups, a significant increase from previous years’ holiday amnesties. Several high-profile prisoners benefited from these amnesties, including political and religious activists such as Dr. Nguyen Dan Que, Father Ly, and the UBCV’s Thich Thien Minh... As part of the government’s amnesty program, the following prisoners were released during the year: Dr. Nguyen Dan Que; Nguyen Dinh Huy; human rights activist Tran Van Luong; Father Nguyen Van Ly; Brother Nguyen Thien Phung; Hmong Protestants Vang Chin Sang, Vang Mi Ly, Ly Xin Quang, and Ly Chin Seng; and Buddhist monk Thich Thien Minh. Nguyen Thi Minh Hoan was released after completing her eight-month sentence. Mennonite pastor Nguyen Hong Quang was amnestied in September, although co-defendant Pham Ngoc Thach remained imprisoned.” [2a] (sections 1d & 1e)

MILITARY SERVICE

- 5.27 Europa World, accessed on 1 February 2006, recorded that “In August 2004 the active (‘Main Force’) armed forces of Viet Nam had an estimated total strength of 484,000: an estimated 412,000 in the army, an estimated 42,000 in the navy, and 30,000 in the air and air defence forces. Military service is compulsory and usually lasts for two years.” [1] War Resisters International (WRI) noted in March 1998 that “Women with special qualifications and skills, while not liable to conscription, must register with the reserve forces and may be called up for training... Reservist obligations apply until the age of 45 in the case of men, and until the age of 40 in the case of women.” [19]
- 5.28 The same source noted that “Exemption is possible for medical reasons, domestic reasons and in the case of convicted criminals... In order to meet the recruitment targets, men with criminal records, who should have been exempt from service, have apparently been called up.” [19] The website of the United Nations High Commissioner for Refugees (UNHCR), accessed on 10 March 2006, recorded a law dated June 1994, amending and supplementing a number of articles of the Law on Military Service Duty. Article 29 of the 1994 law stated that:

“1. The following persons are temporarily exempt from 1\Military call-up peace time: a. Persons not yet physically fit serve in the army according to the conclusion of the Health Examination Board. b. Persons who are the sole laborers who must directly support other members of their families who have lost their capacity to work or who have not reached the working age. c. Persons having siblings living in the same house-hold who are non-commissioned officer or soldier in active service in the army. d. Teachers, medical personnel, members of the Youth Volunteers Organization working in difficult highlands, remote offshore islands as defined by the Government; Government employees in other services and branches, and cadre's of political and social organizations sent to work in the above-mentioned areas. e. Persons engaged in scientific research projects of State level certified by a minister, ahead of ministerial-level agency, or a person in equivalent positions; f. Students in general education schools, vocational schools, vocational secondary schools, colleges and universities as defined by the Government. g. Settlers in a newly opened economic area in the first three years. The persons in the above-mentioned categories shall be subject to annual checks, if the reasons for temporary exemption no longer exist, they would be called up for military service duty. If a man is not called up before he reaches 27 years of age, his name shall be

transferred to the reserve force. 2.The following persons are exemption from military call-up in peace time: a. Sons of fallen combatants, war invalids or diseased combatants of first degree invalidity with especially serious wounds or diseases. b. One of his elder or younger brothers is a fallen combatant. c. Sons of first or second-degree war invalids or first degree diseased soldiers. d. Members of the Youth Volunteers' Organizations, Government officials or employees, cadre's of political or social organizations having served for more than 24 months in the highlands with special difficulties, remote areas, border areas, remote island as defined by the Government. In case the persons defined at Item 1, Item 2 of this Article volunteer to enlist, they may be selected and called-up." [sic] [17f]

CONSCIENTIOUS OBJECTORS AND DESERTERS

- 5.29 WRI recorded in March 1998 that "The right to conscientious objection is not legally recognized and there are no provisions for substitute service... Under art. 69 of the Law on Military Service, as amended in 1990, draft evasion and desertion are punishable by disciplinary and administrative measures... It is not clear how far draft evasion and desertion are in practice monitored and penalized." [19]
- 5.30 According to the Vietnamese Criminal Code, passed by the National Assembly on 21 December 1999 (Chapter 23: Crimes of Infringing upon the Duties and Responsibilities of Army Personnel), those who evade their duties shall be subject to non-custodial reform for up to three years or between three months' and three years' imprisonment, or, if the offence caused serious consequences, between two and ten years' imprisonment (Article 326). [17e]
- 5.31 The same source stated that those who desert the army, having already been disciplined for such an act previously, or who cause serious consequences in doing so, or who do so in time of war, shall be subject to non-custodial reform for up to three years or between six months' and five years' imprisonment, or, if the offence caused very serious consequences, between three and twelve years' imprisonment (Article 325). [17e]
- 5.32 The Criminal Code also stated that the death penalty may be imposed upon those who disobeyed orders (Article 316), surrendered to the enemy in the course of combat (Article 322), or destroyed military weapons/technical means without authorisation (Article 334), if the offence caused particularly serious consequences. [17e]

MEDICAL SERVICES

- 5.33 The Economist Intelligence Unit's (EIU) Country Profile for Vietnam in 2005 stated that:

"Healthcare provision is relatively good, as measured by such indicators as life expectancy, infant mortality and the number of doctors per head of population... However, in the late 1980s a number of factors began to affect adversely the quality of healthcare. These included reform-linked factors, budgetary constraints, the shift of responsibility to the provinces and the introduction of charges. According to data from the UN Development Programme (UNDP), government spending on healthcare amounted to just 1.5% of GDP in 2002,

compared with private healthcare spending equivalent to 3.7% of GDP. A shortage of funds has meant that improvements in water supply and sewerage systems have been slow in coming. These inadequacies are largely responsible for the most common infectious diseases, such as malaria, dengue fever, typhoid and cholera.” [15b] (p18)

5.34 The same report stated further that:

“Although the number of doctors rose by over 50% between 1995 and 2003, the numbers of nurses and midwives stagnated during the 1990s, rising again only in recent years. There is particular concern about the health of people living in the poorer provinces, where malnutrition, although falling, is still common. However, Vietnam’s health indicators have improved in recent decades. According to the UNDP, the infant mortality rate slowed to 30 (per 1,000 live births) from 55 in 1970, and life expectancy has risen to around 69 years from around 50 in 1970-75.” [15b] (p18)

5.35 The website of the World Health Organisation (WHO), accessed on 16 February 2006, recorded that:

“The health service system in Viet Nam is a mixed public-private provider system, with the private sector steadily growing over the past decade. Public health services still play a major role in health service provision, especially in prevention and research/training. Patients seeking outpatient care rely largely on private providers, whereas inpatient care is provided mainly in the public sector. Viet Nam has a large number of public health staff, reaching and covering services down to commune level, with 5.65 doctors and 22.37 beds per 10,000 habitants in 2002. However, the nurses:doctor ratio (1:1.03) is low in comparison with other countries; therefore Viet Nam will need to improve skill mix and develop the role of nurses. The current most pressing issues are improving the quality of care, rationalizing and training health staff and increasing public funding for health care through extension of health insurance coverage.” [11a]

5.36 The same source also noted that:

“It should be mentioned that considerable disparities in health status exist between different geographical regions and population groups. In general, health indicators in the Mekong River Delta, the Central Highlands and the Northern Uplands are considerably worse than in the rest of the country. Maternal and infant mortality rates among ethnic groups can be as much as four times higher than the national average, and in remote and mountainous areas, maternal and infant mortality rates among the poorest 20% of the population are increasing.” [11a]

5.37 According to the website of the Vietnamese Embassy in the United States, accessed in February 2006, “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]

MENTAL HEALTH

5.38 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. As recorded by the same source, there is no mental health legislation, and "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]

5.39 The same source stated further that:

"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]

PEOPLE WITH DISABILITIES

5.40 The USSD Report 2005 noted that:

"The law requires the state to protect the rights and encourage the employment of persons with disabilities; however, the provision of services to such persons was limited. Government agencies worked with domestic and foreign organizations to provide protection, support, physical access, education, and employment. The government operated a small network of rehabilitation centers to provide long-term, inpatient physical therapy." [2a] (section 5)

5.41 The same report stated that "The law provides for preferential treatment for firms that recruit persons with disabilities and for fines on firms that do not meet minimum quotas that reserve 2 to 3 percent of their workforce for workers with disabilities; however, the government enforced these provisions unevenly." [2a] (section 5)

HIV/AIDS

5.42 The website of the WHO, accessed on 16 February 2006, recorded that "The cumulative number of reported HIV cases as of 2003 is around 75,000. However, reported figures significantly understate the scale of the problem, and it is estimated that at least 150,000 people are infected by HIV." [11a] As noted by the website of Avert, accessed on 10 March 2006, the US President's Emergency Plan for AIDS Relief (PEPFAR) is providing \$28 million to help fight the spread of HIV/AIDS in Vietnam. 15 per cent of this will be spent on antiretroviral drugs. The same source stated that "In fact, Vietnam's HIV prevalence is probably lower than that of the USA. However, rates are extremely high among sex workers and injecting drug users, and the virus is rapidly spreading to the rest of the population... The proportion of funds allocated to antiretroviral treatment is relatively small, and only around 700 people benefited from site-specific support for treatment provision in 2005." [31]

- 5.43 The USSD Report 2005 noted that “There was no evidence of official discrimination against persons with HIV/AIDS, but there was substantial widespread societal discrimination against persons with HIV/AIDS. There were multiple credible reports that persons with HIV/AIDS lost jobs or suffered from discrimination in the workplace or in finding housing. In a few cases children of persons with HIV/AIDS were barred from schools.” [2a] (section 5)

TUBERCULOSIS (TB)

- 5.44 The Stop TB Partnership’s website, accessed on 16 February 2006, included Vietnam among 22 countries accounting for 80 per cent of TB cases in the world. However, it noted Vietnam’s outstanding success in fighting TB, stating that, “This outstanding success was made possible by the effective integration of political commitment, international technical assistance and funding, and efficient community mobilization.” [12] (p1)
- 5.45 The website of the WHO, accessed on 16 February 2006, recorded that “Viet Nam is considered to be among the countries worldwide with the highest burden of TB, but its programme is now considered to be one of the best with treatment success rates at more than 90%. There are more than 130,000 new TB patients on average every year.” [11a]

EDUCATIONAL SYSTEM

- 5.46 As noted by Europa World, accessed on 1 February 2006:

“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 1997 total pre-primary enrolment was equivalent to 40% of children in the relevant age-group. In 2001 94.0% of children in the relevant age-group were enrolled in primary education and in the same year total secondary enrolment was equivalent to 70% of males and 64% of females in the relevant age-group. In 2003/04 there were 187 universities and colleges of higher education, with a total enrolment of 993,900 students.” [1]

- 5.47 The USSD Report 2005 recorded that “While education is compulsory through the age of 14, the authorities did not enforce the requirement, especially in rural areas where government and family budgets for education were strained and where children were needed for agricultural labor.” [2a] (section 5)

See also Section 6.A. Employment Rights: Child Labour.

- 5.48 The same source recorded that:

“Most schools operated two sessions, and children attended either morning or afternoon classes. Some street children in Ho Chi Minh City and Hanoi participated in night education courses. The culture’s strong emphasis on education led parents who could send children to school to do so rather than allow them to work. The public school system includes 12 grades. More than 90 percent of children attended primary grades; however, the percentage that

attended lower and upper secondary school was much lower. While secondary school enrollments have increased sharply, they were still at less than 75 percent of eligible students for lower secondary and less than 50 percent for upper secondary. Enrollments were lower at all educational levels in remote mountainous areas, although the government ran a system of subsidized boarding schools through the high school level for high-aptitude ethnic minority students.” [2a] (section 5)

- 5.49 The Economist Intelligence Unit’s (EIU) Country Profile for Vietnam in 2005 stated that:

“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. Literacy in the urban areas (96%) is only slightly higher than in the countryside (91%). The highest literacy rate is found in the Red River Delta region, where 98% of men are literate.” [15b] (p17)

- 5.50 The same report stated further that:

“China, Indonesia, Thailand and the Philippines all have better-educated populations than Vietnam, although the gap may be narrowing. Vietnam’s school enrolment rates suffered a decline in 1987-91, particularly at secondary level, because of a budgetary squeeze that reduced the wages of teachers. This was compounded by the emergence of alternative occupations for teachers. However, the share of government current spending allocated to education and training rose from just under 5% in 1989 to over 16% by 1999 and 23% in 2002. Enrolment rates have not only recovered but have risen to record levels, and the number of university and college students rose from 298,000 in 1995 to more than 1.1m in 2003, of which one in eight was enrolled at a private institution. State spending is augmented by large amounts of household spending on fees, tutoring and educational supplies, which accounted for 43% of all educational spending in 1998.” [15b] (p17)

[Back to contents](#)

[Go to list of sources](#)

6. Human rights

6.A HUMAN RIGHTS ISSUES

GENERAL

6.01 The US State Department (USSD) Report on Human Rights Practices in 2005, published on 8 March 2006, stated that “The government’s human rights record remained unsatisfactory. Government officials, particularly at the local level, continued to commit serious abuses, despite improvement during the year.” The same source noted further that:

“The following human rights problems were reported:

- inability of citizens to change their government
- police abuse of suspects during arrest, detention, and interrogation
- harsh prison conditions
- arbitrary detention or restriction of the movement of persons for peaceful expression of political and religious views
- denial of the right to fair and expeditious trials
- imprisonment of persons for political and religious activities
- limited privacy rights
- restrictions on freedoms of speech, press, assembly, and association
- restrictions on religious freedom
- restrictions on freedom of movement
- prohibition of the establishment and operation of human rights organizations
- violence and discrimination against women
- child prostitution
- trafficking in women and children
- societal discrimination against some ethnic minorities
- limitations on worker rights
- child labor” [2a] (p1)

6.02 The USSD Report 2005 also noted that “The government does not permit private, local human rights organizations to form or operate. The government generally did not tolerate attempts by organizations or individuals to comment publicly on government 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 assembly, interference with personal communications, and detention.” [2a] (section 4) On 9 March 2006 the state-run Vietnam News Agency reported that a Foreign Ministry spokesperson had rejected the USSD Report 2005, saying that it made many erroneous and prejudiced comments on human rights in Vietnam. [25]

6.03 As noted by Amnesty International’s (AI) Annual Report of 2005 (covering events in 2004), “Freedom of expression nationally remained severely limited. Trials of political dissidents continued throughout 2004. Repression of religious denominations not sanctioned by the state continued. A high number of death sentences and executions were reported.” [3a] (p1)

6.04 Human Rights Watch, in its World Report 2006 (covering events in 2005), stated that:

“With Vietnam’s membership into the World Trade Organization pending, the government took some steps in 2005 to counter international concern about its human rights record. The government released some religious and political prisoners, officially outlawed forced recantations of faith, and published a white paper defending its record on human rights. Despite these gestures, Vietnam’s denial of fundamental rights remained largely unchanged during 2005. Authorities continue to persecute members of independent churches, impose controls over the Internet and the press, restrict public gatherings, and imprison people for their religious or political views.” [5a] (p1)

- 6.05 The Foreign & Commonwealth Office (FCO), in its Human Rights Annual Report 2005, stated that “Vietnam has taken some positive steps forward with regard to civil and political rights over the past year, but its overall record remains poor. We are particularly concerned about the country’s high rate of executions and restrictions on freedom of expression, freedom of religion and access to justice.” [8b] In its Country Profile on Vietnam, updated on 7 February 2006, the FCO also stated that:

“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. Vietnam has a poor record with regard to civil and political rights, however, notwithstanding gradual improvements over recent years. Restrictions on freedom of expression, freedom of religion and the high number of executions are particular causes for concern.” [8a] (p4)

FREEDOM OF SPEECH AND THE MEDIA

- 6.06 The USSD Report 2005 noted that “The law provides for freedom of speech and of the press; however, the government significantly restricted these freedoms in practice, particularly with respect to political and religious speech. Both the constitution and the criminal code include broad national security and antidefamation provisions that the government used to restrict such freedoms.” [2a] (section 2a) The same source reported that the Vietnamese press was able to cover issues such as official corruption. [2a] (section 2a)

- 6.07 BBC News Online’s Country Profile for Vietnam, updated on 3 January 2006, stated that:

“The Communist Party of Vietnam has a strong grip on the media. The Ministry of Culture and Information manages and supervises press and broadcasting activities. The government has shut down several newspapers for violating the narrow limits on permissible reporting. Media rights organisation Reporters Without Frontiers says publications deemed to be ‘bad or inaccurate’ are subject to official bans. Television is the dominant medium in Vietnam; Vietnam Television (VTV) broadcasts from Hanoi to the whole country and via satellite to the wider region. There are many provincial TV stations. Some foreign channels, such as CNN and Discovery, are broadcast via cable... Material placed on Vietnam-based websites is subject to prior government approval.

Media rights group Reporters Without Frontiers says internet access is tightly controlled and sites considered to be 'reactionary' are blocked." [14a] (p2-3)

- 6.08 As documented in the 2004 Annual Report of Reporters Without Frontiers, "Denied access to the news media, which are all state-owned, dissidents turn to the Internet to express themselves. As a result, cyber-dissidents were the main target of repression in 2003. The press meanwhile continued to modernise. Newspapers that were more liberal were launched, but they were closely watched by the censors." [7a] (p1) In a report dated 26 July 2005, Reporters Without Frontiers also stated that:

"Reporters Without Borders today condemned a directive issued by Vietnam's ruling communist party aimed at stepping up surveillance of the country's 5,000 cyber-café by turning their owners into police auxiliaries. The directive also tends to tighten controls on online journalists who, according to the authorities, 'provide sensationalist news and articles while others even publish reactionary and libellous reports and a depraved culture.' The press freedom organisation said that, although the Vietnamese government tried to justify these measures by referring to national security and defence, they were clearly designed to stifle dissent... The inter-ministerial directive on controlling cyber-café, which was adopted jointly by the public security ministry and the culture and information ministry, will take effect on 30 July [2005]. It reinforces a decree issued last year which was not properly implemented and which was supposed to make cyber-café owners keep a record of all their customers for 30 days. The new directive will also force cyber-café owners to take a six-month course in order to learn how to 'monitor' their customers better." [7b]

- 6.09 As recorded by Reporters Without Frontiers in its Worldwide Press Freedom Index 2005, Vietnam was ranked 158 out of the 167 countries included in the index (one being the most free and 167 being the least free). [7c] In its 2006 World Report, Human Rights Watch stated that:

"There is no independent, privately-run media in Vietnam. Domestic newspapers and television and radio stations remain under strict government control, and direct criticism of the Communist Party is forbidden... The government attempts to control public access to the Internet and blocks websites considered objectionable or politically sensitive. In May 2005, the government blocked the Vietnamese-language website of the British Broadcasting Corporation. A government directive issued in July 2005 prohibits Internet use by 'reactionary and hostile forces.' In 2004, the Ministry of Public Security established an office to monitor the Internet for unauthorized use and 'criminal' content, including disseminating 'state secrets.' A January 2004 government directive requires Internet café owners to monitor customers' email messages and block access to banned websites. Several dissidents have been imprisoned for alleged 'national security' crimes after using the Internet to disseminate views disliked by the government." [5a] (p1-2)

JOURNALISTS

- 6.10 The 2004 Annual Report of Reporters Without Frontiers documented various cases involving the imprisonment, physical attack and harassment of journalists. For example, "Dissident journalist Nguyen Dinh Huy was still in prison at the end of 2003. Detained since 17 November 1993, he was sentenced in April 1995 to 15 years in prison for trying to 'overthrow the

people's government' and for being a founder-member of the Movement for People's Unity and Building Democracy, which has campaigned for press freedom." [7a] (p2-3) As noted by the USSD Report 2005, Nguyen Dinh Huy was among those prisoners released in 2005 under the government's amnesty programme. [2a] (section 1e)

- 6.11 The 2004 Annual Report of Reporters Without Frontiers noted two directives issued by the Communist Party's political bureau, one of which described dissident journalists as "criminal spies." The report also stated that "The law allows the authorities to crack down on dissent and sustain a climate of fear for the journalists who work for the country's 500 or so newspapers and magazines." [7a] (p1)

FREEDOM OF RELIGION

- 6.12 In its International Religious Freedom Report (IRFR) 2005, published on 8 November 2005, the US State Department (USSD) noted that:

"Both the Constitution and law provide for freedom of worship; however, the Government continued to restrict organized activities of religious groups that it declared to be at variance with state laws and policies. The Government generally allowed persons to practice individual worship in the religion of their choice, but the country's legal framework governing religion requires that the Government officially sanction the organization and activities of all religious denominations." [2b] (p1)

- 6.13 The USSD's IRFR 2005 recorded that registration issues were at the fore of most disputes between (unofficial) religious groups and the government. The withholding of official recognition of religious bodies is one of the means by which the government actively restricts religious activities. [2b] (section II) As reported by the same source, the government officially recognises the following six religions:

- 1) Buddhist – 10 to 40 million adherents
- 2) Catholic – 6 to 8 million adherents
- 3) Protestant – 0.5 to 1.6 million adherents
- 4) Muslim – 65,000 adherents
- 5) Hoa Hao – 1.6 to 3 million adherents
- 6) Cao Dai – 2.4 to 4 million adherents. [2b] (section I)

- 6.14 On 18 June 2004, the government issued an Ordinance on Religion, to take effect on 15 November 2004. [17c] On 2 July 2004, Asia News criticised the new Ordinance, stating that "The newly adopted bill in fact outlaws spreading religion in ways contrary to existing laws. People in prison for example are not allowed to preside over religious ceremonies. In addition, the bill requires stricter terms and conditions for registering religious organisations and associations". [28]

- 6.15 The USSD's IRFR 2005 recorded that:

"The Ordinance serves as the primary document governing religious practice in Vietnam. It reiterates citizens' rights to freedom of belief, religion, and freedom not to follow a religion, and it states that violations of these freedoms are prohibited. However, it advises that 'abuse' of freedom of belief or religion 'to undermine the country's peace, independence, and unity' is illegal and 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. Among its provisions are that religious denominations must be officially recognized by the national-level Government, that individual religious congregations must be recognized by appropriate lower-level authorities, and that the establishment of seminaries and enrollment of classes must 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 liberalizes government oversight of religion to some extent. For example, religious organizations are only required to inform appropriate authorities of their annual activities or the promotion 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 healthcare and education, which was limited in the past." [2b] (section II)

6.16 The same source continued:

"On March 1 [2005], the Government issued an implementing decree that provided further guidance on the Ordinance on Religion and Belief. As in the ordinance, the decree explicitly bans forced renunciations of faith. It also delineates specific procedures by which an unrecognized religious organization can register its places of worship, its clerics, and its activities, and thus operate openly. It further provides procedures for these groups to apply for official recognition from the Government to gain additional rights. The decree specifies that a religious organization must have 20 years of 'stable religious operation' in the country in order to be recognized by the Government. It states that past operation in the country, even prior to registration, can be counted toward the 20-year requirement. It further sets 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 application that is rejected." [2b] (section II)

6.17 Citing an article by Forum 18 on 14 July 2005, the website of World Wide Religious News, accessed on 28 February 2006, stated that:

"Despite three new legal documents on religion since last November, government harassment of religious communities has not eased... A comparison of the situation five years ago and today shows no change in the fundamental causes of persecution: the restrictions on unregistered religious activity, the interference in the activity of registered religious communities and the lack of a transparent line of command from the central government to local officials which allows local violations to continue. If religious freedom is to improve, these three causes of persecution will be crucial benchmarks of change. Over the past year, Vietnam has implemented three new legal documents on religion: a new ordinance on religious affairs and two prime ministerial decrees on how that ordinance should be implemented. The ordinance officially went into effect in November 2004 and ostensibly replaced the 1999 prime ministerial decree as the controlling government document on religion – hence the ordinance's importance. This piece of legislation, along with the two implementation decrees – one of which specifically addresses Protestant Christian issues – was hailed by Vietnamese officials as an indication that their government was taking greater strides toward protecting

people's right to 'believe or not believe' in religion. Yet, during this 12-month period, the government continued to violate religious freedom." [27] (p1-2)

- 6.18 As noted by Christian Solidarity Worldwide in November 2005:

"In the wake of the introduction of three legal documents concerning religious freedom, and the signature of an agreement between the Socialist Republic of Vietnam and the United States on 5 May 2005 with respect to issues of religious liberty, it had been hoped that the situation of religious freedom in Vietnam might benefit from clear improvements. Unfortunately, however, there has been little change in the experiences of Christian communities and their treatment by the Vietnamese authorities. Furthermore, the ambiguities entailed in the legal documents introduced during the past year severely restrict their efficacy in creating more favourable conditions for religious activities. One commentator has suggested that the persecution of religious communities is rooted in three fundamental causes: the restrictions on unregistered religious activity, the interference in the activity of registered religious communities and the lack of a transparent line of command from the central government to local officials, which allows local violations to continue unpunished." [20] (p3)

RELIGIOUS GROUPS

BUDDHISTS

- 6.19 As noted by the USSD's IRFR 2005, some estimates suggest that over half the population of Vietnam, that is more than 40 million people, are at least nominally Buddhist, with many of them practising a mixture of traditional faiths of which Buddhism is only one component. The same report stated that only about 30 per cent of Buddhists are believed to be practising their faith regularly, with official figures much lower, at about 12 per cent. [2b] (section I)

- 6.20 Amnesty International's (AI) Annual Report 2005 (covering events from January to December 2004) recorded that:

"Members of unauthorized religious denominations continued to face repression including harassment, forced renunciation of their faith, administrative detention and imprisonment. Members of the Unified Buddhist Church of Vietnam (UBCV) faced particularly harsh treatment and their leadership remained under house arrest... Thich Tri Luc, a UBCV monk, was tried in March and sentenced to 20 months' imprisonment on charges of having 'distorted the government's policies on national unity and contacted hostile groups to undermine the government's internal security and foreign affairs'. He was released in late March having already spent 20 months in pre-trial detention, and gained asylum in Sweden. He had been recognized as a refugee by the UN High Commissioner for Refugees in Cambodia in 2002, but was abducted from Cambodia by Vietnamese agents and held for almost a year incommunicado before his trial. On his release, Thich Tri Luc confirmed both the Vietnamese and Cambodian authorities' role and collusion in his abduction." [3a] (p2)

- 6.21 The USSD's IRFR 2005 recorded that the government continued to ban and actively discourage participation in what it regards as illegal religious groups, including the UBCV. The report noted further that "The Government requires all Buddhist monks to be approved by and work under the officially recognized

Buddhist organization, the Vietnam Buddhist Sangha (VBS). The Government influenced the selection of the leadership of the VBS, excluding many leaders and supporters of the pre-1975 UBCV organization.” [2b] (section II) The same report stated further that:

“The Government continued to oppose efforts by the unrecognized UBCV to operate independently. In 2003, senior monks of the UBCV held an organizational meeting without government permission at a monastery in Binh Dinh Province. Subsequent to the meeting, four leading monks of the church were detained and sentenced without trial to 2 years’ ‘administrative detention’ in their respective pagodas. Authorities have not provided them with a written decision of their administrative detention, despite the legal requirement to do so. Many other leading UBCV members have been placed under conditions similar to administrative probation and, in some cases, effectively under ‘house arrest,’ despite the lack of any charges against them. Patriarch Thich Huyen Quang and deputy leader Thich Quang Do have been placed under similar restrictions, although the Government did not appear to be investigating its allegations of ‘possession of state secrets’ against them. In November 2004, Thich Quang Do attempted to travel to Quy Nhon Province to visit Thich Huyen Quang, who was hospitalized at that time. Thich Quang Do was blocked from doing so and was returned to his pagoda in Ho Chi Minh City under police escort. In June 2005, a group of UBCV monks attempted to visit Thich Huyen Quang in his pagoda but were prevented by police from doing so.” [2b] (section II)

6.22 In its 2006 World Report, Human Rights Watch stated that:

“One monk from the banned Unified Buddhist Church of Vietnam (UBCV), Thich Thien Mien, was released from prison in 2005. However the government continues to persecute UBCV members and withhold any recognition of this group, once the largest organization of Buddhists (the majority religion) in the country. The UBCV’s Supreme Patriarch, Thich Huyen Quang, and its second-ranking leader, Thich Quang Do, have been confined without charges to their monasteries for years, under police surveillance. The Foreign Ministry restricts visitors to the monks, including diplomats and journalists, on grounds they are under investigation for possession of ‘state secrets.’” [5a] (p3)

HOA HAO

6.23 As noted by the USSD’s IRFR 2005, the government officially recognises one Hoa Hao organisation. [2b] (section I) However, the same report noted that many believers do not recognise or participate in the government-approved organisation. Their activities are considered illegal by the authorities and they sometimes experience harassment or repression as a result. [2b] (section II) The USSD’s IRFR 2005 stated further that:

“The Hoa Hao branch of Buddhism was founded in the southern part of the country in 1939. Hoa Hao is largely a quietist faith [sic], emphasizing private acts of worship and devotion; it does not have a priesthood and rejects many of the ceremonial aspects of mainstream Buddhism. According to the Government, there are 1.6 million Hoa Hao followers; affiliated expatriate groups estimate that there may be up to 3 million followers. Hoa Hao followers are concentrated in the Mekong Delta, particularly in provinces such as An Giang, where the Hoa Hao were dominant as a political and military as well as a religious force before 1975... The government-recognized Hoa Hao

Administrative Committee was organized in 1999. Many Hoa Hao follow other sects that do not have official recognition.” [2b] (section I)

6.24 The USSD’s IRFR 2005 also recorded that:

“The Hoa Hao have faced some restrictions on their religious and political activities since 1975, in part because of their previous armed opposition to the communist forces. 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 Executive Committee. They claimed that the committee was subservient to the Government and demanded official recognition instead of their own Hoa Hao body, the Hoa Hao Central Buddhist Church (HHCBC).” [2b] (section II)

6.25 The same report continued:

“Although still unregistered, on May 4, 2005, the HHCBC held an organizational meeting that was attended by 126 delegates from across the southern part of the country. However, it was not allowed to celebrate the religion’s ‘Foundation Day’ on June 24. Two members of the HHCBC, Tran Van Thang and Tran Van Hoang, were arrested on February 25, 2005, and sentenced to 6 and 9 months’ imprisonment respectively for unauthorized distribution of audio cassettes and DVDs containing teachings of HHCBC leaders. Another Hoa Hao member, Bui Tan Nha, has been imprisoned since 1997, reportedly for reasons connected to his faith. Several leaders of the HHCBC have complained of police surveillance. The Government continued to restrict the number of clergy that the Hoa Hao can train.” [2b] (section II)

6.26 In its 2006 World Report, Human Rights Watch stated that:

“Members of the Hoa Hao sect of Buddhism, while officially recognized by the government, have also been subject to police harassment and surveillance. Two members were arrested in February 2005 for making religious videotapes. In May and June 2005, police disrupted Hoa Hao Buddhist ceremonies and funeral gatherings, reportedly destroying religious banners and an altar. In June 2005 Hoa Hao Buddhists announced a hunger strike to protest lack of government response to a complaint submitted by 500 followers that they were ‘terrorized and oppressed’ by authorities in An Giang. Two Hoa Hao Buddhists, Vo Van Buu and Tran Van Ut, self-immolated on August 5, 2005, in protest against suppression of their religion and detention of their leaders. Police reportedly used tear gas and water cannons to disperse funeral proceedings for the two, attended by thousands of followers. The Foreign Ministry called Tran Van Ut’s immolation ‘an extremist act of destroying himself.’ In September 2005, Hoa Hao monk Vo Van Thanh Liem, who had submitted written testimony on human rights in Vietnam for a June 2005 U.S. congressional hearing, was sentenced to nine years of imprisonment. At least six other Hoa Hao members were sentenced to prison during 2005.” [5a] (p3)

CATHOLICS

6.27 As documented by the USSD's IRFR 2005, up to 8 million people in Vietnam are Roman Catholic. The same report stated that Catholics live throughout the country, but the largest concentrations remain in the southern provinces around HCMC, in parts of the Central Highlands and in the provinces southeast of Hanoi. [2b] (section I) The USSD's IRFR 2005 noted further that "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 is involved in supporting HIV/AIDS hospices and treatment centers and providing counseling to young persons... Charitable activities by the Catholic Church are much more restricted in northern Vietnam." [2b] (section II)

6.28 The USSD's IRFR 2005 also recorded that while the Catholic Church hierarchy remained somewhat frustrated by government restrictions, a number of clergy reported continued easing of government control over church activities in certain dioceses. However, the report stated further that:

"The Catholic Church continued to face restrictions on the training and ordination of priests and the naming of bishops. The Government effectively maintains veto power over Vatican appointments of bishops; however, in practice it has sought to cooperate with the Church in nominations for appointment. The Vatican and the Government reached agreement on mutually acceptable candidates, and all bishoprics were filled in 2004. The Catholic Church operates 6 seminaries in the country with over 800 students enrolled, as well as a new special training program for 'older' students. All students must be approved by local authorities for enrolling in seminary and again prior to their ordination as priests. The Church believes that the number of students being ordained is insufficient to support the growing Catholic population and has indicated it would like to open additional seminaries and enroll new classes more frequently." [2b] (section II)

6.29 Citing an article by Forum 18 on 14 July 2005, the website of World Wide Religious News, accessed on 28 February 2006, stated that "Relations between the Catholic Church and the government remain tense as the communist regime continues to interfere in the training, appointment and assignment of priests." [27] (p2) However, as noted by the Economist Intelligence Unit's (EIU) Country Report for Vietnam in January 2006:

"The government has been making efforts to prove that there is growing religious freedom in the country. As a sign of this, relations between Vietnam and the Roman Catholic church are improving, a trend that was highlighted by the visit to Vietnam of Cardinal Crescenzo Sepe, Prefect of the Congregation for the Evangelisation of the Peoples of the Vatican, in December [2005]. The government has been relaxing its oversight of religious organisations, and during his visit Cardinal Sepe ordained 57 priests and set up a new diocese in Ba Ria/Vung Tau. There are an estimated 6m Roman Catholics in Vietnam, constituting about 7% of the total population. Closer relations with the Vatican, however, should not be interpreted as representing a reorientation of diplomacy; it is more a reflection of the fact that Vietnam continues to strengthen its ties with states of all stripes, guided largely by pragmatism." [15a] (p15)

PROTESTANTS

6.30 As recorded by the USSD's IRFR 2005:

"There are estimates that the growth of Protestant believers has been as much as 600 percent over the past decade, despite government restrictions on proselytizing activities. Many of these persons belong to unregistered evangelical house churches. Based on believers' estimates, two-thirds of Protestants are members of ethnic minorities, including Hmong, Thai, and other minority groups in the Northwest Highlands, and members of ethnic minority groups of the Central Highlands (Ede, Jarai, Bahnar, and Koho, among others)." [2b] (section I)

6.31 The report also stated that "Many of the hundreds of Protestant house churches in the Central Highlands that had been ordered to shut down in 2001 were able quietly to resume operations, although most had not yet sought or received official registration. Local officials in Dak Lak continued to block the opening and operation of house churches in that province. There were reports that officials pressured ethnic minority Protestants to recant their faith, but the frequency of such reports was less than in previous years." [2b] (p1) As reported by the same source:

"On February 4 [2005], the Prime Minister issued the 'Instruction on Some Tasks Regarding Protestantism.' The instruction calls upon authorities to facilitate the requests of recognized Protestant denominations to construct churches and train and appoint pastors. Further, the instruction directs authorities to help unrecognized denominations register their congregations with authorities so that they can practice openly and move towards fulfilling the criteria required for full recognition. Addressing the Central and Northwest Highlands, the instruction guides authorities to help groups of Protestant believers 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 allows 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)

6.32 The report stated further that:

"The constitutional right of freedom of belief and religion is interpreted and enforced unevenly. In some areas, local officials allow relatively wide latitude to believers; in other provinces, members of nonrecognized religious groups sometimes undergo significant harassment or repression and are subject to the whims and prejudices of local officials. This was true particularly for Protestants in the Central and Northwest Highlands. Subsequent to the issuance of the new legal framework governing religion during this reporting period, 16 new churches were opened in the Central Highlands. At the end of the reporting period, local and, in some areas, provincial authorities were engaged in discussions with religious leaders about registering house churches or recognizing new official congregations." [2b] (section II)

6.33 Amnesty International's (AI) Annual Report 2005 (covering events from January to December 2004) recorded that "Members of evangelical protestant churches (also) faced harassment. Mennonite pastor and human rights activist Nguyen

Hong Quang was arrested and sentenced to three years' imprisonment in November. Pastor Quang had been outspoken about the situation of religious freedoms in the Central Highlands for ethnic minority groups, and had defended farmers in land rights cases." [3a] (p2) The website of International Christian Concern, accessed on 16 February 2006, cited an article by BosNewsLife regarding the detention of six Mennonite church leaders following a wave of arrests in March 2004. [10] As noted by the USSD Report 2005, Nguyen Hong Quang was among those prisoners released in 2005 under the government's amnesty programme. [2a] (section 1e)

See also Section 6.B: [Montagnards](#)

CAO DAI

- 6.34 As documented by the USSD's IRFR 2005, Cao Dai followers make up 1.5 to 3 per cent of the population, and the government officially recognises several Cao Dai organisations. [2b] (section I) The same report stated that:

"The Cao Dai religion was founded in 1926 in the southern part of the country. Official government statistics put the number of Cao Dai at 2.4 million, although Cao Dai officials routinely claim as many as 4 million adherents. Cao Dai groups are most active in Tay Ninh Province, where the Cao Dai 'Holy See' is located, and in Ho Chi Minh City and the Mekong Delta. There are 13 separate groups within the Cao Dai religion; the largest is the Tay Ninh sect, which represents more than half of all Cao Dai believers. The Cao Dai religion is syncretistic, combining elements of many faiths. Its basic belief system is influenced strongly by Mahayana Buddhism, although it recognizes a diverse array of persons who have conveyed divine revelation, including Siddhartha, Jesus, Lao-Tse, Confucius, and Moses... A small Cao Dai organization, the Thien Tien branch, was formally recognized in 1995. The Tay Ninh Cao Dai branch was granted legal recognition in 1997." [2b] (section I)

- 6.35 As noted by the USSD's IRFR 2005, the government continued to ban and actively discourage participation in what it regards as illegal religious groups, including the unapproved Cao Dai groups. [2b] (section II) The same report stated further that:

"There are six different officially recognized branches of the Cao Dai Church, in southern Vietnam, as well as several others that remain unrecognized. These sects generally divide along geographic lines. The largest Cao Dai sect is based in Tay Ninh Province, where the religion was founded in 1926 and where the seat of Cao Dai authority is located. The Executive Council of the Tay Ninh Province Cao Dai received official government recognition in 1997. Independent Cao Dai groups allege that government interference has undermined the independence of the Tay Ninh group, and it no longer faithfully upholds Cao Dai principles and traditions. Religious training takes place at individual Cao Dai temples rather than at centralized schools; Cao Dai officials have indicated that they do not wish to open a seminary." [2b] (section II)

MUSLIMS

- 6.36 The USSD's IRFR 2005 recorded that Muslims make up 0.1 per cent of the population and that the government officially recognises one Muslim organisation. [2b] (section I) The Muslim Association of Vietnam is the only

registered Muslim organisation in the country, but its leaders state that they are able to practise their faith, including saying daily prayers, fasting during the month of Ramadan, and teaching the Koran. [2b] (section II)

6.37 The same report stated that:

“Mosques serving the country's small Muslim population, estimated at 65,000 persons, operate in western An Giang Province, Ho Chi Minh City, Hanoi, and provinces in the southern coastal part of the country. The Muslim community is composed mainly of ethnic Cham, although in Ho Chi Minh City and An Giang Province it includes some ethnic Vietnamese and migrants originally from Malaysia, Indonesia, and India. Approximately half of the Muslims in the country practice Sunni Islam... Approximately 50 percent of Muslims practice Bani Islam, a type of Islam unique to the ethnic Cham who live on the central coast of the country... Both groups of Muslims appear to be on cordial terms with the Government and are able to practice their faith freely.” [2b] (section I)

CHING HAI

6.38 The website of Ching Hai, accessed on 28 February 2006, indicates that the organisation 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). [23]

6.39 The Quan Yin Method requires two and a half hours of meditation per day and refraining from killing, lying, taking what is not offered, sexual misconduct, and the use of intoxicants. Followers are also supposed to be strict vegetarians. [23]

6.40 The website of Ching Hai also lists representatives of the cult around the world, many of them in the United States. No representatives are listed for Vietnam. [23]

FREEDOM OF ASSEMBLY AND ASSOCIATION

6.41 The US State Department (USSD) Report on Human Rights Practices in 2005, published on 8 March 2006, recorded that:

“The right of assembly is restricted in law, and the government restricted and monitored all forms of public protest or gathering. Persons wishing to gather in a group are required to apply for a permit, which local authorities can issue or deny arbitrarily. In general the government did not permit demonstrations that could be seen as having a political purpose. Persons routinely gathered in informal groups without government interference; however, the government restricted the right of some unregistered religious groups to gather in worship... The government restricted freedom of association. Opposition political parties were not permitted. 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 VFF [Vietnam Fatherland Front]. However, some entities, particularly unregistered religious groups, were able to operate outside of this framework with little or no government interference.” [2a] (section 2b)

- 6.42 In its 2006 World Report, Human Rights Watch stated that:

“Public demonstrations are extremely rare, especially after harsh government crackdowns against mass protests in the Central Highlands in 2001 and 2004. In March 2005, the prime minister signed Decree 38/1005/ND-CP, which stiffened restrictions on freedom of assembly. It 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 government permission in advance.” [5a] (p2)

POLITICAL ACTIVISTS

- 6.43 As noted by the CIA World Factbook 2005, accessed in February 2006, there are no recognised opposition parties or groups in Vietnam. [4] (p5) As documented by the USSD Report 2005, “The government continued to pressure, harass, and imprison persons for the peaceful expression of dissenting religious and political views.” It also noted that “There were no reliable estimates of the number of political prisoners, because the government usually did not publicize such arrests and sometimes conducted closed trials and sentencing sessions.” The same report went on to state that there were at least eight prisoners known to be held for political reasons. [2a] (section 1e)
- 6.44 The USSD Report 2005 also recorded that “The government claimed that it did not hold any political or religious prisoners; such persons were usually convicted of violating national security laws or general criminal laws. As with the general prison population, the government did not allow access by humanitarian organizations to political prisoners.” [2a] (section 1e)
- 6.45 In its Country Report for Vietnam, dated January 2006, the Economist Intelligence Unit (EIU) stated that:
- “In a move that was seen as reflecting a more tolerant line towards political dissent, in 2005 the government of Vietnam allowed a long-time democracy activist, Hoang Minh Chinh, who was director of the Marxist-Leninist Institute until 1967, to travel to the US for medical treatment. However, the more tolerant line quickly evaporated. In August [2005], while in the US, Mr Chinh criticised Vietnam’s poor record on human rights, at venues including Harvard University and before the International Relations Committee of the House of Representatives (the lower house of the US legislature). The Vietnamese press accused him of ‘treason to the nation’, and on his return to Vietnam in November [2005] he was faced with angry protesters in Ho Chi Minh City and again in the capital, Hanoi. Hanoi police claimed, implausibly, that the demonstration there was ‘a spontaneous show of the people’s discontent’ with the statements that Mr Chinh had made overseas. The incident illustrates the government’s hard line towards dissent, and possibly explains why the US is dragging its feet on negotiations with Vietnam over the latter’s efforts to join the World Trade Organisation (WTO).” [15a] (p15)
- 6.46 As noted by Freedom House in its report, Freedom in the World 2005, “(Nevertheless,) ordinary Vietnamese, particularly those living in major cities, are increasingly free of government intrusion into their daily lives. The regime continues to rely on informers, block wardens, and a household registration

system to keep tabs on individuals, but this surveillance is now directed mainly at known dissidents rather than the general population.” [29]

6.47 On 17 February 2005, Amnesty International (AI) reported that:

“Prisoner of conscience Dr Nguyen Dan Que was released on 2 February as part of an amnesty for over 8,000 prisoners to mark Tet, the Lunar New Year... Dr Nguyen Dan Que has spent 20 of the last 26 years in prison for criticizing Viet Nam’s human rights record. Most recently, he was arrested in March 2003 after issuing a statement asserting that there was no freedom of information in Viet Nam... After an unfair trial, he was sentenced to two and half years’ imprisonment on 29 July 2004 on charges of ‘abusing democratic rights to jeopardise the interests of the state, and the legitimate rights and interests of social organizations and citizens’. He was due to be released in September 2005. Some reports suggest that since his release Dr Que is once again under surveillance by the authorities.” [3c]

EMPLOYMENT RIGHTS

6.48 The USSD Report 2005 stated that “Workers are not free to join or form unions of their choosing. Trade unions are controlled by the CPV. All unions must be approved by and affiliated with the party-controlled Vietnam General Confederation of Labor (VGCL).” As noted by the same report, the government generally tolerated strikes even when they failed to follow the legal framework. [2a] (section 6a)

CHILD LABOUR

6.49 As documented by the USSD Report 2005, child workers are defined as workers under the age of 18 years. The same report also noted that while child labour is technically illegal, exceptions apply for certain groups aged between 15 and 18 years, while rural areas have high rates of child labour due to the need for agricultural workers. [2a] (section 6d)

PEOPLE TRAFFICKING

6.50 The USSD Report 2005 recorded that “The penal code prohibits trafficking in women and children; however, trafficking in women and children for the purpose of sexual exploitation remained a serious problem. There were no known cases of trafficking in adult persons for labor during the year [2005]. While reliable statistics on the number of citizens who were victims of sex-related trafficking were not available, there was evidence that the number has grown in recent years.” [2a] (section 5)

6.51 The same report noted that “The country was a source for trafficking in persons. Women were trafficked primarily to Cambodia and China for sexual exploitation and arranged marriages.” The report continued, “Poor women and teenage girls, especially those from rural areas, were most at risk for being trafficked. MPS [Ministry of Public Security] and UNICEF research indicated that trafficking victims can come from any part of the country but were concentrated in certain northern and southern border provinces as well as the central province of Thanh Hoa. Some were sold by their families as domestic workers or for sexual exploitation.” [2a] (section 5)

- 6.52 As noted by the US State Department's Trafficking in Persons Report 2005, published on 3 June 2005:

"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. In July 2004, the government issued a national action plan to combat trafficking for commercial sexual exploitation, as well as a five-year national program for addressing all aspects of Vietnam's anti-trafficking efforts including prevention, prosecution, and protection. In addition to implementing strategies to address trafficking for sexual exploitation, the government took steps to provide greater protection for Vietnamese workers sent abroad by labor export companies. It continued to engage neighboring governments to combat trafficking and cooperated on the repatriation of victims and other cross-border issues." [2c]

- 6.53 The report stated further that:

"While the Vietnamese Government did not implement specific anti-trafficking awareness campaigns in 2004, it raised the issue of trafficking in combination with other information and education programs. In 2004, it cooperated with the Chinese Government and UNICEF on a mass communications effort to educate the public and local government leaders on trafficking. The year long campaign included workshops on local laws regarding the commercial sexual exploitation of women and children and training on how to counsel trafficking victims." [2c]

- 6.54 The same report also recorded that:

"In 2004, the government continued its anti-trafficking law enforcement efforts, actively investigating trafficking cases, and prosecuting and convicting traffickers. Vietnam has a statute that prohibits commercial sexual exploitation and the trafficking of women and children with penalties ranging up to 20 years' imprisonment. Trafficking for the purpose of labor exploitation is covered under Vietnam's Penal Code. Over the past year, the government's crime statistics office reported 142 prosecutions and 110 convictions specifically related to trafficking in women and children. While some local government officials reportedly profited from trafficking, there were no reported prosecutions of officials for complicity in trafficking. The government does not effectively control its long and porous borders." [2c]

FREEDOM OF MOVEMENT

HOUSEHOLD REGISTRATION (HO KHAU)

- 6.55 The USSD Report 2005 noted that the Constitution provides for freedom of movement and of residence within the country but that the government imposed some limits on freedom of movement. The report stated further that:

"By law citizens had to obtain permission to change their residence. However, in practice many persons continued to move without approval, especially migrant or itinerant laborers moving from rural areas to cities in search of work. Moving without permission hampered persons in obtaining legal residence permits... 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 Northwest Highlands.” [2a] (section 2d)

- 6.56 As recorded by the US State Department’s Bureau of Consular Affairs on 24 August 2004, “Every person residing in Vietnam must be listed on a household registry (ho khau), maintained by the Public Security Bureau.” [2d] (p5) 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]
- 6.57 The USSD Report 2005 recorded that “Household registration and block warden systems existed for the surveillance of all citizens but usually did not intrude on most citizens. Authorities focused on persons whom they regarded as having dissenting views or whom they suspected of involvement in unauthorized political or religious activities.” [2a] (section 1f)
- 6.58 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]
- 6.59 The same source stated further that “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]

IDENTITY CARDS

- 6.60 As noted by the US State Department’s International Religious Freedom Report (IRFR) 2005, published on 8 November 2005, citizens carry a national identity card, on which is indicated their religious affiliation (if this is one of the six officially recognised religions). The same report stated further that “In practice, many citizens who consider themselves religious do not indicate this on their identification card, and government statistics list them as non-religious. There are no formal prohibitions on changing one’s religion. While it is possible to change the entry for religion on national identification cards, many converts may find the procedures overly cumbersome or fear government retribution.” [2b] (section II)

See also Section 6.A: Freedom of religion

FRAUDULENT DOCUMENTS

- 6.61 As noted by the US State Department’s Bureau of Consular Affairs on 24 August 2004, “Vietnam has no central recorded system... Fraudulent civil documents are common in Vietnam and it has been relatively easy to establish false identities both before and after 1975”. [2d] (p2-3) The same source noted on 9 March 2006 that:

“Document fraud is widespread in Vietnam. Fraud is not limited to fake documents produced by other than the authorized civil authority. A document

may be legal, in the sense that the appropriate Vietnamese government office has issued it and it is in the correct format, but still be fraudulent because it contains false information. Vietnamese regulations regarding civil documentation are frequently not followed. For instance, births are supposed to be registered within 30 days and in a prescribed format, but late registrations and non-standard, unofficial 'birth certificates' created by orphanages are common. Death certificates, such as for a child's biological parent(s), may prove even more difficult to verify, since there is no standard format and the cause of death listed on Vietnamese death certificates is often very vague. Moreover, the format of all official documents, with the exception of birth certificates, varies widely from province to province." [2e] (p3)

PASSPORTS

- 6.62 The USSD Report 2005 recorded that "Citizens' access to passports sometimes was constrained by factors such as bribery and corruption. Refugee and immigrant visa applicants sometimes encountered local officials who arbitrarily delayed or denied passport issuance based on personal animosities, on the officials' perception that an applicant did not meet program criteria, or to extort a bribe." [2a] (section 2d)
- 6.63 On 16 October 2001, the Canadian IRB recorded that for a Vietnamese citizen to secure a passport within Vietnam, applicants must submit the following documents:
- 1) Birth certificate
 - 2) Household registration document (ho khau)
 - 3) Government-issued ID card
 - 4) Letter of introduction for a passport, if applicable. [6e]
- 6.64 As noted by the same source, a representative of the Vietnamese Embassy in Ottawa stated that a certificate of police clearance is not required from Vietnamese citizens to obtain a passport in Vietnam. [6e]
- 6.65 A Vietnamese human rights activist contacted by the Canadian IRB in August 2000 stated that it was relatively easy even for dissidents to obtain a Vietnamese passport for the purposes leaving Vietnam. However, the same source stated that dissidents living abroad may experience problems if applying for a visa to re-enter Vietnam. The same source also knew of cases where people openly opposed to the regime had 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]
- 6.66 As recorded by the USSD Report 2005, "Although the government no longer required citizens traveling abroad to obtain exit or reentry visas, the government sometimes refused to issue passports. In the past the government did not allow some persons who publicly or privately expressed critical opinions on religious or political issues to travel abroad." [2a] (section 2d)
- 6.67 As recorded in a report by the Canadian IRB, dated 16 October 2001, recently expired Vietnamese passports may be renewed abroad at consular offices. In Canada, the Embassy of Vietnam requires the expired passport, two photos and, if applicable, the applicant's landed immigrant certificate. [6d]

6.68 As noted by the US State Department's Bureau of Consular Affairs on 24 August 2004, there are two types of standard Vietnamese passports:

- 1) The Socialist Republic of Vietnam (SRV) passport (ho chieu or giay ho chieu). SRV regulations effective from 26 November 1997 abolished exit and entry permits in Vietnamese passports.
- 2) A laissez-passer (giay thong hanh or giay xuat canh) permitting only exit from Vietnam. [2d] (p5-6)

6.69 The same source stated that:

"Passports are generally valid for five years and are made of blue plastic-laminated paper with gilt print on the cover. Official passports are dark green, while diplomatic passports are maroon. The bearer's photo is on an inside page, with a dry impression seal and sometimes a clear plastic laminate over the photo. The issuance page shows the name stamp and 'stamp of office' of one of several issuing authorities." [2d] (p6)

RETURNEES

6.70 The USSD Report 2005 recorded that:

"The government generally permitted citizens who had emigrated abroad to return to visit. By law the government considers anyone born in the country to be a citizen, even if the person has acquired another country's citizenship, unless a formal renunciation of citizenship has been approved by the president. However, in practice the government usually treated overseas Vietnamese as citizens of their adopted country. Emigrants were not permitted to use Vietnamese passports after they acquired other citizenship. The government generally encouraged visitation by such persons but sometimes monitored them carefully." [2a] (section 2d)

6.71 On 10 February 2004, the Canadian IRB recorded that:

"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.)." [6h]

See also Section 6.B: [Montagnards](#)

[Back to contents](#)

[Go to list of sources](#)

6.B HUMAN RIGHTS – SPECIFIC GROUPS

ETHNIC GROUPS

- 6.72 As recorded by the Economist Intelligence Unit's (EIU) Country Profile for Vietnam in 2005, "Almost one in six Vietnamese comes from a minority ethnic group. These groups are disproportionately concentrated in the poorer and more remote parts of the country... Many ethnic minority people do not speak Vietnamese, especially in the more remote mountainous areas, and thus remain outside the economic and social mainstream." [15b] (p7&16)
- 6.73 Ethnologue.com, a website specialising in languages of the world, accessed in February 2006, stated that there are 54 official ethnic communities within Vietnam. [24] (p1) The website of the Vietnam National Administration of Tourism, accessed in February 2006, also provides information on these ethnic communities. [17d] The World Directory of Minorities (1997) noted that there are essentially three main groupings within the 54 communities:
- 1) Indigenous groups living in the central and other highlands
 - 2) Non-indigenous Chinese communities
 - 3) Khmer groups of the Mekong Delta area. [18] (p648-649)
- 6.74 As recorded by the US State Department's International Religious Freedom Report (IRFR) 2005, published on 8 November 2005, many members of ethnic minority groups are also members of unregistered religious groups. [2b] (p1)

See Section 6.A: Religious groups

- 6.75 The USSD Report 2005 noted that "Although the government officially was opposed to discrimination against ethnic minorities, longstanding societal discrimination against ethnic minorities remained a widespread problem." [2a] (section 5) The report stated further that:

"The government continued to implement policies to narrow the gap in the standard of living by granting preferential treatment to domestic and foreign companies that invested in highland areas. The government also had infrastructure development programs that targeted poor, largely ethnic minority areas and established agricultural extension programs for remote rural areas. The government ran special schools for ethnic minorities in many provinces, including subsidized boarding schools at the high-school and middle-school levels, and it offered special admission and preparatory programs as well as scholarships and preferential admissions at the university level." [2a] (section 5)

- 6.76 The same report stated that:

"The government resettled some ethnic minorities from inaccessible areas to locations where basic services were easier to provide; however, the resettlement sometimes diluted political and social solidarity of these groups. The government acknowledged that one of the goals of resettlement was to persuade the minorities to change from traditional slash-and-burn agricultural methods to sedentary agriculture. This also had the effect of making more land available to ethnic majority Kinh migrants and state-owned plantations the mountainous areas [sic]. In August 2004 the government announced a suspension of state-sponsored migration programs to bring settlers to the Central Highlands and vowed to discourage spontaneous migration into the area. Large-scale migration of ethnic Kinh to the Central Highlands in past years led to numerous land disputes between ethnic minority households and

ethnic Kinh migrants. The loss (often through sales) of traditional ethnic minority lands to Kinh migrants was an important factor behind the ethnic unrest in the Central Highlands in 2001 and again in 2004.” [2a] (section 5)

6.77 The USSD Report 2005 also stated that:

“The government continued a program to begin conducting classes in some local ethnic minority languages up to the fifth grade. The government worked with local officials to develop a local language curriculum. The government appeared to implement this program more comprehensively in the Central Highlands than in the mountainous northern and northwestern provinces. The government broadcast radio and television programming in ethnic minority languages in some areas. The government also instructed ethnic Kinh officials to learn the language of the locality in which they worked; however, implementation was not widespread. 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.” [2a] (section 5)

CHINESE (HOA)

6.78 As noted by the World Directory of Minorities (1997), the Chinese are known as the Hoa – not to be confused with the Buddhist group Hoa Hao (**See Section 6.A: Hoa Hao**). [18] (p649) The World Directory of Minorities (1997) also recorded that “The majority of ethnic Chinese today live in the south and still suffer from low-level discrimination, mainly due to fear that they might dominate the economy again.” [18] (p649) The Economist Intelligence Unit’s (EIU) Country Profile for Vietnam in 2005 stated that:

“The once sizeable ethnic Chinese community was depleted after many left Vietnam, often as ‘boat people’, when the government closed down private businesses in the south in 1978. The 1989 census counted 962,000 Chinese, but the figure is now estimated to be more than 1.5m. A large proportion of the inflow of remittances, estimated at close to US\$2bn a year, originates from the overseas Chinese. The Chinese business community remains vibrant, particularly in and around Ho Chi Minh City. There is a high rate of intermarriage, with 30% of Chinese marrying a non-Chinese partner.” [15b] (p17)

6.79 A report by the Canadian IRB, dated 26 April 2002, noted that:

“The Minorities at Risk Project stated the following in its 15 September 1999 report on the Chinese in Vietnam: Since the early 1980s, the political, economic, and cultural status of the ethnic Chinese living in Vietnam has progressively improved. Efforts to reform and liberalize the economy have allowed the Hoa to reassert their dominant role in the economic arena. One report indicates that the Chinese in Ho Chi Minh City, the country’s economic center, now control up to 50% of local commercial activities. Hanoi has supported the economic efforts of the ethnic Chinese in part to improve the country’s economy but also as an avenue to promote foreign investment. The ethnic Chinese appear to be a bridge between the Hanoi government and overseas Chinese investors in China, Taiwan, Hong Kong, and Singapore.” [6f]

6.80 The same source stated that “While the Chinese remain underrepresented in the political arena, all restrictions on their participation were officially lifted in the

mid-1990s. The ethnic Chinese are referred to as Vietnamese citizens who possess the same rights and duties guaranteed to all citizens. In the cultural arena, government and private efforts have been undertaken to promote the use of Mandarin in schools and the development of a Chinese curriculum.” [6f]

- 6.81 In its World Refugee Survey 2004, the US Committee for Refugees and Immigrants reported that at the end of 2003 some 3,000 ethnic Chinese resided in four refugee camps established in 1979 by the UN High Commissioner for Refugees (UNHCR) in Binh Duong and Binh Phuoc provinces and in Ho Chi Minh City. These refugees had arrived from Cambodia in the late 1970s and early 1980s and are considered by the Vietnamese government as Cambodians who are temporarily working and living in Vietnam. As reported by the same source, “Although the government allows the ethnic Chinese refugees living in the camps to travel anywhere in the country to work, the refugees must obtain permits from the local authorities each time they leave the camps.” [21]

HMONG

- 6.82 The USSD Report 2005 recorded that “Hmong Protestants in the northwest provinces were (also) subject to special attention and occasional harassment for practicing their religion without official approval.” [2a] (section 5) In its 2006 World Report, Human Rights Watch stated that:

“Ethnic Hmong Christians in the northwest and Hre Christians in Quang Nai province have been beaten, detained, and pressured by local authorities to renounce their religion and cease religious gatherings. In February and March 2005, religious repression and a heightened military presence in Lai Chau province caused a number of Hmong Christian families to flee to neighboring China, Burma, and Laos. In March 2005, officials in Dien Bien province launched an official four-month campaign to eradicate Protestantism amongst the Hmong.” [5a] (p2)

See also Section 6.A: Protestants

MONTAGNARDS

- 6.83 The Montagnards is the collective term used for a number of ethnic minorities that inhabit the Central Highlands of Vietnam. The Economist Intelligence Unit’s (EIU) Country Profile for Vietnam in 2005 stated that “Riots in the Central Highlands in February 2001, mainly over loss of traditional lands and government intolerance of religious activities, led the administration to pay more attention to the problems of ethnic minorities. However, its efforts were not enough to prevent a repetition of demonstrations in April 2004.” [15b] (p7)
- 6.84 In a report dated January 2005, Human Rights Watch recorded numerous arrests of Montagnards following the April 2004 demonstrations, as well as the risks faced by those who sought to flee to neighbouring Cambodia. [5b] The USSD Report 2005 noted that:

“In April 2004 ethnic minorities protested in numerous locations in the central highlands provinces of Dak Nong, Dak Lak, and Gia Lai. In a number of cases, police reportedly responded by beating and firing upon demonstrators. The government reported the deaths of three protesters, allegedly all at the hands of other demonstrators. Credible estimates put the number of protesters killed by

police at 10 to 12; some international organizations alleged that the figures were much higher. Following the protests, the government increased efforts to provide development assistance to ethnic minority areas in the Central Highlands.” [2a] (section 1a)

6.85 The same source recorded that:

“Some members of ethnic minority groups continued to flee to Cambodia, reportedly to seek greater economic opportunity as well as to escape ethnic and religious pressures in the Central Highlands. Government officials continued to monitor some highland minorities closely, particularly several ethnic groups in the Central Highlands, because of concern that the form of Protestant religion they were practicing encouraged ethnic minority separatism... The government continued to impose extra security measures in the Central Highlands, especially after the April 2004 demonstrations. There were numerous reports that ethnic minorities seeking to cross into Cambodia were returned to the country by Vietnamese police operating on both sides of the border, sometimes followed by beatings and detentions; however, the government also continued to implement measures to address the causes of ethnic minority discontent and initiate new measures as well. These included special programs to improve education and health facilities and 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; however, there were complaints that implementation of these special programs was uneven.” [2a] (section 5)

6.86 In its Country Report for Vietnam dated January 2006, the Economist Intelligence Unit (EIU) stated that:

“In a clear attempt to support the development of national unity the government is paying increasing attention to the problems of economic development in the poorer parts of the country. These areas include the Central Highlands and the relatively inaccessible Northern Uplands, both regions with large populations of ethnic-minority people who have increasingly been left behind in the course of the country’s economic development. In October [2005] Mr Khai [Vietnam’s Prime Minister] requested ministries and other agencies to implement policies ‘to support the lives of ethnic-minority people.’” [15a] (p15)

6.87 In its 2005 Country Profile on Vietnam, the EIU stated that:

“In April 2005 Vietnam, Cambodia and the UN Refugees Agency (UNHCR) reached an agreement to repatriate illegal Vietnamese migrants currently in Cambodia. The migrants in question are members of ethnic minorities who fled into Cambodia from the Central Highlands after anti-government protests in February 2001 and April 2004. A group of 75 migrants have been denied refugee status by the UNHCR and are to return to Vietnam promptly. Vietnam has said that those returning will be properly treated. A UN official who visited the Central Highlands in May [2005] and met with 35 people who had returned earlier found ‘no evidence of harassment or mistreatment’.” [15b] (p14)

6.88 The website of the United Nations High Commissioner for Refugees (UNHCR), accessed in February 2006, stated that:

“A UNHCR international monitoring mission to Viet Nam’s central highlands [in August 2005] has found some of the Montagnards who recently returned or were deported from Cambodia, doing well at home – receiving assistance, job offers and training... ‘There seems to have been a genuine and positive attempt by the authorities to provide assistance to the returnees – such as kerosene, rice, salt and seedlings, as well as offering them jobs or vocational training to help them reintegrate,’ said the UNHCR official... The overall impression of the mission was that the visited Montagnards, an ethnic minority in Viet Nam, seemed well, in good physical condition and under no particular threat or duress... Among the 21 Montagnards visited, the mission followed up on three cases brought to the refugee agency’s attention by a human rights group who had reported that two cases were in hiding and one allegedly in prison. ‘We met with all three cases in their homes. The two supposedly in hiding said they had not hidden and seemed astonished by the allegation, and the person allegedly imprisoned said he had visited an administrative centre for half a day but had never been imprisoned. All three appeared in good physical health and spirits,’ said Utkan [the UNHCR official]... The Montagnards visited did not appear to be in any way endangered or threatened, and many seemed happy to be back with their families.” [22a] (p1-3)

6.89 The same source also stated that:

“An agreement was signed in Hanoi in January 2005, aimed at finding solutions for some 500 Montagnards in Cambodia – essentially either resettlement or return to Viet Nam as Cambodia has insisted they cannot stay. Since then, a total of 137 Montagnards have returned to Viet Nam – 43 voluntarily and 94 deported after their asylum claims were rejected. A further 179 have left for resettlement to third countries. There are currently 480 Montagnards under UNHCR’s care in Phnom Penh. This includes 443 recognised refugees – 39 have refused resettlement and 353 are awaiting departure for resettlement to Finland, Canada and the United States. There are also 20 rejected cases, and 17 humanitarian cases in which the US has an interest.” [22a] (p3)

6.90 The USSD Report 2005 noted that:

“In September [2005] the UNHCR was permitted to accompany several individuals on their return trip from the border to the Central Highlands and conduct additional follow-up monitoring. Central government and provincial officials were emphatic that they were attempting to reintegrate the returnees peacefully. However, some provinces did not allow some international observers private access to the returnees to examine scattered reports of abuse or discrimination of returnees.” [2a] (section 5)

6.91 In its 2006 World Report, Human Rights Watch stated that:

“In the Central Highlands, the government has continued its persecution of Montagnards, particularly those thought to be following ‘Dega Christianity,’ a form of evangelical Christianity that is banned by the Vietnamese government. Since 2001, close to 300 Montagnard Christians have been imprisoned on charges that they are separatists using their religion to ‘undermine national unity.’ Similar claims have been made by officials in the northwest, who claim that the Hmong’s Vang Chu religion is a front for separatist activity.” [5a] (p2)

See also Section 6.A: [Protestants](#)

WOMEN

- 6.92 As recorded by Freedom House in its report, *Freedom in the World 2005*, “Economic opportunities have grown for women, but they continue to face discrimination in wages and promotion. Many women are victims of domestic violence, and thousands are trafficked internally and externally each year for the purpose of prostitution.” [29] The USSD Report 2005 noted that:

“The penal code prescribes punishment ranging from warnings to up to two years’ imprisonment for ‘those who cruelly treat persons dependent on them’; however, the police and legal system were generally not equipped to deal with cases of domestic violence. Officials increasingly acknowledged domestic violence, which also was discussed more openly in the media. Domestic violence against women reportedly was common, although there are no firm statistics measuring the extent of the problem. Hot lines for victims of domestic violence run by domestic NGOs existed in some major cities. There were no reports of police or judicial reluctance to act on domestic abuse cases. The government did not take any special actions to combat rape during the year. Approximately two-thirds of divorces reportedly were due in part to domestic violence. The divorce rate has risen in the past few years, but many women remained in abusive marriages rather than confront the social and family stigma as well as the economic uncertainty of divorce.” [2a] (section 5)

- 6.93 As recorded by the website of the United Nations Inter-Agency Project (UNIAP) on Human Trafficking in the Greater Mekong Sub-Region, accessed on 10 March 2006, “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] (p4) The USSD Report 2005 noted that “It is a crime to use violence, threaten violence, take advantage of a person who is unable to act in self-defense, or resort 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.” [2a] (section 5)

- 6.94 The same source stated that “The law provides the opportunity for equal participation in politics by women and minority groups. Women held a number of important government positions, including the vice presidency. There were 136 women in the 498-seat National Assembly. There were three women at the ministerial level but no female members of the Politburo. There were only a few women in provincial-level leadership positions.” [2a] (section 3) The report also noted that the work of the government-controlled Women’s Union was viewed in a favourable light by international NGOs, and that in addition to operating micro-credit consumer finance programmes and other programmes to promote the advancement of women, it has a broad agenda to promote women’s rights, including political, economic, and legal equality, and protection from spousal abuse. [2a] (section 5)

- 6.95 The USSD Report 2005 noted further that:

“While there is no legal discrimination, women faced societal discrimination. Despite the large body of legislation and regulations devoted to the protection of women’s rights in marriage as well as in the workplace and labor code provisions that call for preferential treatment of women, women did not always receive equal treatment. Nevertheless, women played an important role in the economy and were engaged widely in business and in social and educational institutions. Opportunities for young professional women have increased markedly in the past few years, with greater numbers of women entering and staying in the civil service, universities, and the private sector.” [2a] (section 5)

6.96 For information on female trafficking, **see Section 6.A: People trafficking**

CHILDREN

6.97 As noted by the USSD Report 2005, “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... Religious groups operated some orphanages, despite the government’s prohibition on such activities, and sent the children to public schools during the day.” [2a] (section 5)

6.98 In January 2003, the Committee on the Rights of the Child discussed the Vietnamese government’s report of the same month on its efforts to implement the Convention on the Rights of the Child. The BBC reported its findings on 20 February 2003, and noted in its report that the Committee was gravely concerned that Vietnam’s move towards a market economy was having a detrimental effect upon the children of the country. It was particularly concerned about child abuse, children involved in the sex industry, and street children. Poverty, not the lack of government desire for change, was held to be the root cause. Children from rural areas were particularly disadvantaged in this regard. [14c]

FAMILY PLANNING

6.99 The USSD Report 2005 recorded that:

“The government continued to implement a family planning policy that urged families to have no more than two children; the policy emphasized exhortation rather than coercion. The government can deny promotions and salary increases to government employees with more than two children, but it was unclear if this policy was enforced. Government officials expressed growing concern that family planning efforts were failing. In June [2005] Deputy Prime Minister Pham Gia Khiem instructed population authorities to take ‘more drastic measures’ to control the growing population and prevent families from having more than two children. However, this directive apparently was not enforced.” [2a] (section 1f)

CHILDCARE ARRANGEMENTS

6.100 As reported by Reuters on 6 August 2002, the Vietnamese government announced the creation of the Ministerial Committee for Population, Family and Children, merging two existing committees, one of which covered childcare and protection, in August 2002. [13e]

- 6.101 A Reuters report of 26 June 2002 noted that the orphan population of Vietnam was estimated at 124,000 out of a total population of 27.8 million children in 2002. The same source also noted that only 214 centres provided shelter for these orphans plus around 182,200 disabled children. [13d]
- 6.102 A Reuters report dated 15 May 2002 stated that the Vietnam Red Cross Society had registered its concern over children with HIV/AIDS being denied access to orphanages, and their exclusion from the government's policy on sponsoring orphaned or abandoned children under the age of 15. [13c]
- 6.103 As documented by Reuters in September 2001 and December 2001, foreign aid organisations have been permitted to assist in child welfare and care in Vietnam. [13a] [13b]
- 6.104 The USSD Report 2005 noted that:
- “The government continued a nationwide immunization campaign, and the government-controlled press regularly stressed the importance of health and education for all children. While reports from domestic sources indicated that responsible officials generally took these goals seriously, concrete actions were constrained by limited budgets. According to the United Nations Children's Fund (UNICEF), despite growth in incomes over the past decade, severe malnutrition remained a problem; approximately 39 percent of children under 5 years of age were underweight during the 1995-2000 period.” [2a] (section 5)
- 6.105 The same report stated that “Widespread poverty contributed to continued child prostitution, particularly of girls but also of some boys, in major cities. Many prostitutes in Ho Chi Minh City were under 18 years of age. Some child prostitutes, such as those from abusive homes, were forced into prostitution for economic reasons. Some children were trafficked domestically, and others were trafficked to foreign destinations for the purpose of sexual exploitation.” [2a] (section 5) The report continued, “According to the Ministry of Labor, Invalids, and Social Affairs (MOLISA), there were 21,869 street children in the country as of February 2003. Street children were vulnerable to abuse and sometimes were abused or harassed by police. International NGOs documented numerous cases of Cambodian children trafficked to Ho Chi Minh City for short-term work in begging rings.” [2a] (section 5)
- 6.106 As recorded by the US State Department's Bureau of Consular Affairs on 9 March 2006:
- “According to the Vietnamese ‘Law on Marriage and the Family,’ adoptive parents must be at least 20 years older than the children they wish to adopt. Only one single person or one married couple may adopt. S/he or they must meet all of the following requirements: have not had their parental rights restricted by authorities, have good ethical qualities, and have the capacity to care for, support, and educate the adoptive child. If married, both persons must meet all requirements. Children up to and including the age of 15 can be adopted. Under Vietnamese law, a child over age nine must consent in writing to his/her adoption.” [2e](p2)
- 6.107 For information on child labour and trafficking, **see Section 6.A: Child labour and People trafficking**

LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

- 6.108 As noted by an Agence France Presse report dated 4 August 2003, “Outward discrimination of the kind sometimes found in Western countries is rare in Vietnam, possibly because homosexuality does not yet exist as a firm concept in Vietnam and also because a large degree of same-sex tactility is accepted as normal in Southeast Asian cultures.” The same report stated that “There are no laws or regulations on homosexuality or homosexuals in Vietnam, and no mention of gays as a risk group for HIV and AIDS.” [32]
- 6.109 A report by Amnesty International (AI) Germany, dated 22 November 2003, stated that “Homosexuals, bisexuals and transsexuals in Vietnam are frequently victims of political persecution or social exclusion.” [3b]

6.C HUMAN RIGHTS – OTHER ISSUES

REFUGEES

- 6.110 The USSD Report 2005 recorded that “The country is not a signatory to the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. In July 2004 the government allowed more than 450 North Koreans illegally present in the country to travel to South Korea. Unconfirmed reports from international NGOs in August 2004 stated that as many as 100 North Korean refugees had been returned to China.” [2a] (section 2d)
- 6.111 In its World Refugee Survey 2004, the US Committee for Refugees and Immigrants stated that:
- “Vietnam hosted an estimated 16,000 refugees from Cambodia at the end of 2003. Of those, some 13,000 were ethnic Vietnamese who arrived primarily between 1993 and 1994 and were living in Mekong Delta provinces. Another 3,000 ethnic Chinese, who had arrived in the late 1970s and early 1980s, resided in four refugee camps established in 1979 by the UN High Commissioner for Refugees (UNHCR) in Binh Duong and Binh Phuoc provinces and in Ho Chi Minh City. UNHCR only considers the 3,000 ethnic Chinese – and not the 13,000 ethnic Vietnamese – to be refugees, because they view the ethnic Vietnamese as locally integrated and self-sufficient. The Vietnamese government, however, still considers both groups as Cambodians who are temporarily working and living in Vietnam.” [21]

[Back to contents](#)

[Go to list of sources](#)

Annex A: Chronology of major events [14b]

- 1945** The Viet Minh seizes power and Ho Chi Minh proclaims Vietnam's independence.
- 1946** In November French forces attack Viet Minh at Hai Phong. French Vietnam war begins.
- 1954** After attack by Viet Minh forces at Dien Bien, the French agree to a peace deal in Geneva. Vietnam is split into North and South Vietnam at the 17th Parallel.
- 1957-63** Period of Communist insurgency in South Vietnam; American aid is increased. In 1963, the Viet Cong, the Communist guerrillas of the South, defeat units of the South Vietnamese Army (ARVN) and President Diem of the South is overthrown.
- 1964** Start of US offensive against North Vietnam.
- 1965-68** Height of American involvement in Vietnam War.
- 1969** The US begins troop withdrawals.
- 1973** In March, US troop withdrawal is completed.
- 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. 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.
- 1989** Vietnamese troops withdraw from Cambodia.
- 1994** US lifts its 30-year trade embargo.
- 1995** US restores full diplomatic relations with Vietnam.
- 2002** In May, National Assembly elections return a victory for the ruling Communist Party. No opposition parties contest the poll. In July President Tran Duc Luong is reappointed for a second term by the National Assembly, which also reappoints Prime Minister Phan Van Khai for a second five-year term.
- 2003** In June, showcase trial of Ho Chi Minh City gangster Nam Cam and 154 others hands down six death sentences.
- 2004** In January, Vietnam confirms first human deaths from bird flu. Within 12 months the virus has claimed more than 30 lives. In June Nam Cam, Ho Chi

Minh City gangster, is executed. In December the first US commercial flight since the end of the Vietnam War touches down in Ho Chi Minh City.

2005 In June, Prime Minister Phan Van Khai meets US President George W Bush during the first visit to the US by a Vietnamese leader since the end of the Vietnam War. In October, Vietnam gears up its fight against bird flu as the virus flares up in parts of the north.

[Back to contents](#)

[Go to list of sources](#)

Annex B: Map [22b]



Viet Nam Atlas Map

As of May 2005

PGDS in DOS

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



[Back to contents](#)

Annex C: Political organisations

Communist Party of Vietnam (CPV) (Dang Cong San Viet Nam (DCSV))

Founded in 1976; formerly the Viet Nam Workers' Party, founded in 1951; ruling party; 2.2 million members in 1996. General Secretary of Central Committee: Nong Duc Manh. [1]

National Salvation (Cuu Quox)

Unknown political party.

Vietnam Fatherland Front

Founded in 1930; in 1977, merged with National Front for the Liberation of South Viet Nam and Alliance of National, Democratic and Peace Forces in South Viet Nam to form a single front; 200-member Central Committee; President: Pham The Duyet; General Secretary: Tran Van Dang. [1] Currently an umbrella group that monitors the country's popular organisations for the CPV. [2a] (p1)

Vietnam General Confederation of Labour (VGCL)

Government-controlled Trade Union movement. [2a] (section 6)

Vietnam Women's Union

Government-controlled body, with broad agenda to promote women's rights. [2a] (section 5) Founded in 1930; 11.4 million members; President: Ha Thi Khiet. [1]

[Back to contents](#)

[Go to list of sources](#)

Annex D: Prominent people

Thich Quang Do

Deputy head of the Unified Buddhist Church of Vietnam (UBCV); currently under de facto house arrest. [2b] (section II)

Phan Van Khai

Prime Minister since 1997. [4]

Le Quang Liem

Head of the unrecognised Hoa Hao Central Buddhist Church (HHCBC). [2b] (section II)

Tran Doc Luong

President since 1997. [4]

Nong Duc Manh

General Secretary of the CPV. [1]

Thich Huyen Quang

Head of the Unified Buddhist Church of Vietnam (UBCV); currently under de facto house arrest. [2b] (section II)

Dr Nguyen Dan Que

One of Vietnam's most prominent dissidents; detained on numerous occasions. [2a] (sections 1e & 2a)

[Back to contents](#)

[Go to list of sources](#)

Annex E: List of abbreviations

AI	Amnesty International
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
CPV	Communist Party of Vietnam
EU	European Union
EBRD	European Bank for Reconstruction and Development
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
IAG	Illegal Armed Group
ICG	International Crisis Group
ICRC	International Committee for Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
IOM	International Organisation for Migration
MPS	Ministry of Public Security (Vietnam)
MSF	Médecins sans Frontières
NGO	Non Governmental Organization
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OECD	Organization of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
STD	Sexually Transmitted Disease
STC	Save The Children
TB	Tuberculosis
TI	Transparency International
UBCV	Unified Buddhist Church of Vietnam
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USSD	United States State Department
VFF	Vietnam Fatherland Front
VGCL	Vietnam General Confederation of Labour
WFP	World Food Programme
WHO	World Health Organization

[Back to contents](#)

[Go to list of sources](#)

Annex F: List of source material

The Home Office is not responsible for the content of external websites.

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