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U.S. Department of State

Vietnam Country Report on Human Rights Practices for 1998

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VIETNAM

The Socialist Republic of Vietnam is a one-party state ruled and controlled by the Vietnamese Communist Party (VCP). The VCP's constitutionally mandated leading role and the occupancy of all senior government positions by party members ensure the primacy of party Politburo guidelines, and enable the Party to set the broad parameters of national policy. During the year, the Party continued gradually to reduce its formal involvement in government operations, and allowed the Government to exercise significant discretion in implementing policy. The National Assembly remains subject to party direction; however, the Government made progress in strengthening the capacity of the National Assembly and in reforming the bureaucracy. The National Assembly, chosen in elections in which most, but not all candidates are approved by the Party (not all Delegates are party members), played an increasingly independent role as a forum for local and provincial concerns and as a critic of local and national corruption and inefficiency. The Assembly was more active in revising legislation and vetting and sometimes rejecting ministerial and other candidates for senior offices. Government officials have more latitude in implementing policies than in previous years. The judiciary remains subservient to the VCP.

The military services are responsible for external defense, including the border defense force. The military forces are assuming a more important role as the ultimate guarantor of internal security, as they seek to establish themselves in public education and campaigns against perceived threats to society. The Government continued to restrict significantly civil liberties on grounds of national security. The Government's Ministry of Public Security (formerly the Ministry of Interior) controls the police, a special national security investigative agency, and other units that maintain internal security. The

Ministry of Public Security enforces laws and regulations that significantly restrict individual liberties and violate other human rights. The Ministry of Public Security maintains 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 obvious and pervasive in its intrusion into citizens' daily lives. Members of the security forces committed human rights abuses.

Vietnam is a very poor country undergoing transition from a centrally planned to a more market-oriented economy. Estimated annual GDP per capita is approximately \$300. The Asian economic crisis caused a slowdown in trade and foreign investment. However, because the economy is partially closed, it was cushioned somewhat from the effects of the crisis. Agriculture, primarily wet rice cultivation, employs two-thirds of the work force and accounts for about one-fourth of Gross Domestic Product (GDP). Primary industries, including construction, petroleum, garments, footwear, and light manufacturing, showed continued growth, although at lower levels than in previous years. International financial assistance of about \$2 billion annually is equivalent to almost 10 percent of GDP. Particularly in Ho Chi Minh City and Hanoi, economic reforms have raised the standard of living and reduced party and governmental control over, and intrusion into, citizens' daily lives. Reforms have created a popular expectation in urban areas of continued social, legal, educational, and physical improvements. However, many citizens in isolated rural areas live in extreme poverty.

The Government's human rights record remained poor; although there was measurable improvement in a few areas, serious problems remain. The Government continued to repress basic political and some religious freedoms and to commit numerous abuses. Although the VCP continued its efforts to reform procedures and internal debate, the Government denied citizens the right to change their government. There were credible reports that security officials beat detainees. Prison conditions remain harsh. The Government arbitrarily arrested and detained citizens, including detention for peaceful expression of political and religious views. The Government denied citizens the right to fair and expeditious trials and continued to hold a number of political prisoners. However, in two wide-ranging amnesties in September and November, the Government released more than 7,000 prisoners, most of them convicted common criminals, but including some prominent political and religious dissidents. The Government restricts significantly citizens' privacy rights, although the trend toward reduced government interference in citizens' daily lives continued. The Government significantly restricts freedom of speech, the press, assembly, and association. The Government continued its longstanding policy of not tolerating most types of public dissent, although it made exceptions in some instances. For example, a number of persons circulated letters that were highly critical of senior leaders and called for political reform. The authors did not face reprisals; however, they were subjected to close surveillance by public security forces. The Government allowed citizens somewhat greater freedom of expression and assembly to express grievances, including by delegates in the National Assembly, citizens in local forums with delegates, and small groups of protesters outside government offices. The Government prohibited independent political, labor, and social organizations; such organizations exist only under government control. The Government restricts freedom of religion and significantly restricts the operation of religious organizations other than those entities approved by the State. However, in some respects, conditions for religious freedom improved during the year. For example, in many areas, local Buddhists, Catholics, and Protestants reported an increase in religious activity and observance. The Government imposes some limits on freedom of movement. Societal discrimination and violence against women remained problems. Trafficking in women and children for prostitution within the country and abroad continued to grow, although the Government took steps to combat the problem. Discrimination against ethnic minorities and child labor are problems. There were some reports of forced child labor. There were reports that certain prisons employed forced labor, sometimes as part of commercial ventures. The Government restricts worker rights.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no known politically motivated extrajudicial killings. Little information was available on the extent of deaths in police custody or on official investigations into such incidents. There were no reports of deaths of inmates due to prison conditions during the year.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits physical abuse; however, police beat persons, including suspects during arrests, and also beat street children in their attempts to get them off the streets. There were no known reports of torture of detainees. Little information is available on the extent of police brutality during interrogations.

Prison conditions are harsh. Conditions generally did not threaten the lives of prisoners, although anecdotal evidence suggests that the death rate among male prisoners was higher than among female prisoners. Overcrowding, insufficient diet, and poor sanitation remained serious problems. Conditions in pretrial detention reportedly were particularly harsh, and there were credible reports that authorities sometimes denied inmates access to sunlight, exercise, and reading material. Most prisoners had access to basic health care and, for those with money, to supplemental food and medicine. However, some political prisoners were denied visitation rights, and there were reports that some prisons employed the use of forced labor, sometimes as part of commercial ventures (see Section 6.c.). Prisoners sentenced to hard labor complained that their diet and medical care were insufficient to sustain health, especially in remote, disease-ridden areas. Several political prisoners with serious medical conditions were held under harsh conditions in remote prisons, with limited access to medical care. For example, Do Van Thac, sentenced to 14 (reduced to 12) years' imprisonment on charges of attempting to overthrow the Government, remained imprisoned in remote Nam Ha province, despite reports that he had suffered a stroke and had heart disease.

Dr. Doan Viet Hoat, a prisoner who was serving a 15-year sentence at the Thanh Cam camp, a remote and malaria-ridden area of Thanh Hoa province, was granted amnesty in September (see Sections 1.d. and 1.e.).

The Government did not permit independent monitoring of its prison and detention system.

d. Arbitrary Arrest, Detention, or Exile

The Government continued to arrest and detain citizens arbitrarily, including arrest and detention for the peaceful expression of their political and religious views. The 1990 Criminal Procedures Code provides for various rights of detainees, including time limits on pretrial detention and the right of the accused to have a lawyer present during interrogation. However, in practice the authorities often ignored these legal safeguards. Moreover, a 1997 directive on administrative detention gives security officials broad powers to monitor citizens closely and control where they live and work for up to 2 years if they are believed to be threatening "national security."

The Government continued to utilize its 1997 decree on "administrative detention," which gives authorities extremely broad powers to place persons under surveillance, to monitor citizens closely. The regulations, however, define administrative detention as an administrative penalty imposed on persons who break the law and violate national security, as determined by the definition of crimes in the Criminal Code, but whose offenses are not yet at the level that warrants "criminal responsibility." Persons under administrative detention must live and work in a designated locality and remain subject to the management and education of the local authorities and population. There are reports that these measures are used against suspected political dissidents. The time span of administrative detention ranges from 6 months to 2 years; the regulations apply also to persons under 18 years of age. The Ministry of Public Security is the lead agency in implementing the decree.

The Supreme People's Procuracy approves the issuance of arrest warrants, but law enforcement officials appear able to arrest and incarcerate persons without presenting arrest warrants. Once arrested, detainees often are held for lengthy periods without formal charges or trial. Nguyen Hoang Linh, a newspaper editor, was convicted on October 21 of "taking advantage of democracy to damage the State" because of articles that he had published that exposed corruption in the Customs Department. He was released immediately after his conviction, since he already had served his sentence of 1 year, 13 days. In general, as in Linh's case, time spent in pretrial detention counts toward time served upon conviction and sentencing.

The Government detained two Cao Dai believers in Giang province in October.

There were reports that the Government detained a number of Hmong Evangelical Protestants in the northwestern provinces for their involvement in church activities (see Section 2.c.) Among those believed to be held at year's end for political or religious activities are: UBCV monks Thich Thien Minh, Thich Hue Dang, and Thich Thanj Tinh; Catholic priests Reverends Mai Duc Choung, Nguyen Dinh Huy, Reverend Pham Ngoc Tan, Nguyen Van Chau, and Pham Tran Anh.

There were credible reports that authorities moved juvenile offenders from reform schools to labor camp prisons without legal due process, upon their reaching the age of majority.

Those arrested for the peaceful expression of views opposed to official policy were subject to charge under any one of several provisions in the Criminal Code that outlaw acts against the State.

No official statistics are available on the percentage of the prison population that consists of pretrial detainees or the average period of time that such detainees have been held. It is difficult to determine the exact number of political detainees, in part because the Government usually does not publicize such arrests and because the Government does not consider these persons to be detained for political reasons.

The Government pressured several released prisoners, including Doan Viet Hoat and Dong Tuy, to leave the country and go into exile as a condition for their release. Dong Tuy remained in the country after his release. Others were permitted to remain in the country. The Government continued to employ internal isolation to restrict the movement of certain political and religious dissidents. The leader of the Unified Buddhist Church of Vietnam, Thich Huyen Quang, remained under administrative detention in Quang Ngai province and was prohibited from returning to his home pagoda in Hue. The Government claimed that he is not under any legal restrictions but did not permit outsiders to verify his status.

e. Denial of Fair Public Trial

Although the Constitution provides for the independence of judges and jurors, in practice the Party

controls the courts closely at all levels, selecting judges primarily for their political reliability. Credible reports indicate that party officials, including top leaders, instruct courts how to rule on politically important cases. The National Assembly votes for candidates that are presented by the President for Supreme People's Court, president and Supreme People's procurator. The President appoints all other judges.

The court system consists of the Supreme People's Court in Hanoi, provincial courts, district courts, and military tribunals. The Supreme People's Court can review cases from the lower courts or tribunals. Separately, economic courts handle commercial disputes. Administrative courts deal with complaints by citizens about official abuse and corruption. The economic and administrative courts have addressed few cases since their creation in 1994 and 1995, respectively. Local mass organizations, such as the Under the Fatherland Front, are empowered to deal with minor breaches of law or disputes.

The Supreme People's Procuracy has unchecked power to bring charges against the accused and serves as prosecutor during trials. A judging council, made up of a judge and one or more people's jurors (lay judges), determines guilt or innocence and also passes sentence on the convicted. The relevant people's council appoints people's jurors, who are required to have high moral standards but need not have legal training.

The Government continued its effort to develop the legal system as part of expanding the rule of law. In January it put into effect a commercial code that helps regulate business transactions. Many judges and other court officials lacked adequate legal training, and the Government conducted training programs to address this problem. A number of foreign governments provided assistance to the Government to strengthen rule of law and develop a more effective judiciary. However, the lack of openness in the judicial process and the continuing lack of independence of the judiciary undermined the Government's efforts to develop a fair, effective, judicial system. In some cases, individual judges appeared to exercise independent judgment. For example, an administrative judge ruled in favor of a foreign businessperson in a tax dispute with a Vietnamese person.

Trials generally are open to the public, although judicial authorities sometimes closed trials or strictly limited attendance in sensitive cases. Defendants have the right to be present at their trial and to have a lawyer. The defendant or the defense lawyer have the right to cross-examine witnesses. However, in political cases, there are credible reports that defendants are not allowed access to government evidence in advance of the trial, to cross-examine witnesses, or to challenge statements. Little information is available on the extent to which defendants and their lawyers have time to prepare for trials. Those convicted have the right to appeal.

The Government continued to hold persons for the peaceful expression of dissenting religious or political views. For example, Nguyen Van Thuan and Le Duc Vuoug continued to serve lengthy prison sentences for publishing a reformist newsletter. Nguyen Dinh Huy remained in prison for trying to organize a conference on democracy in Ho Chi Minh City in 1993. Two of the seven imprisoned priests from the Congregation of the Mother Co-Redemptrix were released. Some political prisoners were denied visitation rights.

Amnesty International lists more than 40 prisoners held for political reasons but suggests that the total may be higher. Other sources put the figure at from 100 to 150 persons. The Government states that it does not hold any political prisoners. However, the Government usually does not publicize the arrests of citizens for political reasons and frequently conducts closed trials and sentencing sessions.

As part of a national day amnesty on September 2, the Government released more than 5,000 prisoners,

most of them convicted criminals. It also released 2,600 more prisoners in November. Among those released were more than 2 dozen persons held for the peaceful exercise of their political and religious beliefs. Included in these amnesties were prominent political dissidents Doan Viet Hoat, Nguyen Dan Que, Dong Tuy, Nguyen Van Bien, Pham Tuong, and Bui Kim Dinh; Nguyen Van Thuan; senior monks of the Unified Buddhist Church of Vietnam Thich Quang Do, Thich Tri Sieu, and Thich Tue Sy; Thich Khonh Tanh; Catholic priests Reverend Dinh Viet Hieu and Reverend Nguyen Chau Dat, Buddhist monks Thich Nhat Ban and Thich Knong Tanh, and a large number of other political and religious prisoners. Dr. Hoat left the country after being told by government officials that he could not leave prison unless he left the country (see Section 1.d.). Dr. Que was told the same thing but refused to depart Vietnam; he was released anyway.

The Government claims that there are no political prisoners, and states that these persons were convicted of violating national security laws. The Government does not publish lists of those imprisoned.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Constitution provides for the right to privacy of home and correspondence; however, the Government restricts this right significantly. It operates a nationwide system of surveillance and control through household registration and block wardens who use informants to keep track of individuals' activities. Citizens must register with police when they leave home, remain in another location overnight, or when they change their residence (see Section 2.d.). However, these requirements are not enforced consistently; many citizens move around the country to seek work or to visit family and friends without being monitored closely. The authorities continued to monitor citizens, but with less vigor and efficiency than in the past, as they focused on persons whom they suspected of involvement in unauthorized political or religious activities. There have been reports that some families have been unable to obtain household registration or residence permits, causing serious legal and administrative problems. In urban areas, most citizens were free to maintain contact and work with foreigners, but police questioned some individual citizens and families of citizens with extensive or close relations with foreigners.

The Government opened and censored citizens' mail, confiscated packages, and monitored telephone, electronic mail, and facsimile transmissions. The Party exerted little pressure on citizens to belong to one or more mass organizations, which exist for villages, city districts, schools, workers (trade unions), youth, veterans and women. Membership in the VCP remains an aid to advancement in the Government or in state companies and is vital for promotion to senior levels of the Government. At the same time, diversification of the economy has made membership in mass organizations and the VCP less essential to financial and social advancement.

The Government continued to implement a family planning policy that urges all families to have no more than two children; this policy emphasizes exhortation rather than coercion. In principle the Government can deny promotions and salary increases to government employees with more than two children. In practice the penalty is enforced only rarely.

For others, there are no penalties for those with more than two children, but local regulations permit fines based on the cost of extra social services incurred by the larger family or reductions in state subsidies for those services. These penalties are not applied uniformly or universally.

While foreign language periodicals are widely available in the cities, the Government occasionally censors articles about the country in foreign periodicals for sale within the country.

The Government allowed access to the Internet beginning in January, and owns and controls the country's only Internet access provider. Five Internet service providers compete for subscribers. There are fewer than 15,000 Internet subscribers and a handful of cyber cafes in major cities. The Government appeared to limit access to those persons who are allowed to have Internet accounts. Persons with Internet access in their homes were able to access most sites operated by Vietnamese exile groups abroad, although some computer firewalls exist. Government authorities sometimes monitor which sites subscribers access. By law, access to satellite television was limited to top officials, foreigners, luxury hotels, and the press. The law was not enforced, and some persons in urban and rural areas have access via home satellite equipment. The Government generally did not limit access to international radio; however, it jammed Radio Free Asia.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, but in practice the Government severely limits these freedoms, especially concerning political and religious subjects. Reporters and editors practiced self-censorship on sensitive subjects.

Both the Constitution and the Criminal Code include broad national security and antidefamation provisions that the Government used to limit such freedoms strictly. The party and Government tolerate public discussion and permit somewhat more criticism than in the past. For example, citizens could and did complain openly about inefficient government, administrative procedures, corruption, and economic policy. However, the Government imposed limits in these areas as well. In September 1997, the Government adopted a directive requiring journalists to obtain approval from the Ministry of Culture and Information before passing any information to foreign journalists. In October 1997, the party Politburo issued a circular underscoring that media activities are "under the leadership of the State and the management of the party." Also in October 1997, journalist Nguyen Hoang Linh, the editor of a business newspaper, was arrested and charged with revealing state secrets. He was convicted in October, then released for time served for publishing articles detailing alleged corruption among customs officials.

Retired General, war hero, and former party member Tran Do ignored government pressure to cease his critical writings against the Government and the party.

The Government continued to prohibit free speech that strayed outside narrow limits to question the role of the party, criticize individual government leaders, promote pluralism or multiparty democracy, or questioned the regime's policies on sensitive matters such as human rights. There continued to be an ambiguous line between what constituted private speech about sensitive matters, which the authorities would tolerate, and public speech in those areas, which they would not. Several authors whose works attracted official censure in past years continued to be denied permission to publish, speak publicly, or travel abroad. Security forces harassed novelist Duong Thu Huong, and authorities revoked her passport.

In November 1997, in connection with a demonstration in Binh Thai province, the Government imposed a temporary news embargo (see Section 2.b.).

The party, the Government, and party-controlled mass organizations controlled all print and electronic media. The Government exercises oversight through the Ministry of Culture and Information, supplemented by pervasive party guidance and national security legislation sufficiently broad to ensure effective self-censorship in the domestic media. With apparent party approval, several newspapers

engaged in investigative reporting on corruption and mismanagement as well as in open and sometimes heated debate on economic policy. The Government occasionally censors articles about the country in foreign periodicals that are sold in the country. The Government generally did not limit access to international radio, except to Radio Free Asia, which it jammed (see Section 1.f.).

Foreign journalists must be approved by the Foreign Ministry's Press Center and must be based in Hanoi. The number of foreign staff allowed each foreign press organization is limited. The center monitors journalists' activities and decides on a case-by-case basis whether to approve their interview, photograph, film, or travel requests, all of which must be submitted 5 days in advance. Foreign ministry officials no longer accompany foreign journalists on all interviews. The Government censored television footage and delayed export of footage by several days.

The Government allowed artists some latitude in choosing the themes of their works. Many artists received permission to exhibit their works abroad, receiving exit permits to attend the exhibits and export permits to send their works out of the country. However, police and municipal cultural authorities prohibited several exhibits or removed selected works from authorized exhibits when they determined that the works strayed too far from what authorities considered the mainstream, made too much social commentary, or could have been interpreted as criticizing or making fun of the Government.

The Government permitted a more open flow of information within the country and into the country from abroad, including the university system. Foreign academic professionals temporarily working at universities said that they were able to discuss nonpolitical issues widely and freely in the classroom. Government monitors regularly attended, without official notification, classes taught by foreigners and citizens. Academic publications usually reflected the views of the party and the Government, and exhibited greater freedom for differing views on nonpolitical subjects than for political ones.

b. Freedom of Peaceful Assembly and Association

The right of assembly is restricted in law and practice. Persons who wish to gather in a group are required to apply for a permit, which local authorities can issue or deny arbitrarily. However, persons routinely gather in informal groups without government interference. During the year there were a number of small protests (of from 10 to 25 persons) outside government and party office buildings and the National Assembly hall. These protests usually focused on local grievances, and the authorities generally allowed them to run their course without retaliation. However, the Government does not permit demonstrations that could be seen as having a political purpose. However, it was more tolerant than in the past of occasional demonstrations by citizens about specific grievances against local officials. Nonetheless, the Government did not tolerate extended demonstrations.

In November 1997, there were extensive protests in Thai Binh province against provincial management and corruption. In response, national authorities removed a number of local officials accused of corruption, ended the demonstrations, detained some organizers, and imposed a temporary news embargo (see Section 2.a.).

With a few exceptions, the Government prohibits the establishment of private, independent organizations, insisting that persons work within established, party-controlled organizations. Citizens are prohibited from establishing any type of independent organization, including political parties, labor unions, and religious or veterans' organizations. Such organizations exist only under government control.

c. Freedom of Religion

Both the Constitution and government decrees provide for freedom of worship; however, the Government continued to restrict significantly those organized activities of religious organizations that it defined as being at variance with state laws and policies. The Government generally allowed persons to practice individual worship in the religion of their choice, and participation in religious activities throughout the country continued to grow significantly. In some respects, conditions for religious freedom improved. In many areas, Buddhists, Catholics, and Protestants reported an increase in religious activity and observance. However, government regulations control religious hierarchies and organized religious activities, in part because the party fears that organized religion may weaken its authority and influence.

Religious organizations must obtain government permission to hold training seminars, conventions, and celebrations outside the regular religious calendar, to build or remodel places of worship, to engage in charitable activities or operate religious schools, and to train, ordain, promote, or transfer clergy. These powers lie principally with provincial or city people's committees, and local treatment of religious persons varied widely. In some areas, such as Ho Chi Minh City, local officials allowed religious persons wide latitude in practicing their faith, including allowing some educational and humanitarian activities. However, in other areas such as the northwest provinces, local officials allowed believers little discretion in the practice of their faith. In general, religious groups faced difficulty in obtaining teaching materials, expanding training facilities, publishing religious materials, and expanding the clergy in training in response to increasing demand from congregations.

Buddhism is the dominant religious belief, with many believers practicing an amalgam of Mahayana Buddhist, Taoist, and Confucian traditions that is sometimes called Vietnam's "triple religion." A Khmer minority in the south practices Theravada Buddhism. Three-fourths of the population are at least nominally Buddhist and visit pagodas on festival days. One prominent Buddhist official estimated that 30 percent of citizens are devout and practice their faith regularly.

The Government requires all Buddhist monks to work under a party-controlled umbrella organization, the Central Buddhist Church of Vietnam. The Government suppressed efforts by the non-government-sanctioned Unified Buddhist Church of Vietnam (UBCV) to operate independently, and tension between the Government and the UBCV continued. Several prominent UBCV monks, including Thich Quang Do, were released in the September and November amnesties, but others continue to be imprisoned. The UBCV's leader, the venerable Thich Huyen Quang, was required to remain in administrative detention (see Section 1.d.) in an isolated pagoda in Quang Ngai province and was not allowed to visit his home pagoda in Hue. There are no confirmed reports of a 1997 detention of UBCV monks. Worshipers in several Buddhist, Catholic, and Cao Dai centers of worship reported that undercover government observers attended worship services and monitored the activities of the congregations and the clergy.

The Government eased its efforts to control the Catholic hierarchy by relaxing the requirements that all clergy belong to the government-controlled Catholic Patriotic Association. Few clergy actually belong to the Catholic Patriotic Association.

Authorities approved the Vatican's ordination of a new archbishop in Ho Chi Minh City. In March a high-level Vatican envoy visited the country, and a number of Vietnamese bishops traveled to Rome, Italy for a synod of Asian bishops. Up to 100,000 Catholics gathered in August at a Marian celebration in La Vang in the central part of the country and were able to worship and celebrate their faith freely.

The local Catholic Church hierarchy remained frustrated by the Government's restrictions, but has learned to accommodate itself to them for many years. During the year, a number of clergy reported a modest easing of government control over church activities in certain dioceses. The Government relaxed its outright prohibition on the Catholic Church's involvement in religious education and charitable

activities, but still restricted such activity. The degree of government control of church activities varied greatly among localities. In some areas, especially in the south, churches and religious groups operated kindergartens and engaged in a variety of humanitarian projects.

The Government allowed many bishops and priests to travel freely within their dioceses and allowed greater, but still restricted freedom for travel outside these areas. For example, the Government restricted such travel in many ethnic areas. Upon return from international travel, priests and nuns must surrender their passports. The Government limits the Church to operating 6 major seminaries throughout the country, totaling approximately 500 students. The Government allowed the Church to recruit new seminarians only every 2 years. All students must be approved by the Government, both upon entering the seminary and prior to ordination as priests. The number of graduating students is insufficient to support the growing Catholic population, now estimated at 6 million.

The network of "Tin Lanh" (Good News) churches, originally founded by the Christian Missionary Alliance, operated with slightly greater freedom than did other Protestant organizations. Independent of this group, a large number of Pentecostal "house churches" meet in members' homes, many of them in ethnic minority areas. Protestant church attendance grew substantially despite continued government restrictions on proselytizing activities. The Government restricted Protestant congregations from cooperating on joint religious observances or other activities, although in some localities there was greater freedom to do so. Nongovernmental organizations (NGO's) reported continued arrests and government harassment of ethnic Hmong Protestants for disseminating bibles and other religious literature in northern villages. There are credible reports that a number of Hmong evangelical Protestants were imprisoned in the northwestern provinces at year's end.

Despite the Government's statement in 1997 that it had recognized Cao Dai legally and had encouraged Cao Dai sects to expand, some members of the Cao Dai religion were detained arbitrarily. There were reports that in 1997 some Cao Dai members were subjected to persecution; there were no such reports during the year.

Believers in the Cao Dai faith faced restrictions on their church operations, hierarchy, and clergy. The authorities detained two Cao Dai believers in October. Cao Dai congregations are active in Tay Ninh province, Ho Chi Minh City, the Mekong Delta, and Hanoi.

Mosques serving the country's small Muslim population operated in Hanoi, Ho Chi Minh City, and several provinces in the southern part of the country. The Government no longer has a policy of restricting exit permits to prevent Muslims from making the hajj. About 1 dozen Muslims made the hajj to Mecca during the year.

In October the United Nations Special Rapporteur on Religious Intolerance, Abdelfattah Amor, visited Hanoi, Ho Chi Minh City, Hue, and Tay Ninh provinces. He met with government officials and representatives of the government-sanctioned Central Buddhist Church, the Catholic Church, Cao Dai, and the small Muslim community. However, Amor was prevented by security officials from meeting several senior representatives of the non-government-sanctioned Unified Buddhist Church of Vietnam (UBCV), including Thich Huyen Quang and Thich Quang Do, despite repeated requests to do so.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Most citizens enjoyed freedom of movement within the country. However, some local authorities required members of ethnic minority groups to obtain permission to travel outside certain highland areas. Officially, citizens had to obtain permission to change their residence (see Section 1.f.). In

practice many persons continued to move without approval, especially migrant or itinerant laborers moving from rural areas to cities in search of work. However, moving without permission restricted their ability to obtain legal work permits. Citizens are required to notify police if they intend to be away from their residence overnight and must register with police anywhere that they stay overnight. These requirements are not always enforced strictly. The Government employs internal isolation to restrict the movement of political and religious dissidents. The Government continued to use its 1997 decree on administrative detention to restrict where citizens live and work (see Section 1.f.).

Foreigners generally are free to travel throughout the country, except in some areas restricted on grounds of national security. The Government retained the right to approve travel to border areas, to some areas in the central highlands, and to some islands, but in practice foreigners can travel easily to most border areas without approval. However, on several occasions, local police detained and fined foreigners whom police said had ventured too close to international borders and other sensitive military areas.

Early in the year, the Government ended its requirement that citizens traveling abroad obtain exit or reentry visas, although the Government sometimes prevented persons from traveling by refusing to issue passports to persons who wished to travel.

Citizens must demonstrate eligibility to emigrate to another country and show sponsorship abroad, before the Government issues exit permits, which are required before a person is able to emigrate. Citizens' access to exit permits frequently was constrained by factors outside the law such as bribery and corruption. Refugee and immigrant visa applicants to the Orderly Departure Program (ODP) sometimes encountered local officials who arbitrarily delayed or denied exit permits based on personal animosities or on the official's perception that an applicant did not meet program criteria, or in order to extort a bribe.

The ODP continued to resettle abroad immigrant and refugee beneficiaries, including Amerasians, former reeducation camp detainees, and family unification cases. Other nations operated smaller resettlement programs for Vietnamese citizens. There are some concerns that some members of minority ethnic groups, particularly nonethnic Vietnamese such as the Montagnards, may not have ready access to these programs. The Government denied exit permits for emigration to certain Montagnard applicants.

The Government generally permits citizens who emigrate to return to visit, but it considers them Vietnamese citizens and therefore subject to the obligations of a Vietnamese citizen under the law, even if they have adopted another country's citizenship. However, emigrants are not permitted to use Vietnamese passports after they adopt other citizenship. Because overseas Vietnamese are considered a valuable potential source of foreign exchange and expertise to Vietnam but also a potential security threat, the Government generally encourages them to visit Vietnam but monitors many of them carefully.

Vietnam and the United States continued to work together on the Resettlement Opportunity for Vietnamese Returnees Program (ROVR) in processing several thousand Vietnamese who had returned from refugee camps elsewhere in Southeast Asia to apply for resettlement in the United States. Applicant interviews and movements to the United States were under way at year's end.

Vietnam cooperated with the international community in implementing the Comprehensive Plan of Action (CPA), which was in effect in Vietnam between 1989 and June 1996, to resolve the situation of the thousands of Vietnamese who departed the country illegally. In 1988, as part of the CPA, Vietnam had signed a memorandum of understanding with the U.N. High Commissioner for Refugees (UNHCR)

to increase acceptance of voluntary repatriates from camps in countries of first asylum, provided that there was financial assistance. The agreement included a commitment to waive prosecution and punitive measures for the illegal departure from Vietnam of persons who return under the UNHCR voluntary repatriation program. Vietnam also agreed to permit the UNHCR to monitor the returnees through direct visits. More than 110,000 Vietnamese have returned from countries of first asylum. Of those, more than 95,000 returned voluntarily. As many as another 13,000 were repatriated involuntarily. Some of these persons had committed crimes in camps in countries of first asylum, were tried and convicted, and had served jail sentences in the Hong Kong Special Administrative Region. The UNHCR, which monitored repatriates, reported that they do not face retribution or discrimination. Individual returnees have faced legal action after return on charges of illegal activities carried out either before departure (other than illegal departure) or after return. A ROVR returnee was executed after being convicted of blowing up an ammunition dump and causing injuries before he had left Vietnam originally.

The Constitution allows consideration of asylum under certain circumstances for foreigners persecuted abroad. Otherwise, Vietnam does not have provisions for the granting of asylum or refugee status in accordance with the standards of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. There were no reports that any individuals requested asylum. In the 1970's and 1980's, Vietnam admitted refugees from Cambodia, most of whom were ethnic Chinese. More recently, between 1993 and 1995, Vietnam admitted 30,000 persons from Cambodia, mainly ethnic Vietnamese. The Government cooperates with the UNHCR and other humanitarian organizations in assisting refugees. There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government. Party control over the selection of candidates in elections for the National Assembly, the Presidency, the Prime Ministership, and local government undermines this right. All authority and political power is vested in the VCP; political opposition movements and other political parties are not tolerated. The VCP Central Committee is the supreme decisionmaking body in the nation, with the Politburo as the locus of policymaking. A standing board, consisting of the five most senior members of the politburo, oversees day-to-day implementation of leadership directives. The Government limited public debate and criticism to certain aspects of individual, state, or party performance determined by the VCP itself. No public challenge to the legitimacy of the one-party state is permitted; however, there were isolated instances of letters critical of the Government being circulated publicly (see Section 2.a.).

Eligible citizens are required to vote in elections, although there is no penalty for not voting. Citizens elect the members of the National Assembly, ostensibly the main legislative body, but the party must approve all candidates, most of whom are VCP members. Most National Assembly members belong to the VCP, although 15 percent do not.

The National Assembly, although subject to party control, played an increasingly independent role, as a forum for the expression of local and provincial concerns and as a critic of corruption and inefficiency. However, the National Assembly does not initiate legislation and may not pass legislation that the party opposes. Party officials occupied most senior government and National Assembly positions and continued to have the final say on key issues. During the year, the National Assembly continued to engage in increasingly vigorous debate on economic, legal, and social issues, including the banking sector management of the budget, land use, and how to handle public complaints. Legislators questioned and criticized ministers in November in a session broadcast live on television.

The law provides the opportunity for equal participation in politics by women and minority groups, but in practice they are underrepresented. Most of the top leaders are male. There is one woman in the

Politburo and 25 in the 450-member National Assembly. Women hold a few important positions, including Vice President and several Ministers and Vice Ministers.

The president of the National Assembly, who is also a Politburo member, is a member of an ethnic minority.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government does not permit private, local human rights organizations to form or operate. It generally prohibits private citizens from contacting international human rights organizations. The Government permitted the UNHCR and international visitors to monitor implementation of its repatriation commitments under the Comprehensive Plan of Action and carried on a limited dialog with foreign human rights organizations based outside Vietnam.

The Government showed increased willingness to discuss human rights problems bilaterally with other governments if such discussions take place under the rubric of "exchanges of ideas" rather than as "investigations." Several foreign governments held official talks during the year concerning human rights problems.

In October the Government allowed a visit by the U.N. Special Rapporteur on Religious Intolerance. However, while the Special Rapporteur met with government officials and representatives of both government-sanctioned and some non-government-sanctioned churches, security forces prevented him from meeting with several UBCV representatives, despite his repeated requests to do so (see Section 2.c.).

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on gender, ethnicity, religion, or social class. However, enforcement of these prohibitions was uneven. Persons formerly interned in reeducation camps on the basis of pre-1975 association with the government of the former Republic of South Vietnam continued to report varying levels of discrimination as they and their families sought access to housing, education, and employment. Some military veterans remain in detention. They and their families generally are not allowed employment with the Government. This prohibition is less important than in past years because of the growth in private sector job opportunities.

Women

International NGO workers and many women reported that domestic violence against women was common. The law addresses the problem of domestic violence, but authorities do not enforce it effectively. Many divorces reportedly are due to domestic violence, but many women likely remain in abusive marriages rather than confront the stigma of divorce.

The Government, international NGO's, and the press reported an increase in recent years in trafficking in women both domestically and to other countries for purposes of prostitution. The Government is working with international NGO's to supplement law enforcement measures and is cooperating with other national governments to prevent trafficking. Organized groups lure poor, often rural, women with promises of jobs or marriage and force them to work as prostitutes. Some women are kidnaped and sold as wives to men in other countries.

While there is no legal discrimination, women face deeply ingrained societal discrimination. Despite extensive provisions in the Constitution, in legislation, and in regulations that mandate equal treatment, and although some women occupy high government posts, few women compete effectively for higher status positions. The Constitution provides that women and men must receive equal pay for equal work, but the Government does not enforce this provision. Despite the large body of legislation and devoted to the protection of women's rights in marriage as well as in the workplace, and Labor Law provisions that call for preferential treatment of women, women do not always receive equal treatment. Nevertheless, women play an important role in the economy and are widely engaged in business and in social and educational institutions. Opportunities for young professional women have increased markedly, with greater numbers entering the civil service, universities, and the private sector.

The party-controlled Women's Union has a broad agenda to promote women's rights, including political, economic, and legal equality, and protection from spousal abuse. The union operates micro-credit consumer finance programs and other programs to promote the advancement of women. International NGO's and international organizations regard the union as effective, but they and Women's Union representatives believe that much time is required to overcome societal attitudes that relegate women to lower status than men. The Government also has a Committee for the Advancement of Women, which coordinates intraministerial programs affecting women.

Children

NGO's and international organizations reported that despite the Government's promotion of child protection and welfare, children increasingly were at risk of economic exploitation. While education is compulsory, the authorities did not enforce the requirement, especially in rural areas where government and family budgets for education are strained; thousands of children work in exploitative child labor (see Section 6.d.). The Government continued a nationwide immunization campaign, and the government-controlled press regularly stressed the importance of health and education for all children. Reports from local sources indicate that responsible officials generally took these goals seriously but were constrained by severely limited budgets. Despite some success, an estimated 3 million children lived in "especially difficult" circumstances, of an estimated 18 million children in the country.

Widespread poverty contributed to continued trafficking in minors domestically, as well as to foreign destinations as prostitutes. Government agencies were engaged in combating this abuse. There was no information publicly available on the extent of child abuse (see Section 6.c.). Police beat street children (see Section 1.c.).

People With Disabilities

Government provision of services to the disabled is limited, and the Government provides little official protection or effective support for the disabled. Government agencies responsible for services to the disabled worked with domestic and foreign groups to "identify measures" to provide protection, support, and physical access for the disabled. Implementation is hampered by limited budgets. The 1995 Labor Law requires the State to protect the rights and encourage the employment of the disabled. It includes provisions for preferential treatment for firms that recruit disabled persons for training or apprenticeship and a special levy on firms that do not employ disabled workers. It is uncertain whether the Government enforces these provisions. The Government permitted international groups to assist those disabled by war or by subsequent accidents involving unexploded ordnance and has developed indigenous prosthetics manufacturing capabilities. There are no laws mandating physical access to buildings.

National/Racial/Ethnic Minorities

Although the Government states that it is opposed to discrimination against ethnic minorities, societal discrimination against minorities is widespread. In addition there continued to be credible reports that local officials sometimes restricted ethnic minority access to education, employment, and mail services. Some central government officials, including the chairman of the National Assembly, are members of ethnic minorities. The Government continued to implement policies designed to narrow the gap in the standard of living between ethnic groups living in the highlands and lowland ethnic Vietnamese by granting preferential treatment to domestic and foreign companies that invest in highland areas. The stated goal of government resettlement policy in mountainous provinces is to move disadvantaged minorities from inaccessible villages to locations where basic services are easier to provide, but the effect of the policy sometimes has been to dilute the political and social solidarity of these groups. There were anecdotal reports that the Government continued to repress some highland minorities for suspected ties with resistance groups.

Section 6 Worker Rights

a. The Right of Association

Unions are controlled by the party, and have only nominal independence; however, union leaders influence some key decisions, such as on health and safety issues, and on minimum wage standards. Workers are not free to join or form unions of their choosing; such action requires approval from the local office of the Party-controlled Vietnam General Confederation of Labor (VGCL). The VGCL is the umbrella organization under which all local trade unions must operate, and it claims 4 million members in branches in each of the major cities and provinces. VGCL officers report that the VGCL represents 95 percent of public sector workers, 90 percent of workers in state-owned enterprises, and 50 percent of private sector workers. The Labor Law requires provincial trade union organizations to establish unions within 6 months at all new enterprises with more than 10 employees as well as at existing enterprises that operate without trade unions. Management of those companies is required by law to accept and cooperate with those unions. The International Labor Organization (ILO) and foreign governments are providing technical assistance and training to the Ministry of Labor, Invalids, and Social Affairs and to the VGCL.

The Labor Law provides for the right to strike under certain circumstances. The law requires that management and labor resolve labor disputes through the enterprise's own labor conciliation council. If that fails, the matter goes to the provincial labor arbitration council. Labor courts, which were established in 1996 within the people's court system, heard a small number of cases but still are in the early stages of development and lack sufficient personnel because of government budget constraints. The government-controlled labor unions stipulate written procedures for managing labor disputes that permit unresolved disputes to be arbitrated before a court. Unions have the right to appeal a council decision to the provincial people's court and to strike. However, the law prohibits strikes at enterprises that serve the public and those that are important to the national economy or national security and defense. These functions are defined by the Government and include electrical production, posts and telecommunications, railway, maritime and air transportation, banking, public works, and the oil and gas industry. The law also grants the Government the right to suspend a strike considered detrimental to the national economy or public safety. Strikes are prohibited in 54 occupational sectors and businesses, including public services, businesses producing "essential" goods, and businesses serving national defense under the Ministries of Public Security and National Defense.

During the year, there were 60 spontaneous private and public strikes, primarily against foreign-owned or joint venture companies but also involved state-owned and private firms. The Government tolerated these strikes, even though most were spontaneous or illegal. None were organized by the VGCL or its affiliate unions. The Labor Law prohibits retribution against strikers, and there were no credible reports

of such retribution.

Individual unions legally are not free to affiliate with, join, or participate in, international labor bodies, and they do not do so in practice. However, the VGCL has relations with 95 labor organizations in 70 countries.

b. The Right to Organize and Bargain Collectively

Workers must have the approval of the provincial or metropolitan branch of the VGCL in order to organize unions in their enterprises, but they also can bargain collectively through the party-approved unions at their enterprises. In the past, the State generally set wages, since most employees worked for state companies. With the growth of the private sector and the increased autonomy of state firms, a growing percentage of companies are setting wages through collective bargaining with the relevant unions. Market forces also play a much more important role in determining wages. The Labor Law prohibits antiunion discrimination on the part of employers against employees seeking to organize.

There are a number of export processing zones and industrial zones, which are governed by the same Labor Laws as the rest of the country.

c. Prohibition of Forced or Compulsory Labor

The Labor Law prohibits all forms of forced and bonded labor; however, there were reports that it occurred. There were credible reports that some prisons employ the use of forced labor, sometimes as part of commercial ventures, without compensation to prisoners. The Government denies that this occurs. The Government periodically assesses required labor, or its monetary equivalent, in the construction of national infrastructure projects. There were no reports of forced labor on national infrastructure projects as in 1997.

d. Status of Child Labor Practices and Minimum Age for Employment

The law does not prohibit specifically forced and bonded labor by children, and there were some reports of such practices. A recent study of child labor in Ho Chi Minh City found cases in which poor families had entered into "verbal agreements" with employers, who put the families' children to work; their salaries generally are sent to their parents. Officials state that juveniles in reeducation camps, which function much as reform schools or juvenile detention centers do elsewhere, are assigned work for educational purposes that does not generate income.

The Labor Law sets the minimum age for employment at 18 years of age, but enterprises may hire children between the ages of 15 and 18, as long as the firm obtains special permission from the Ministry of Labor, Invalids, and Social Affairs. The firm also must ensure that these young workers do not undertake hazardous work or work that would harm their physical or mental development. These occupations are specified in the Labor Law; They cannot work more than 7 hours per day or 42 hours per week and must receive special health care. It is not clear whether authorities have the resources to enforce these regulations. Children as young as 13 years of age can register at trade training centers, which are a form of vocational training. There were no reports that state-owned enterprises or companies with foreign investors used child labor.

In rural areas, children work primarily on family farms and in other agricultural activities. They often begin working at the age of 6, and are expected to work as adults by the time they are 15. In urban areas, children work in family-owned small businesses. There are compulsory education laws that are not

enforced effectively in rural areas, where children are needed to work in agriculture. However, the culture's strong emphasis on education leads parents who can afford to send their children to school to do so rather than allow them to work.

In 1997 the U.N. Children's Fund (UNICEF) announced that Children below the age of 16 face increased risk of economic exploitation. The Government estimated in 1997 that approximately 29,000 children below the age of 15 were victims of exploitative labor. That estimate may have been low, since most of these children are working in the informal sector. In 1997 UNICEF cited evidence of children working in gold mines and as domestic servants, or working up to 14 hours a day in hazardous conditions for meager pay or no payment.

e. Acceptable Conditions of Work

The Labor Law requires the Government to set a minimum wage, which is adjusted for inflation and other economic changes. The official monthly minimum wage for foreign-investment joint ventures is \$45 (621,000 dong) in Hanoi and Ho Chi Minh City, and \$40 elsewhere. The Government can exempt temporarily certain joint ventures from paying the minimum wage during the first months of an enterprise's operations, or if the enterprise is located in a very remote area, but the minimum wage in these cases can be no lower than \$30 (414,000 dong). These minimum wage rates are inadequate to provide a worker and family with a decent standard of living. However, many workers receive bonuses and supplement their incomes by engaging in entrepreneurial activities, and households often include more than one wage earner. A decreasing number of workers receive government-subsidized housing. The Government enforces the minimum wage only at foreign and major Vietnamese firms.

The Labor Law sets working hours at a maximum of 8 hours per day and 48 hours per week, with a mandatory 24-hour break each week. Any additional hours require overtime pay at 1.5 times the regular wage and 2 times the regular wage on holidays. The law limits compulsory overtime. It is uncertain how well the Government enforces these provisions.

According to the law, a female employee who is to be married, is pregnant, is on maternity leave, or is raising a child under 1 year of age cannot be dismissed unless the enterprise is closed. Female employees who are at least 7 months pregnant or are raising a child under 1 year of age cannot work overtime, at night, or in distant locations.

The Labor Law requires the Government to promulgate rules and regulations that ensure worker safety. The Ministry of Labor, in coordination with local people's committees and labor unions, is charged with enforcing the regulations. In practice, enforcement is inadequate because of the Ministry's inadequate funding. The VGCL reported that there are 300 labor inspectors in the country but that at least 600 are needed. Anecdotal evidence indicates that workers, through labor unions, have been effective in forcing changes in working conditions. There was no information available on the ability of workers to remove themselves from work situations that endanger health or safety without jeopardy to their continued employment.

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