

COUNTRY OF ORIGIN INFORMATION REPORT

VIETNAM

27 OCTOBER 2006

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Preface

- i This Country of Origin Information Report (COI Report) has been produced by 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. The main body of the report includes information available up to 30 September 2006. The 'latest news' section contains further brief information on events and reports accessed between 1 and 27 October 2006.
- ii 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.
- iii 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.
- iv 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.
- v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.
- viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the Home Office upon request.
- ix COI Reports are published regularly on the top 20 asylum intake countries. COI Bulletins are produced on lower asylum intake countries according to operational need. Home Office officials also have constant access to an information request service for specific enquiries.
- x 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

- xi 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.
- xii 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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Latest News

EVENTS IN VIETNAM FROM 1 TO 27 OCTOBER 2006

22 October The Vietnamese authorities have been accused of creating a climate of fear among the country's internet users. Human rights organisation Amnesty International says the Vietnamese government is using online informers to keep track of web users.

BBC News Online, Vietnam net users fear crackdown, 22 October 2006
<http://news.bbc.co.uk/1/hi/world/asia-pacific/6074432.stm> (accessed 25 October 2006)

REPORTS ON VIETNAM PUBLISHED OR ACCESSED BETWEEN 1 AND 27 OCTOBER 2006

Economist Intelligence Unit

Country Profile 2006: Vietnam

http://db.eiu.com/index.asp?layout=displayIssueTOC&toc2=no&issue_id=121133197&publication_id=1240000724 (accessed 25 October 2006)

Foreign & Commonwealth Office

Human Rights Annual Report 2006

http://www.fco.gov.uk/Files/kfile/hr_report2006.pdf (accessed 25 October 2006)

Amnesty International

Socialist Republic of Viet Nam: A tightening net: Web-based repression and censorship, 22 October 2006

<http://web.amnesty.org/library/Index/ENGASA410082006?open&of=ENG-VNM> (accessed 25 October 2006)

Background information

GEOGRAPHY

- 1.01 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]
- 1.02 Vietnam covers an area of 329,247 sq km (127,123 sq miles). 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. (BBC News Online, Country Profile on Vietnam, 24 June 2006) [14a] (p1-2)
- 1.03 Vietnam is divided into 64 administrative units, comprised of provinces and cities. (Website of the Vietnam National Administration of Tourism, accessed on 12 September 2006) [17d]
- 1.04 While the official language of the country is Vietnamese, there are another 101 languages in use. (Ethnologue.com, accessed on 14 September 2006) [24] (p1)

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

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MAP



Viet Nam Atlas Map

As of May 2005

PGDS in DOS

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



ECONOMY

- 2.01 The CIA World Factbook 2006, accessed in September 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)
- 2.02 As noted by the Economist Intelligence Unit’s (EIU) Country Report for Vietnam in July 2006:
- “The government’s latest five-year plan, while prioritising economic growth, also emphasised meeting education and infrastructure targets. The State Bank of Vietnam (SBV, the central bank) has continued to keep interest rate policy on hold, but rampant credit growth is increasing the pressure for tighter monetary conditions. The economy has continued to grow strongly, driven by expansion in the industrial sector. Inflation has remained relatively high owing primarily to the impact of high global oil prices.” [15a] (p3)
- 2.03 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)
- 2.04 The currency of Vietnam is the Dong (D), and the exchange rate in June 2006 was D15,948: US\$1. (EIU Country Report: Vietnam, July 2006) [15a] (p30)

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HISTORY

- 3.01 In 1954 Vietnam was divided into the communist north (Democratic Republic of Vietnam) and the western-backed south (Republic of Vietnam). As the North Vietnamese began to use their forces to strengthen the communist movement in the south in order to achieve national reunification, the south

became increasingly dependent on the USA, which increased its military commitment as war escalated in the 1960s. (FCO Country Profile, 10 July 2006) [8a] (p2) 1957 marked the beginning of the communist insurgency in the south and that the US entered the war in 1964. (BBC News Online, 24 June 2006) [14b] (p1)

- 3.02 The numbers of US troops in Vietnam rose to over half a million by 1968, but a withdrawal began thereafter because of the growing domestic unpopularity of the war in the USA and a lack of military success. (FCO Country Profile, 10 July 2006) [8a] (p2) The troop withdrawal was completed in March 1973. (BBC News Online, 24 June 2006) [14b] (p2) 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. (FCO Country Profile, 10 July 2006) [8a] (p2)
- 3.03 National reunification did not lead to peace and stability. Relations with the Khmer Rouge government in Cambodia and with their main supporters, the Chinese, soon deteriorated; after a number of border provocations Vietnam invaded Cambodia in 1978 and subsequently installed a friendly regime there. As conflict ensued in Cambodia with resistance groups fighting the Vietnamese and their Cambodian allies during the 1980s, Vietnam experienced a period of international isolation, receiving support only from the USSR and its allies. The conflict further sapped an economy weakened by unpopular socialist reforms, which in turn helped precipitate the exodus of hundreds of thousands of refugees in the late 1970s and early 1980s. (FCO Country Profile, 10 July 2006) [8a] (p2)
- 3.04 Following a formal settlement of the conflict in 1991, Vietnam began to normalise its relations with the rest of the world, including the United States in 1995, the same year that Vietnam became a member of ASEAN (Association of Southeast Asian Nations). (FCO Country Profile, 10 July 2006) [8a] (p2) In June 2005 Prime Minister Phan Van Khai made the first visit to the US by a Vietnamese leader since the end of the Vietnam War. (BBC News Online, 24 June 2006) [14b] (p3)

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RECENT DEVELOPMENTS

- 4.01 In June 2006, the prime minister, president and National Assembly chairman were replaced by younger leaders as part of an anticipated political shake-up. (BBC News Online, 24 June 2006) [14b] (p3) In its Country Profile on Vietnam, updated on 24 June 2006, BBC News Online also noted that:

“Parliament confirmed Nguyen Minh Triet, the head of the Communist Party in Ho Chi Minh City, as president in June 2006. He has a reputation for fighting corruption and is seen as an economic reformer. The former head of state, Tran Duc Luong, had submitted his resignation alongside the prime minister and the chairman of the National Assembly. The change of guard had been expected. The Communist Party holds the real power in Vietnam. It reappointed Nong Duc Manh as its secretary-general in April 2006. Mr Manh,

who is seen as a moderniser, urged Vietnam to speed up economic reforms and to tackle bureaucracy and deep-rooted corruption.” [14a] (p2)

CONSTITUTION

- 5.01 As noted by Europa World, accessed on 4 September 2006, “The 1992 Constitution declares the supremacy of the Communist Party.” [1] 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]

POLITICAL SYSTEM

- 6.01 In its Country Profile on Vietnam, updated on 10 July 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 [Nguyen Minh Triet] and Prime Minister [Nguyen Tan Dung]. Although the National Assembly is increasingly powerful, it remains firmly subordinate to the CPV. No legal opposition to the regime is permitted in Vietnam, but neither is there much sign of widespread popular opposition 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)

- 6.02 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)

- 6.03 The US State Department (USSD) Report on Human Rights Practices in 2005, published on 8 March 2006, noted 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)
- 6.04 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)

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Human Rights

INTRODUCTION

- 7.01 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)

- 7.02 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. [25b]

- 7.03 As noted by Amnesty International’s (AI) Annual Report 2006 (covering events in 2005), “Freedom of expression, association and religious practice continued to be restricted by the authorities. Despite sizeable prisoner amnesties, political dissidents remained in prison. The human rights situation in the Central Highlands and limited access to the area continued to cause concern. More than 180 ethnic minority Montagnards continued to be imprisoned throughout 2005 and at least 45 faced unfair trials. At least 65 death sentences and 21 executions were reported.” [3a] (p1)

- 7.04 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)

- 7.05 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 10 July 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)

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SECURITY FORCES

- 8.01 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)
- 8.02 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)

POLICE

- 8.03 A report by the Canadian Immigration and Refugee Board (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.)." [6f]

See also Section 16: Corruption

8.04 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.)." [6f]

AVENUES OF COMPLAINT

8.05 While corruption within the police is an acknowledged problem in Vietnam (Canadian IRB, 5 November 2002) [6f], it is unclear whether there is a precise mechanism for making complaints.

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MILITARY SERVICE

9.01 Europa World, accessed on 4 September 2006, recorded that "In August 2005 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]

9.02 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 12 September 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

- 9.03 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]
- 9.04 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]
- 9.05 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]

- 9.06 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]

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JUDICIARY

ORGANISATION

- 10.01 The USSD Report 2005 recorded 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)

- 10.02 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)

- 10.03 The website of the Asia Foundation, accessed on 11 September 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]

10.04 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]

INDEPENDENCE

10.05 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.” [2a] (section 1e)

10.06 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)

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ARREST AND DETENTION – LEGAL RIGHTS

11.01 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)

11.02 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)

11.03 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)

11.04 In its report, Freedom in the World 2006, 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. 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]

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PRISON CONDITIONS

12.01 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)

- 12.02 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)
- 12.03 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)
- 12.04 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)
- 12.05 Citing an article by BosNewsLife on 1 September 2006, the website of International Christian Concern, accessed on 11 September 2006, reported that over 5,300 prisoners were to be freed to mark Vietnam’s National Day on 2 September 2006, including Hmong church leader, Ma Van Bay, and “cyber-dissident”, Pham Hong Son. [10]

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DEATH PENALTY

- 13.01 Amnesty International’s Annual Report 2006 (covering events in 2005) recorded that:
- “Despite previous indications that the number of capital offences would be reduced, the death penalty was retained for 29 crimes, including economic offences. Large numbers of death sentences and executions were reported. According to official media sources, at least 21 people were executed and 65 people including six women were sentenced to death. The true figures were believed to be much higher. Almost all were accused of drug trafficking offences. Statistics on the death penalty remained classified as a ‘state secret’. In June [2005] the Ministry of Justice announced a proposal to change the method of execution from firing squad to lethal injection. By the end of 2005 this had not been implemented.” [3a] (p2-3)
- 13.02 In its report, Freedom in the World 2006, Freedom House noted that “The death penalty is applied mainly for violent crimes, but it has been handed

down in cases involving economic and drug-related offenses.” [29] In July 2006, the Foreign & Commonwealth Office (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 there is no immediate prospect of abolition.” [8a] (p4)

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POLITICAL AFFILIATION

FREEDOM OF POLITICAL EXPRESSION

- 14.01 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)
- 14.02 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)
- 14.03 As noted by Freedom House in its report, Freedom in the World 2006:
- “Citizens of Vietnam cannot change their government democratically. Politics and the government are controlled by the CPV, the sole political party, and its Central Committee is the top decision-making body in Vietnam. The National Assembly, consisting of 498 members elected to five-year terms, generally follows the party’s dictates in legislation. Delegates to the parliament can speak about grassroots complaints, influence legislation, question state ministers, and debate legal, social, and economic issues-within limits set by the party. In 1999, a former high-ranking party member, Tran Do, was expelled from the CPV after openly calling for more democracy and freedom of expression.” [29]

FREEDOM OF ASSOCIATION AND ASSEMBLY

- 14.04 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)

14.05 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)

OPPOSITION GROUPS AND POLITICAL ACTIVISTS

14.06 There are no recognised opposition parties or groups in Vietnam. (CIA World Factbook 2006) [4] (p6) In its Country Report for Vietnam, dated July 2006, the Economist Intelligence Unit (EIU) stated that:

“In May [2006] a group of 50 members of the US House of Representatives signed a letter of support for two recently launched public campaigns that aim for a multiparty political system and greater religious and political freedom in Vietnam. Vietnamese dissidents are scattered and weak, and do not pose an immediate threat to the regime, but the government is not taking any chances... The party newspaper, People’s Daily, published a spirited critique of people with ‘wicked, hostile and oppositional motives’ who ‘slander and smear the party, state and people’. The party’s real fear is that Vietnam might face a ‘colour revolution’ such as that in Ukraine, and that its monopoly on power would end.” [15a] (p15)

14.07 As reported by Asia Times, accessed on 14 September 2006:

“On that day [8 April 2006] hundreds of democratic-minded Vietnamese took the courageous step of publicly declaring and signing their names to a ‘Manifesto on Freedom and Democracy for Vietnam’, coincident with the Communist Party’s 10th National Congress in Hanoi. Since then the group has grown into a thousands-strong pro-democracy movement popularly known as Bloc 8406, named after the date the group first publicly called for a political transition toward more participatory democracy... On August 22 [2006], Bloc 8406 publicly declared its four-phase proposal for Vietnam’s democratization, including demands for the restoration of civil liberties, the establishment of political parties, the drafting of a new constitution and, finally, democratic elections for a new representative National Assembly that would be charged with choosing a new national name, flag and anthem... Scores of Bloc 8406’s members have in recent weeks been harassed, interrogated and, in the case

of Ho Chi Minh City member Vu Hoang Hai, brutally tortured. Other high-profile members have had their telephone lines cut or mobile phones confiscated. On August 12 [2006], security agents rounded up and interrogated five Bloc 8406 members in Hanoi who had planned to launch a new online political magazine aptly called Freedom and Democracy.” [16](p1-2)

14.08 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]

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FREEDOM OF SPEECH AND MEDIA

15.01 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)

15.02 BBC News Online’s Country Profile for Vietnam, updated on 24 June 2006, stated that:

“The Communist Party has a strong grip on the media. The Ministry of Culture and Information controls the press and broadcasting. The government has shut down several publications for violating the narrow limits on permissible reporting. Under a 2006 decree journalists face large fines for transgressions which include denying revolutionary achievements and spreading ‘harmful’ information or ‘reactionary ideology’. Internet providers face fines or closure for breaking the rules and ‘cyber dissidents’ have been imprisoned. There are hundreds of newspapers and magazines, but television is the dominant medium. Vietnam Television (VTV) broadcasts from Hanoi and is available via satellite to the wider region. There are many provincial stations. Some foreign channels are carried via cable. State-run Voice of Vietnam (VoV) operates national radio networks, including the VoV 5 channel with programmes in English, French and Russian.” [14a] (p2-3)

15.03 As documented in the 2006 Annual Report of Reporters Without Frontiers:

“One section of the press does its best to push at the limits of censorship imposed by the sole party, at times to its cost. In January [2005] an

investigative monthly was closed. In July [2005] a new law was adopted to bring the online press to heel... (But) the security apparatus concentrated its crackdown on the Internet, seen as a tool of economic development but also as a means of spreading 'reactionary' ideas. At least six cyberdissidents and Internet-users were still imprisoned in the country on 1st January 2006. The government, in July 2005, stepped up its controls of cybercafés." [7a]

15.04 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]

15.05 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

15.06 The 2006 Annual Report of Reporters Without Frontiers stated that "The old guard of the Vietnamese Communist Party (VCP) is unrelenting: it still considers the media to be propaganda organs. The official newspapers praise the party's actions and laud the virtues of socialism. While a more liberal press, including the daily Tuoi Tre (Youth), covers social issues, political self-censorship still holds sway in newsrooms. [sic] In 2005, a journalist on Tuoi

Tre was accused of divulging state secrets for having copied an official memo about illegal practices in a pharmaceutical company.” [7a]

15.07 As noted by Freedom House in its report, Freedom in the World 2006:

“Journalists who overstep the bounds of permissible reporting-for example, by writing about sensitive political and economic matters and the CPV’s dictatorship-are brought to court, sent to prison, or harassed. Publications deemed offensive or inaccurate are subject to official bans. A 1999 law requires journalists to pay damages to groups or individuals found to be harmed by press articles, even if the reports are accurate. At least one suit was filed under this law, although it was later withdrawn. Media reports on high-level governmental corruption and mismanagement provide a small outlet for public grievances.” [29]

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CORRUPTION

16.01 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]

16.02 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)

16.03 In July 2006, the EIU’s Country Report for Vietnam noted that:

“The battle against corruption could yet prove to be the party’s Achilles heel. A number of recent cases - all involving kickbacks paid to party officials – are proving a huge source of embarrassment both domestically and internationally. Foreign donors have long complained about allegedly high levels of corruption, but with little effect. The recent spate of corruption allegations could lead to reduced foreign financing in 2006-07, particularly as the most high profile case, dubbed the PMU18 case, involved the misuse of foreign aid destined for infrastructure projects. Corruption was also a key issue at the party congress in April, and the new prime minister has pledged to continue the fight to outlaw graft. The government has announced proposed changes in public financial management, the customs department, and

budgetary transparency. It is also dishing out tough punishments for offenders, but progress is still likely to be slow, owing to a deeply entrenched culture of corruption. Furthermore, progress will be hampered by the fact that the government will continue to be reluctant to admit to the full scale of the problem for fear of alienating the public and causing too much damage to its credibility.” [15a] (p7)

16.04 The same report stated further that:

“In recent months, several large corruption cases have been uncovered, generally involving kickbacks (on a tourism resort in Khanh Hoa, a port upgrade in Haiphong and equipment purchases for 38 post offices). The most widely followed case is that of Project Management Unit No 18 (PMU18), to which three-fifths of Ministry of Transport projects were channelled. The minister of transport, Dao Dinh Binh, was forced to resign in April [2006], and a deputy minister of transport and 12 others were jailed for corruption related to this case. Reporters working on the case were ‘obstructed and assaulted’ in late March [2006], leading the deputy public security minister to say that those responsible for the obstruction would be prosecuted. Six weeks later the prime minister called for sanctions against newspapers that printed ‘untrue information’ on corruption – clearly an attempt by the government to dampen the ardour of the press for reporting on corruption cases... The PMU18 scandal has also served as a wake-up call for the government, which has begun to think more seriously about how to design institutional arrangements that will make corruption more difficult. The World Bank has lauded the government’s proposed changes in public financial management, the customs department, and budgetary transparency, as helpful in reducing corruption. The international chambers of commerce in Vietnam have praised the press for exposing and condemning corruption and the government for removing corrupt officials. However, previous governmental efforts to contain corruption have fizzled out, and it may be difficult to sustain anti-corruption efforts after the PMU18 and other scandals have been forgotten.” [15a] (p15)

16.05 In its Country Profile on Vietnam, updated on 10 July 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 major campaign in 2006 has netted a number of senior figures (including the Transport Minister). The new Prime Minister has declared corruption a priority with the anti-corruption agency to be set up under his direction. In an unprecedented move, one of the newly elected Deputy Prime Ministers has been put in charge of the Government’s anti-corruption effort. However, suspicions remain that some areas remain off-limits to anti-corruption efforts, while the media’s freedom to investigate corruption is restricted.” [8a] (p3)

16.06 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 2006:

“Although senior party and government officials have publicly acknowledged growing public discontent with official abuses and corruption, the government has mainly responded with a few high-profile prosecutions of government officials and private persons. Thousands of people seek redress each year by writing letters to or personally addressing officials. Citizens generally complain about official corruption, economic policies, governmental inefficiency, opaque bureaucratic procedures, and unreasonable land seizures.” [29]

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FREEDOM OF RELIGION

- 17.01 In its International Religious Freedom Report (IRFR) 2006, published on 15 September 2006, 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 attempts to regulate religious practice through a legal framework, which requires that the Government officially sanction the organization and activities of all religious denominations... The status of respect for religious freedom improved during the period covered by this report. The Government continued to ease limitations on restrictions placed upon Buddhists, Catholics, Protestants, Hoa Hao, and Cao Dai compared to previous years. Much of the change came from implementation of significant revisions to the legal framework governing religion instituted in 2004 and 2005 and a lessening of government pressure on Protestant groups. At the end of this reporting period, the legal reforms remained in the early stages of implementation. Nevertheless, many recognized and unrecognized religious groups, especially Protestant groups in the Central and Northwest Highlands regions, reported that they believed the situation for their practitioners continued to improve overall.” [2b] (p1 and section II)

- 17.02 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 – 50 to 80,000 adherents
- 5) Hoa Hao – 1.6 to 3 million adherents
- 6) Cao Dai – 2.4 to 4 million adherents. [2b] (section I)

- 17.03 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]

- 17.04 The USSD’s IRFR 2006 recorded that:

"The Ordinance serves as the primary document governing religious practice. 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. Under its provisions, religious denominations must be officially recognized or registered, and the activities and leadership of individual religious congregations must be approved by the appropriate lower-level authorities. The establishment of seminaries and the organization of and enrollment in classes must also be approved by appropriate authorities. The naming of priests or other religious officials requires the approval of authorities only when a 'foreign element,' such as the Vatican, is involved. The ordinance also 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 investiture and transfer of clerics, while in the past this required explicit official approval. Further, the ordinance encourages religious groups to carry out charitable activities in healthcare and education, which was limited in the past."

[2b] (section II)

17.05 The same source reported further that:

"In March 2005 the Government issued an implementing decree (Decree 22) 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 twenty years of 'stable religious operation' in the country in order to be recognized by the Government. It also states that past operation in the country, even prior to registration, can be counted toward the twenty-year requirement. The decree 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)

17.06 Citing an earlier report by Forum 18 on 14 July 2005, the website of World Wide Religious News, accessed on 14 September 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)

- 17.07 Christian Solidarity Worldwide, in its Annual Summary of Human Rights and Religious Freedom Concerns in September 2005, stated that:

“Despite the introduction of three new measures governing religious practice, the Ordinance Regarding Religious Beliefs and Religious Organisations (21/2004/PLUBTVQH11), the Decree on Religion (22/2005/ND-CP), which purports to provide guidelines for implementing the Ordinance, and the Special Instructions Concerning the Protestant Religion (01/2005/CT-TTg), there has been little change in the harassment experienced by Christian groups. The three legal documents contain many ambiguities which have been exploited by local authorities, for example in refusing to allow the Mennonite Church in Ho Chi Minh City to register officially. In addition, police and local officials have been largely responsible for the widespread harassment, beating and torturing of Christians. Although a number of notable prisoners of conscience have been released, including the Rev. Thanh Van Truong, who was arrested without charge and incarcerated in a mental hospital after renouncing his Communist Party membership and becoming a Christian pastor, a number remain in prison. These include the Mennonite evangelist Pham Ngoc Thach, who was sentenced with the Rev. Nguyen Hong Quang and four others in November 2004.” [20] (p8)

RELIGIOUS GROUPS

Buddhists

- 17.08 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 an amalgam of Mahayana Buddhism, Taoism, and Confucian traditions that is sometimes called the country’s ‘triple religion’. Official figures estimated that only 12 per cent of Buddhists (10 million) were practising. (USSD IRFR 2006) [2b] (section I)
- 17.09 Amnesty International’s (AI) Annual Report 2006 (covering events in 2005) recorded that “The senior leadership of the Unified Buddhist Church of Vietnam (UBCV) remained under house arrest, including 86-year-old Supreme Patriarch Thich Huyen Quang, and his deputy Thich Quang Do... Religious dissidents and prisoners of conscience released during 2005 included UBCV Buddhist monk Thich Thien Mien, detained for 26 years...” [3a] (p2)
- 17.10 The USSD’s IRFR 2006 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 some leaders

of the pre-1981 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.” [2b] (section II)

17.11 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

17.12 The government officially recognises one Hoa Hao organisation. (USSD IRFR 2006) [2b] (section I) However, 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. (USSD IRFR 2006) [2b] (section II)

17.13 The USSD’s IRFR 2006 stated further that:

“The Hoa Hao branch of Buddhism was founded in the southern part of the country in 1939. According to the Government, there were 1.6 million Hoa Hao followers; affiliated expatriate groups estimated that there may be up to three million followers. Hoa Hao followers were concentrated in the Mekong Delta, particularly in provinces such as An Giang and Dong Thap, where the Hoa Hao were dominant as a social, political and military force before 1975. The government-recognized Hoa Hao Administrative Committee was organized in 1999. Some Hoa Hao followed other sects that do not have official recognition.” [2b] (section I)

17.14 The USSD’s IRFR 2006 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 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)

17.15 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, its members faced significant official pressure. Two members of the HHCBC, Tran Van Thang and Tran Van Hoang, were arrested on February 25, 2005, and sentenced to six and nine months' imprisonment respectively for unauthorized distribution of audio cassettes and DVDs containing teachings of HHCBC leaders. A June 2005 commemoration of Foundation Day led to clashes between police and activists who were protesting Government control of the Hoa Hao faith. Some Hoa Hao activists continued to encourage self-immolation of their followers to protest government repression. In September 2005 two Hoa Hao activists self-immolated when police attempted to arrest them for their involvement in the June clashes, resulting in the death of one activist. Seven activists were arrested, tried, and given prison terms ranging from four to seven years. In August 2005 a Hoa Hao activist attempted to self-immolate in front of the U.S. consulate general in Ho Chi Minh City but was stopped by consulate guards and local police." [2b] (section II)

17.16 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

17.17 As documented by the USSD's IRFR 2006, up to 8 million people in Vietnam are Roman Catholic. The same report stated that "Catholics lived throughout the country, but the largest concentrations remained in the southern provinces around Ho Chi Minh City, in parts of the Central Highlands and in the provinces southeast of Hanoi. Catholicism has revived in many areas, with newly rebuilt or renovated churches in recent years and growing numbers of persons who want to be religious workers." [2b] (section I)

17.18 The USSD's IRFR 2006 noted further that:

"Several Catholic nuns and at least one Catholic priest teach at Ho Chi Minh City universities. They are not allowed to wear religious dress when they teach or to identify themselves as clergy... In some areas, especially in the south, Catholic priests and nuns operated kindergartens, orphanages, vocational training centers, and clinics and engaged in a variety of other humanitarian projects. In Ho Chi Minh City and Hue, the Catholic Church was involved in supporting HIV/AIDS hospices and treatment centers and providing counseling to young persons... The Ho Chi Minh City archdiocese ran the HIV/AIDS clinic at the Trong Diem drug rehabilitation center on behalf of the city government. The city government and the Catholic Church were in discussion about how to officially sanction new initiatives, such as a walk-in clinic for possible HIV/AIDS victims, although it allowed the Church to pursue these initiatives quietly. Charitable activities by the Catholic Church were much more restricted in northern Vietnam." [2b] (section II)

17.19 The USSD's IRFR 2006 also recorded that "The Catholic Church reported that the Government continued to ease restrictions on church assignment of new clergy but indicated that it would like to open additional seminaries in the North." [2b] (p1) The report stated further that:

"The Government technically maintains veto power over Vatican appointments of bishops; however, in practice it has cooperated with the Catholic Church in nominations for appointment. The Church operates six seminaries in the country with more than 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 believed that the number of students being ordained was insufficient to support the growing Catholic population and has indicated it would like to open additional seminaries and enroll new classes more frequently... The Catholic Church reported continued easing of government control over church assignment of new clergy, and, during the reporting period, many new priests were ordained, including fifty-seven ordained in a ceremony conducted by a visiting Vatican Cardinal in November 2005. Most of these new priests took up their assignments in provincial benefices by the end of the reporting period. All bishoprics remained filled, and in late 2005, the Government facilitated a request to create a new diocese in the South and to consecrate a new bishop. Contact between Vatican authorities and the country's Catholics remained routine, and the Government maintained its regular, active dialogue with the Vatican on a range of issues, including Church leadership, organizational activities, and the prospect of establishing diplomatic relations." [2b] (section II)

Protestants

17.20 As recorded by the USSD's IRFR 2006:

"The two officially recognized Protestant churches are the Southern Evangelical Church of Vietnam (SECV), recognized in 2001, and the smaller Evangelical Church of Vietnam North (ECVN), recognized since 1963. The SECV had affiliated churches in all of the southern provinces of the country. There were estimates that the growth of Protestant believers has been as much as 600 percent over the past decade, despite government restrictions on proselytizing activities. Some of these new converts belonged to unregistered evangelical house churches. Based on believers' estimates, two-thirds of Protestants were members of ethnic minorities, including H'mong, Dzao, 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)

17.21 The report also stated that:

"The 2005 'Instruction on Protestantism' promulgated by the prime minister directs officials to assist unrecognized Protestant denominations in registering their activities so that they can practice openly. Under the 2004 ordinance, participation in religious activities throughout the country continued to grow, and Protestant believers in the Central Highlands reported significant improvements in their situation. Furthermore, the Government began to promote registration of Protestant house churches in the Northwest Highlands region, but progress was slow and the Government stated that only six previously unregistered northern congregations were allowed to register their activities during the reporting period. Despite several confirmed reports of police harassment and beatings of unregistered believers belonging to unrecognized religions, Protestants across the north reported improvement in most officials' attitude towards their religion, and in general Protestants were allowed to gather for worship without significant harassment." [2b] (p1)

17.22 As reported by the same source:

"In February 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 so that they can worship openly and move towards fulfilling the criteria required for full recognition. Addressing the Central and Northwest Highlands, the instruction directs 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 also directs local officials to allow unregistered 'house churches' to operate so long as they are 'committed to follow regulations' and are not affiliated with separatist political movements." [2b] (section II)

17.23 The report stated further that:

"The constitutional right of freedom of belief and religion continued to be interpreted and enforced unevenly. In some areas, local officials allowed

relatively wide latitude to believers; in other provinces, members of unrecognized religious groups sometimes underwent significant harassment. This was true particularly for Protestants in the Northwest Highlands and in certain rural communities in southern and central regions, including parts of the Central Highlands... National security and national solidarity provisions in the constitution override many laws providing for religious freedom, and these provisions reportedly have been used to impede religious gatherings and the spread of religion to certain ethnic groups. The penal code, as amended in 1997, established penalties for offenses that are defined only vaguely, including 'attempting to undermine national unity' by promoting 'division between religious believers and nonbelievers.' In some cases authorities used Article 258 of the penal code to charge persons with practicing religion illegally. This article allowed for jail terms of up to three years for 'abus[ing] the rights to freedom of speech, freedom of press, freedom of belief, religion, assembly, association and other democratic freedoms to infringe upon the interests of the State.' Examples of such cases were found among the H'mong Protestants in the Northwest Highlands, ethnic minority Protestants in the Central Highlands (sometimes referred to as Montagnard Protestants), and Hoa Hao adherents. In the case of the Central Highlands, officials continued to be concerned that groups inside and outside the country were encouraging the spread of a form of Protestantism that promotes ethnic minority exclusivism and separatism." [2b] (section II)

17.24 The report continued:

"The practice of Protestantism remained a sensitive issue in the Central Highlands provinces. The Government is concerned that some ethnic minority groups operating in this region have been operating a self-styled 'Dega Church,' which reportedly mixes religious practice with political activism and calls for ethnic minority separatism... Religious contacts from the Central and Northwest Highlands reported that attempted forced renunciations continued to decrease. Nonetheless, several incidents were reported during the period covered by this report. According to a number of credible sources, on several occasions, local officials in several northwestern villages attempted to convince or force H'mong Protestants to recant their faith. Local authorities also encouraged clan elders to pressure members of their extended families to cease practicing Christianity and to return to traditional practices." [2b] (section II)

See also Section 18: Montagnards

Cao Dai

17.25 As documented by the USSD's IRFR 2006, 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 claimed as many as four 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 were thirteen separate groups within the Cao Dai religion; the largest was the Tay Ninh sect, which represented more than half of all Cao Dai believers. The

Cao Dai religion is syncretistic, combining elements of many faiths. 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)

- 17.26 As noted by the USSD’s IRFR 2006, 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

- 17.27 Muslims make up less than 0.1 per cent of the population and the government officially recognises one Muslim organisation. (USSD IRFR 2006) [2b] (section I) The USSD’s IRFR 2006 also recorded that:

“Adherents of the Muslim Association of Vietnam continued to be able to practice their faith, including reciting daily prayers, fasting during the month of Ramadan, and teaching the Qur’an. Several Muslims undertake the Hajj every year, most of them using assistance provided by foreign sponsors. During the period covered by this report, several Muslim students were studying abroad at the invitation of foreign governments. The Muslim community did not report any problems or difficulties with the Government.” [2b] (section II)

- 17.28 The same report also stated that:

“Mosques serving the country’s small Muslim population, estimated at between 50,000 to 80,000 persons, operated in western An Giang Province, Ho Chi Minh City, Hanoi, and provinces in the southern coastal part of the country. The Muslim community was composed mainly of ethnic Cham, although in Ho Chi Minh City and An Giang Province it included some ethnic Vietnamese and migrants originally from Malaysia, Indonesia, and India. Approximately half of the Muslims in the country were Sunnis... The other half of Muslims practices Bani Islam, a type of Islam unique to the ethnic Cham who live on the central coast of the country. Both groups appear to be on cordial terms with the Government and are able to practice their faith freely. They have limited contact with Muslims in foreign countries.” [2b] (section I)

Ching Hai

- 17.29 Ching Hai is a Buddhist-influenced personality cult, founded by, named after, and led by a Vietnamese-born woman, now living outside the country. The group is also referred to as the Quan Yin Method (the form of meditation that it advocates) or Thanh Hai Vo Thuong Su (the Vietnamese title for Supreme Master Suma Ching Hai, a title by which its leader is known). (Ching Hai website, accessed on 14 September 2006) [23]
- 17.30 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. (Ching Hai website, accessed on 14 September 2006) [23]
- 17.31 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]

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ETHNIC GROUPS

- 18.01 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)
- 18.02 Ethnologue.com, a website specialising in languages of the world, accessed in September 2006, stated that there are 54 official ethnic communities within Vietnam. [24] (p1) The website of the Vietnam National Administration of Tourism, accessed in September 2006, also provides information on these ethnic communities. [17d]
- 18.03 There are essentially three main groupings of ethnic minorities 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.
- (World Directory of Minorities, 1997) [18] (p648-649)
- 18.04 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)

18.05 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)

18.06 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)

18.07 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 17: 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)

18.08 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)

- 18.09 A report by the Minorities at Risk Project, dated 31 December 2003, stated that:

“The Chinese are well integrated into Vietnamese society. There is no history of persistent protest or rebellion; there is little support from kindred elsewhere for such activities. Furthermore, the government of Vietnam does not actively discriminate against or repress the group [sic]... The Chinese are reportedly dispersed across the country, although there are reported to be up to half a million Chinese residing in Ho Chi Minh City. There is limited information available about the cultural characteristics of the Chinese Vietnamese. They speak Mandarin but many are also likely to speak Vietnamese. Referred to as the Hoa in Vietnamese, the Chinese are Buddhists and they are physically distinguishable from the Vietnamese, who are referred to as the Kinh.” [34]

- 18.10 The same source stated that:

“Since the early 1980s, political, economic, and cultural restrictions against the Chinese have slowly been lessened. In 1982, for instance, a law was passed which recognized the Hoa as Vietnamese citizens that possess the rights of all other citizens. Restrictions were still maintained on Chinese employment in the security sphere (e.g., armed forces). All employment restrictions were removed in 1986. The Chinese were able to expand their economic influence after Vietnam launched an economic liberalization program late in the decade. Reports indicate that the economically advantaged Chinese control up to 50% of local commercial activities in Ho Chi Minh City. In the mid-1990s, all official policies that limited the participation of the Chinese in the political sphere were lifted. They possess the same rights as the country’s other citizens. There are no known Chinese political, economic, or cultural organizations that are actively pursuing group interests. There have been no reports of tense relations between the Hoa and the Kinh from 1998-2003.” [34]

- 18.11 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

- 18.12 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)
- 18.13 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 17: Protestants

MONTAGNARDS

18.14 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)

18.15 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)

18.16 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)

18.17 In July 2006, the EIU's Country Report for Vietnam noted that:

"A delegation from the UN Refugee Agency (UNHCR) visited the Central Highlands in late April [2006], the most recent of 12 monitoring missions, to determine whether ethnic minority people who had returned from Cambodia were being properly treated. A total of 750 people fled into Cambodia in 2004, after antigovernment disturbances broke out across the region, complaining of religious persecution and discrimination. Of those that fled, most were resettled in other countries, and 218 returned to Vietnam. The UNHCR stated that the returnees were neither punished nor maltreated, and had received support and assistance for re-integration." [15a](p17)

18.18 In a report dated June 2006, Human Rights Watch recorded ongoing arrests and other abuses of Montagnards since 2001, including the forced renunciation of their religious faith, as well as the mistreatment of returnees from neighbouring Cambodia. The report disputed the claims of UNHCR that returnees had returned safely to their homes. [5b] However, the website of the United Nations High Commissioner for Refugees (UNHCR), accessed in September 2006, rejected the Human Rights Watch report, stating that:

"Frankly, we find the report unbalanced and reject its accusations. The allegations do not tally with our first-hand experience of the Montagnard caseload in Cambodia, nor with our 12 monitoring missions to visit returnees in the Central Highlands of Viet Nam. Those missions continue. Nor do they tally with the visits of foreign diplomats, regional bodies and other respected human rights advocates. The HRW report draws very generalised conclusions from essentially the accounts of five people whose stories cannot be verified by any objective means. Under the terms of an agreement signed in Hanoi in January 2005 between UNHCR, Viet Nam and Cambodia, Montagnards who had arrived in Cambodia and were recognised as refugees could either be resettled to a third country or return to Viet Nam. Viet Nam guaranteed they would not be punished, discriminated against or prosecuted for illegal departure... Our monitoring missions have not revealed the serious mistreatment alleged in the report. Ensuring there was no official presence during the discussion, we have visited people around whom there had been claims of mistreatment. But, the allegations, passed on to us by human rights groups, could not be substantiated. We have now visited more than 64 percent of all returnees, many of them several times. Based on what we have heard, what we have been told, and what we've seen for ourselves, we have no reason to change our previous assessment of the situation of the returnees. The allegations contained in the HRW report are not new to UNHCR. HRW relies heavily on the testimony of two 'double backers' who returned to Viet Nam, then left again for Cambodia claiming they were tortured and interrogated in Viet Nam. We have had contact with these people and found discrepancies between accounts they related to us and to HRW. There have been no similar allegations of mistreatment from any other returnees, who now total 102 voluntary returnees and 94 deportees." [22a] (p1-2)

18.19 The same source also stated that:

"We can't rule out that there could be individual cases where there are grounds for refugee recognition. The Vietnamese government has acknowledged there are issues at the root of the discontent in the region and

is starting to put in place programmes designed, at least, to address the root concerns. A total of 672 Montagnards were resettled from Cambodia in 2004/2005. There are currently 249 in Phnom Penh. In 2005, 82 Montagnards returned home voluntarily, with a further 20 returning in 2006. A total of 94 persons have been deported.” [22a] (p3)

18.20 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)

18.21 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 17: Protestants](#)

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LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

19.01 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]

19.02 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]

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DISABILITY

20.01 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)

- 20.02 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)

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WOMEN

POLITICAL RIGHTS

- 21.01 The USSD Report 2005 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)
- 21.02 The same 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)

SOCIAL AND ECONOMIC RIGHTS

- 21.03 As recorded by Freedom House in its report, Freedom in the World 2006, “Economic opportunities have grown for women, but they continue to face discrimination in wages and promotion.” [29] The USSD Report 2005 noted 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)
- 21.04 As recorded by the US State Department’s Bureau of Consular Affairs on 24 August 2004, “Vietnamese law does not recognize common-law marriages. Authorities do issue certificates verifying cohabitation but these do not constitute legal marriages. Vietnamese law prohibits marriage between blood

siblings, half siblings, first cousins or any two persons related closer than three degrees of separation. The legal age for marriage is 20 for men, 18 for women... Divorce records are maintained by the courts where they were issued.” [2d] (p4-5)

- 21.05 As recorded by the website of the United Nations Inter-Agency Project (UNIAP) on Human Trafficking in the Greater Mekong Sub-Region, accessed on 15 September 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)

VIOLENCE AGAINST WOMEN / LEGAL RIGHTS

- 21.06 As recorded by Freedom House in its report, Freedom in the World 2006, “Many women are victims of domestic violence, and thousands are trafficked internally and externally each year and forced into 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)

- 21.07 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)

- 21.08 For information on female trafficking, see [Section 23: People trafficking](#)

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CHILDREN

GENERAL INFORMATION

- 22.01 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)

22.02 In January 2003, the independent 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 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. (BBC News Online, 20 February 2003) [14c]

22.03 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)

EDUCATION

22.04 As noted by Europa World, accessed on 4 September 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]

22.05 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) As documented by the same source, child workers are defined as workers under the age of 18 years; child labour is technically illegal, although 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)

22.06 The same source also 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)

- 22.07 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)

- 22.08 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)

CHILD CARE

- 22.09 As reported by the state-run Vietnam News Agency on 12 April 2006:

"Dang Nam, Deputy Head of the Child Department of the Commission spoke at a conference held in Hanoi recently to review five years' implementation of the population, family and child work. Mortality rates among children aged 1-5 years went beyond the targets initially set for 2005, the Deputy Director said, citing the death rate of 1.8% among children aged under one and of 2.8% among children aged under five, as compared with the targets of 3% and 3.6%, respectively. The malnutrition rate among five years old children was also reduced from 33.8% to 25.2% in the period, he added. According to him, in the five years, special attention was paid to children with particular difficulties, with various programmes and projects being carried out. These programmes included the prevention and improvement of the situations of

street children, sexually abused children and children working in hard, toxic or dangerous conditions as well as care of orphans, abandoned children, children with HIV/AIDS and child victims of Agent Orange. In 2005, the Government allocated more than VND 20 billion from the State budget for the assistance of children with particular difficulties. The Vietnam Commission for Population, Families and Children mobilised hundreds of millions of VND to finance activities to help street children return to their families and to provide loans and vocational training for poor children in Hanoi and northern Ha Nam province.” [25a]

22.10 The same report continued:

“Vietnam’s child care and protection work received support from various international organisations, including the United Nations Children’s Fund, the International Labour Organisation, Plan International, World Vision, and Save the Children UK, he said. In the period, information dissemination was boosted through film screenings, meetings and forums to raise public awareness of child protection and child abuse prevention. In addition, social services and consultancy services were put into operation, attracting a large number of managers, psychologists, education specialists, lawyers and doctors to get involved in helping children with particular difficulties. One of these services was a telephone line launched by Plan International to provide consultancy for children. The line helped boost child care and protection, as well as the implementation of children’s rights, especially the rights to participation.” [25a]

22.11 The orphan population of Vietnam was estimated at 124,000 out of a total population of 27.8 million children in 2002. Only 214 centres provided shelter for these orphans, plus around 182,200 disabled children. (Reuters, 26 June 2002) [13a] In the same year 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. (Reuters, 15 May 2002) [13b]

22.12 The USSD Report 2005 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)

22.13 As recorded by the US State Department’s Bureau of Consular Affairs in August 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)

- 22.14 For information on child trafficking, see [Section 23: Trafficking](#)

HEALTH ISSUES

- 22.15 The website of One World, accessed on 28 September 2006, stated that:

“To fulfil its commitment to child protection, the government introduced a new regulation in January 2005 under which children up to six years old should receive primary healthcare, medical check-ups and treatment free of charge. However, there are signs that the necessary funding has not yet materialized at the level of individual health centres and a more concerted effort will be needed to address child health problems and malnutrition, particularly in the impoverished remote communities and amongst children in urban areas.” [33] (p4)

- 22.16 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)

- 22.17 The website of the World Health Organisation (WHO), accessed on 11 September 2006, recorded that:

“Good progress has been made in child survival over past decades. From 1993 to 2003, the infant mortality and under-five mortality rates decreased rapidly by 52.5% and 40.8% (approximately 2 per 1000 live births per year) to the current rates of 21.0 and 32.8 respectively. Viet Nam, however, remains among the 42 countries accounting for 90% of under-five deaths in the world, and neonatal deaths represent more than 75% of infant deaths and more than 50% of under-five deaths. Despite a gradual decrease, maternal mortality remains relatively high, mainly among ethnic minorities and in remote areas. Child nutrition has improved dramatically, with rapid annual reductions of around 2% in both the underweight rate and stunting rate among children under five between 1993 and 2003. However, the current rates are still high, at about 28.4% and 31.4%, respectively, and micronutrient deficiencies are still a significant problem... An extended immunization programme is also considered a successful child health care programme, with a high reduction in vaccine-preventable diseases, the elimination of polio, and gradual elimination of newborn tetanus. However, current conditions for vaccine maintenance, vaccination timing and safety, as well as high staff turnover, are among the current challenges to ensure the continued quality of child immunization.” [11a] (p1-2)

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TRAFFICKING

23.01 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)

23.02 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)

23.03 As noted by the US State Department’s Trafficking in Persons Report 2006, published on 5 June 2006:

“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. Vietnam has not made sufficient efforts to combat trafficking, particularly the trafficking of Vietnamese women as brides to destinations in East Asia and the forced labor conditions of many Vietnamese workers sent abroad. Although the Vietnamese Government took steps to provide greater protection for Vietnamese workers sent abroad by labor export companies, its oversight of labor export companies remained inadequate. Vietnam’s revised labor code has not been effectively implemented to address cases involving overseas workers who have been subjected to conditions of involuntary servitude or forced or bonded labor. The Vietnamese Government also did not make sufficient efforts to address the growing problem of Vietnamese women who are lured by fraudulent offers of marriage to men in Taiwan, Singapore, and the P.R.C. [Peoples’ Republic of China]; many of these Vietnamese brides may have been abused or trafficked.” [2c]

23.04 The report stated further that:

“The Vietnamese Government made increased efforts to provide protection to victims in 2005. The government allocated funding for a program to receive and provide initial support for women and child sex trafficking victims returning from overseas. Local governments often collaborate with NGOs to provide support to returned trafficking victims in the form of vocational training, farmland, or capital for micro-credit loans. Victims of trafficking for sexual exploitation in Vietnam are usually not detained, arrested or otherwise punished; some victims of involuntary servitude have been punished for breaking their contracts. Victims of trafficking for sexual exploitation are also

encouraged to assist in the investigation and prosecution process... The Vietnamese Government did not implement specific anti-trafficking awareness campaigns in 2005, but it continued to raise the issue of trafficking in combination with other information and education programs. The government's official anti-prostitution program underway since 2001 includes trafficking information and education campaigns. Vietnam's national action plan also tasks the Women's Union with education of the community on prevention of trafficking." [2c]

23.05 The same report also recorded that:

"In 2005, the government continued its anti-trafficking law enforcement efforts in cases of trafficking for sexual exploitation, but made minimal efforts to investigate cases of trafficking for labor exploitation. Vietnam has a statute that prohibits sexual exploitation and the trafficking of women and children, with penalties ranging up to twenty years in prison. Labor forms of trafficking, such as forced labor, are covered under the Vietnamese Penal Code. While the Vietnamese Government has a process by which it apparently monitors labor export companies, there have been no reported investigations or prosecutions of involuntary servitude or forced or bonded labor. Labor attaches in the nine top labor export receiving countries, assigned to look after the welfare of workers and to assist in resolving workplace disputes, rarely investigated complaints from workers who had suffered abuses that constitute involuntary servitude. Over the past year, the government's crime statistics office reported 182 prosecutions and 161 convictions specifically related to sex 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." [2c]

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MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

24.01 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. 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)

24.02 According to the website of the Vietnamese Embassy in the United States, accessed in September 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]

24.03 The website of One World, accessed on 28 September 2006, stated that:

"Despite remarkable achievement in a dramatic fall in cases of malaria since 1995 and in controlling the risk of epidemics in polio and tuberculosis, healthcare at local level - especially in remote areas - is still very poor in terms of quantity and quality. Health insurance for the poor was adopted several years ago but access to healthcare for those groups has remained modest. UNDP [UN Development Programme] is recommending that the government increases the relatively small share of national income devoted to health." [33] (p4)

24.04 The website of the World Health Organisation (WHO), accessed on 11 September 2006, recorded that:

"The health system in Viet Nam is a mixed public-private provider system, in which the public system still plays a key role in health care, especially in prevention, research and training. The private sector has grown steadily since the 'reform' of the health sector in 1989, but is mainly active in outpatient care; inpatient care is provided essentially through the public sector. Only 26% of private health facilities participate in primary health care activities. In treatment areas, specialized hospitals and clinics account for only 11.36% of health facilities and are therefore often overloaded. The ratio of nurses to doctors is still very low... Budget allocation rates for prevention remain low and continue to decrease. Generally speaking, health insurance policies have not been implemented in the private sector. Pro-poor policies, such as providing health insurance cards for the poor, direct exemption from hospitalization fees, and the establishment of health care funds for the poor, are being actively implemented, but with limited coverage because of budget shortages. 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. Inequity is highest in outpatient and rehabilitation services. A large disparity in access to health care facilities exists across regions and population groups, particularly in mountainous areas and among minority ethnic groups and the poor." [11a] (p2)

24.05 The same source also noted that:

"Large disparities in health status exist between different geographical regions and population groups. Health indicators in the Central Highlands, the Northern Uplands, and the Northern Central Coast are considerably worse

than in the rest of the country. Health status in rural areas is poorer than urban areas, with ethnic minorities and people in mountainous areas lowest on the scale. Maternal and infant mortality among ethnic minority groups can be as much as four times higher than the national average. In remote and mountainous areas, maternal and infant mortality rates are increasing among the poorest 20% of the population.” [11a] (p1)

HIV/AIDS – ANTI-RETROVIRAL TREATMENT

- 24.06 The website of the WHO, accessed on 11 September 2006, recorded that “As of 2003, 77,709 HIV cases had been reported, with 6,884 deaths. However, reported cases significantly understate the scale of the problem, and it is estimated that at least 150,000 people are infected with HIV, the majority in the 20-40 age group. The proportion of HIV infections among persons under 30 years of age has been increasing in recent years.” [11a] (p1)
- 24.07 The website of One World, accessed on 28 September 2006, stated that:
- “A problem which insistently causes concern for Vietnam’s leaders is HIV/AIDS. Prevalence is officially relatively low at 0.4% but has been increasing sharply in recent years. Although the government has made it a priority to address the issue at both national and community levels, there remains no clear policy for treatment so that access to antiretroviral drugs remains far beyond the means of most sufferers. Many victims’ families are driven into poverty by the costs of healthcare and community support is often limited to self help groups.” [33] (p5)
- 24.08 As noted by the website of Avert, accessed on 15 September 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]
- 24.09 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)

- 24.10 The Stop TB Partnership’s website, accessed on 11 September 2006, included Vietnam among 22 countries accounting for 80 per cent of TB cases in the world. It noted that “Viet Nam has exceeded the targets for case detection and treatment success for nearly a decade, yet there are no signs of a decline in the overall annual TB incidence rate. More detailed, but preliminary, epidemiological studies suggest that incidence rates have been

falling among older adults (especially women) but rising among younger adults (especially men).” [12] (p1)

- 24.11 The website of the WHO, accessed on 11 September 2006, recorded that “On average, there are more than 68,500 new TB patients every year. In 2003, 4.3% of TB patients were HIV-positive... Health care is strengthened by national health programmes, especially those for important public health problems. The tuberculosis control programme is now considered to be one of the best, with treatment success rates of more than 90%. However, coverage in poor communities and mountainous areas is limited, usually only 50-60%.” [11a] (p1-2)

MENTAL HEALTH

- 24.12 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] (p2)

- 24.13 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] (p3-4)

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FREEDOM OF MOVEMENT

- 25.01 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)

- 25.02 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]

- 25.03 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)
- 25.04 The Canadian Immigration and Refugee Board (IRB) recorded on 16 October 2001 that people would be removed from the household registry (ho khau) if they failed to live continuously at their address for one year. Such people could apply to have their registration restored if they were closely related to the head of the households concerned (sibling, son or daughter, spouse or parent). [6c]
- 25.05 The same source stated further 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]

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FOREIGN REFUGEES

- 26.01 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)
- 26.02 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]

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CITIZENSHIP AND NATIONALITY

- 27.01 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).” [6g]
- 27.02 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).” [6g]

IDENTITY CARDS

- 27.03 As noted by the US State Department’s International Religious Freedom Report (IRFR) 2006, published on 15 September 2006, 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 cards, and government statistics list them as nonreligious. 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 17: Freedom of religion

FRAUDULENT DOCUMENTS

- 27.04 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 in August 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

- 27.05 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)
- 27.06 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.
- (Canadian IRB, 16 October 2001) [6e]
- 27.07 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. (Canadian IRB, 16 October 2001) [6e]
- 27.08 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]
- 27.09 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)
- 27.10 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. (Canadian IRB, 16 October 2001) [6d]
- 27.11 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)

27.12 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)

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EXIT – ENTRY PROCEDURES

28.01 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)

28.02 On 10 February 2004, the Canadian Immigration and Refugee Board (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.).” [6g]

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EMPLOYMENT RIGHTS

29.01 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)

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Annex A: Chronology of major events

[14b]

- 1945** The Viet Minh seizes power. Ho Chi Minh announces Vietnam's independence.
- 1946** French forces attack Viet Minh in Haiphong in November, sparking the war of resistance against the colonial power.
- 1950** Democratic Republic of Vietnam is recognised by China and USSR.
- 1954** Viet Minh forces attack an isolated French military outpost in the town of Dien Bien. The attempt to take the outpost lasts two months, during which time the French government agrees to peace talks in Geneva. At the Geneva conference, Vietnam is split into North and South at the 17th Parallel.
- 1956** South Vietnamese President Ngo Dinh Diem begins campaign against political dissidents.
- 1957** Beginning of communist insurgency in the South.
- 1959** Weapons and men from North Vietnam begin infiltrating the South.
- 1960** American aid to Diem increased.
- 1962** Number of US military advisors in South Vietnam rises to 12,000.
- 1963** Viet Cong, the communist guerrillas operating in South Vietnam, defeat units of the ARVN, the South Vietnamese Army. President Diem is overthrown.
- 1964** US destroyer allegedly attacked by North Vietnamese patrol boats. This triggers start of pre-planned American bombing raids on North Vietnam.
- 1965** 200,000 American combat troops arrive in South Vietnam.
- 1966** US troop numbers in Vietnam rise to 400,000, then to 500,000 the following year.
- 1968** Tet Offensive – a combined assault by Viet Cong and the North Vietnamese army on US positions – begins. More than 500 civilians die in the massacre at My Lai.
- 1969** Ho Chi Minh dies. President Nixon begins to reduce US ground troops in Vietnam as domestic public opposition to the war grows.
- 1970** Nixon's national security advisor, Henry Kissinger, and Le Duc Tho, for the Hanoi government, start talks in Paris.
- 1973** Ceasefire agreement in Paris, US troop pull-out completed by March.
- 1975** North Vietnamese troops invade South Vietnam and take control of the whole country after South Vietnamese President Duong Van Minh surrenders.

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

- 2003 June:** Showcase trial of Ho Chi Minh City gangster Nam Cam and 154 others hands down six death sentences.
- 2003 November:** First US warship to visit since the Vietnam War sails into port near Ho Chi Minh City.
- 2004 January:** Vietnam confirms the first human deaths from bird flu. Over the course of the year the virus claims more than 30 lives.
- 2004 June:** Nam Cam, Ho Chi Minh City gangster, is executed.
- 2004 December:** First US commercial flight since the end of the Vietnam War touches down in Ho Chi Minh City.
- 2005 June:** Prime Minister Phan Van Khai makes the first visit to the US by a Vietnamese leader since the end of the Vietnam War.
- 2006 January onwards:** Senior officials are investigated over the alleged embezzlement of millions of dollars of state money in the transport ministry.
- 2006 June:** As part of an anticipated political shake-up, the prime minister, president and National Assembly chairman are replaced by younger leaders.

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Annex B: 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]

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]

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Annex C: Prominent people

Thich Quang Do

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

Nguyen Tan Dung

Prime Minister since 27 June 2006. [4] (p5)

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)

Nguyen Dan Que

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

Nguyen Minh Triet

President since 27 June 2006. [4] (p5)

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Annex D: 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
STC	Save The Children
STD	Sexually Transmitted Disease
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

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Annex E: References to source material

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

- [1] **Europa World**
Country Profile: Vietnam (accessed 4 September 2006)

- [2] **US State Department (USSD)**
<http://www.state.gov/g/drl>
 - a Country Report on Human Rights Practices 2005: Vietnam, 8 March 2006
<http://www.state.gov/g/drl/rls/hrrpt/2005/61632.htm> (accessed 4 September 2006)
 - b International Religious Freedom Report 2006: Vietnam, 15 September 2006
<http://www.state.gov/g/drl/rls/irf/2006/71363.htm> (accessed 20 September 2006)
 - c Trafficking in Persons Report 2006: Vietnam, 5 June 2006
<http://www.state.gov/g/tip/rls/tiprpt/2006/65990.htm> (accessed 4 September 2006)
 - d Bureau of Consular Affairs, Vietnam: Documents, 24 August 2004
<http://travel.state.gov/visa/reciprocity/Country%20Folder/V/Vietnam.htm> (accessed 4 September 2006)
 - e Bureau of Consular Affairs, International Adoption: Vietnam, August 2006
http://travel.state.gov/family/adoption/country/country_349.html#?css=print (accessed 4 September 2006)

- [3] **Amnesty International (AI)**
<http://web.amnesty.org/library/eng-vnm/index>
 - a Annual Report 2006 (covering events from January to December 2005)
<http://web.amnesty.org/report2006/vnm-summary-eng> (accessed 4 September 2006)
 - b Risk of persecution for homosexuals (or bi-/transsexuals), (expert opinion, in German) (#18726), 22 November 2003
 - c Socialist Republic of Viet Nam: Further information on: Health concern/Incommunicado detention, Dr Nguyen Dan Que, ASA 41/004/2005, 17 February 2005
<http://web.amnesty.org/library/Index/ENGASA410042005?open&of=ENG-VNM> (accessed 4 September 2006)

- [4] **Central Intelligence Agency (CIA)**
World Factbook 2006: Vietnam
<https://www.cia.gov/cia/publications/factbook/print/vm.html> (accessed 4 September 2006)

- [5] **Human Rights Watch (HRW)**
<http://www.hrw.org/asia/vietnam.php>
 - a World Report 2006 (Events of 2005)
<http://hrw.org/english/docs/2006/01/18/vietna12249.htm> (accessed 4 September 2006)
 - b No Sanctuary: Ongoing Threats to Indigenous Montagnards in Vietnam's Central Highlands, June 2006
<http://hrw.org/reports/2006/vietnam0606/> (accessed 4 September 2006)

[6] Canadian Immigration and Refugee Board (IRB)

http://www.cisr-irb.gc.ca/en/research/rir/index_e.htm?action=record.countrylist
(accessed 11 September 2006)

- a VNM35083.E, 27 July 2000, Exit and re-entry laws; whether one can get a passport if he/she has “fallen out of favour” with the government [regulations translated and reproduced in full]
- b VNM35244.E, 2 August 2000, Exit and re-entry laws; whether one can get a passport if he/she has “fallen out of favour” with the government (follow-up)
- c VNM37802.E, 16 October 2001, Whether Vietnamese citizens or residents are required to cancel their household registration (ho khau) when leaving Vietnam to live abroad; whether the registration can be restored upon returning to Vietnam after two or more years of absence; grounds for refusal to issue a household registration to a returnee
- d VNM37780.E, 16 October 2001, Procedures for renewal of a recently expired passport at Vietnamese consular offices in Canada
- e VNM37730.E, 16 October 2001, Documents required by Vietnamese authorities in order to issue a passport to a Vietnamese citizen from within Vietnam; whether local police clearance is required
- f VNM40086.E, 5 November 2002, Nature and extent of police corruption, specifically reports of police requiring payment of bribes in order to process and investigate complaints by the public
- g VNM41977.E, 10 February 2004, Whether a person who was born in Vietnam to Chinese parents, and who left the country as an adult and remained outside of Vietnam for over 30 years, is entitled to Vietnamese nationality; whether this person would be able to bring his or her spouse, who does not have Vietnamese nationality, to Vietnam

[7] Reporters Without Frontiers

<http://www.rsf.org/>

- a 2006 Annual Report
http://www.rsf.org/article.php3?id_article=17366 (accessed 11 September 2006)
- b Government tightens grip on cyber-café and online press, 26 July 2005
http://www.rsf.org/article.php3?id_article=14524 (accessed 11 September 2006)
- c Annual Worldwide Press Freedom Index 2005
http://www.rsf.org/rubrique.php3?id_rubrique=554 (accessed 11 September 2006)

[8] Foreign & Commonwealth Office (FCO)

<http://www.fco.gov.uk/>

- a Country Profiles: Vietnam, 10 July 2006
<http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1007029394365&a=KCountryProfile&aid=1019061877785> (accessed 11 September 2006)
- b Human Rights Annual Report 2005
<http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1119526503628> (accessed 11 September 2006)
- c Email from British Embassy, Hanoi, 19 March 2004

- [9] **Asia Foundation**
<http://www.asiafoundation.org/>
Supporting governance and legal reform
<http://www.asiafoundation.org/Locations/vietnam.html> (accessed 11 September 2006)
- [10] **International Christian Concern**
<http://www.persecution.org/newsite/index.php>
Country News: Vietnam, September 2006
<http://www.persecution.org/newsite/countrynews.php?newscode=397&PHPSESSID=a855df5354a5cdadcd0140d289b4ca97> (accessed 11 September 2006)
- [11] **World Health Organisation (WHO)**
<http://www.who.int/en/>
a Vietnam: Health Situation
http://www.wpro.who.int/countries/05vtn/health_situation.htm (accessed 11 September 2006)
b Mental Health Atlas 2005: Country Profile: Vietnam
http://www.who.int/mental_health/evidence/atlas/ (accessed 7 September 2006)
- [12] **The Stop TB Partnership**
<http://www.stoptb.org/>
Country profile: Vietnam
<http://www.stoptb.org/countries/> (accessed 11 September 2006)
- [13] **Reuters Business Briefing**
a Vietnam News Brief Service, PM takes care of children, 26 June 2002
b Vietnam News Brief Service, HIV-infected children look for refuge, 15 May 2002
- [14] **BBC News Online**
<http://news.bbc.co.uk/1/hi/world/asia-pacific/default.stm>
a Country Profile: Vietnam, 24 June 2006
http://news.bbc.co.uk/1/hi/world/asia-pacific/country_profiles/1243338.stm (accessed 11 September 2006)
b Timeline: Vietnam, 24 June 2006
<http://news.bbc.co.uk/1/hi/world/asia-pacific/1243686.stm> (accessed 11 September 2006)
c Vietnam reforms 'harm children', 20 February 2003
<http://news.bbc.co.uk/1/hi/world/asia-pacific/2783125.stm> (accessed 27 September 2006)
- [15] **Economist Intelligence Unit (EIU)**
a Country Report: Vietnam, July 2006
http://db.eiu.com/index.asp?layout=displayIssueTOC&toc2=no&issue_id=1850807170&publication_id=1140000914 (accessed 27 September 2006)
b Country Profile 2005: Vietnam
http://db.eiu.com/index.asp?layout=displayIssueTOC&toc2=no&issue_id=1219455307&publication_id=1240000724 (accessed 27 September 2006)

- [16] **Asia Times**
<http://www.atimes.com/>
Heed the call of Vietnam's Bloc 8406
<http://www.atimes.com/atimes/Southeast Asia/HI14Ae01.html> (accessed 14 September 2006)
- [17] **Vietnamese Government**
a Embassy of the Socialist Republic of Vietnam in the United States of America, Constitution of the Socialist Republic of Vietnam 1992 (Chapters 1 & 5)
http://www.vietnamembassy-usa.org/learn_about_vietnam/politics/constitution/ (accessed 12 September 2006)
b Embassy of the Socialist Republic of Vietnam in the United States of America, Public services – Health
http://www.vietnamembassy-usa.org/learn_about_vietnam/public_services/health/ (accessed 12 September 2006)
c Standing Committee of the National Assembly, Ordinance Regarding Religious Belief and Religious Organisations, 18 June 2004 [PDF] [ORDINANCE \(translation\)](#) (accessed 12 September 2006)
d Vietnam National Administration of Tourism, Vietnam: Country and People
http://www.vietnamtourism.com/e_pages/country/overview.asp (accessed 12 September 2006)
e Criminal Code (Chapter 23: Crimes of Infringing upon the Duties and Responsibilities of Army Personnel), 21 December 1999
f Law Amending and Supplementing a Number of Articles of the Law on Military Service Duty, June 1994
<http://www.unhcr.org/cgi-bin/texis/vtx/rsd/rsddocview.html?tbl=RSDLEGAL&id=3ae6b5374> (accessed 12 September 2006)
- [18] **Minority Rights Group International (MRGI)**
The World Directory of Minorities, 1997
- [19] **War Resisters International (WRI)**
<http://www.wri-irg.org/>
Refusing to Bear Arms: Vietnam, 19 March 1998
<http://www.wri-irg.org/co/rtba/vietnam.htm> (accessed 12 September 2006)
- [20] **Christian Solidarity Worldwide**
<http://www.csw.org.uk>
Briefing: Annual Summary of Human Rights and Religious Freedom Concerns, September 2005
<http://www.csw.org.uk/Countries/index.php?id=4> (accessed 12 September 2006)
- [21] **US Committee for Refugees and Immigrants**
<http://www.refugees.org/>
World Refugee Survey 2004: Country Report: Vietnam
<http://www.refugees.org/countryreports.aspx?area=investigate&subm=19&ssm=29&cid=186> (accessed 14 September 2006)
- [22] **United Nations High Commissioner for Refugees (UNHCR)**
<http://www.unhcr.org/cgi-bin/texis/vtx/country?iso=vnm>

- a Viet Nam Montagnards: UNHCR rejects HRW report allegations, 16 June 2006
<http://www.unhcr.org/cgi-bin/texis/vtx/news/opendoc.htm?tbl=NEWS&id=449282571d&page=news>
(accessed 14 September 2006)
 - b Map
<http://www.unhcr.org/cgi-bin/texis/vtx/country?iso=vn>
(accessed 14 September 2006)
- [23] **The Supreme Master Ching Hai**
www.godsdirectcontact.org
(accessed 14 September 2006)
- [24] **Ethnologue**
<http://www.ethnologue.com/>
Languages of Viet Nam
http://www.ethnologue.com/show_country.asp?name=Viet+Nam (accessed 14 September 2006)
- [25] **Vietnam News Agency**
a Vietnam pays attention to child care, 12 April 2006
<http://english.vietnamnet.vn/> (accessed 18 September 2006)
b Viet Nam calls US human rights report prejudiced, 9 March 2006
http://www.vnnet.vn/news.asp?LANGUAGE_ID=2&CATEGORY_ID=29&NEWS_ID=189806 (accessed 10 March 2006)
- [26] **Transparency International (TI)**
<http://www.transparency.org/>
Corruption Perceptions Index 2005
http://www.transparency.org/policy_and_research/surveys_indices/cpi/2005
(accessed 14 September 2006)
- [27] **World Wide Religious News (WWRN)**
<http://www.wwrn.org/index.php>
Vietnam: Three fundamental causes of persecution remain (Forum 18, 14 July 2005)
<http://www.wwrn.org/article.php?idd=17861&sec=59&con=31> (accessed 14 September 2006)
- [28] **Asia News**
<http://www.asianews.it/main.php?l=en>
Law limiting religious freedom adopted, 2 July 2004
<http://www.asianews.it/view.php?1=en&art=1076> (accessed 15 September 2006)
- [29] **Freedom House**
<http://www.freedomhouse.org/>
Freedom in the World 2006
<http://www.freedomhouse.org/template.cfm?page=22&year=2006&country=7089>
(accessed 15 September 2006)

- [30] **United Nations Inter-Agency Project (UNIAP) on Human Trafficking in the Greater Mekong Sub-Region**
<http://www.no-trafficking.org/Vietnam>
http://www.no-trafficking.org/content/Country_Pages_Vietnam/overview_vietnam.htm
(accessed 15 September 2006)
- [31] **Avert**
<http://www.avert.org/>
PEPFAR: Funding for Focus Countries: Vietnam
<http://www.avert.org/pepfar-countries.htm#vie> (accessed 15 September 2006)
- [32] **Agence France Presse (AFP)**
Gays in Vietnam seek an identity, 4 August 2003
<http://www.globalgayz.com/vietnam-news.html> (accessed 15 September 2006)
- [33] **One World**
<http://uk.oneworld.net/>
Country Guides: Vietnam
<http://uk.oneworld.net/guides/vietnam/development> (accessed 28 September 2006)
- [34] **Minorities at Risk Project**
<http://www.cidcm.umd.edu/inscr/mar/>
Assessment for Chinese in Vietnam, 31 December 2003
<http://www.cidcm.umd.edu/inscr/mar/assessment.asp?groupId=81602>
(accessed 2 October 2006)

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