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1999 Country Reports on Human Rights Practices

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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 to reduce gradually 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 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, screening ministerial and other senior candidate appointments, and dismissing senior officers. The judiciary remains subservient to the VCP.

The military services, including the border defense force, are responsible for defense against external threats. The military forces are assuming a less prominent role as the ultimate guarantor of internal security, which is primarily the responsibility of the Ministry of Public Security. However, in some remote areas, the military forces are the primary government agency, providing infrastructure and all public safety functions, including maintaining public order in the event of civil unrest. The Government continued to restrict significantly civil liberties on grounds of national security. The Government's Ministry of Public Security 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 market-oriented economy. Estimated annual gross domestic product (GDP) per capita is \$330, up between 4 and 5 percent from 1998 according to government statistics. The Asian financial crisis caused a significant slowdown; trade and foreign investment declined markedly. Agriculture, primarily wet rice cultivation, employs 70 percent of the labor force, but accounts for a shrinking part (24 percent) of total output. Industry and construction contribute 34 percent, while services account for 42 percent. Disbursed official development assistance in 1998 was \$939 million, roughly 4 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. For many large rural populations close to larger cities, this is also true. Many citizens in isolated rural areas, especially members of ethnic minorities in the northern uplands, central highlands, and the north central coastal regions, live in extreme poverty. Gains from agricultural reform in recent years have improved the lot of many farmers, but the rural poverty level is approximately 30 percent.

The Government's human rights record remained poor; although there was some measurable improvement in a few areas, the situation worsened in others, and 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 and to allow a mechanism for citizens to petition the Government with complaints, the Government continued to deny citizens the right to change their government. Prison conditions remain harsh. There were credible reports that security officials beat detainees. The Government arbitrarily arrested and detained citizens, including detention for peaceful expression of political and religious views. For example, geophysicist Nguyen Thanh Giang was detained for 2 months for writing letters calling for pluralism and respect for human rights. The Government denied citizens the right to fair and expeditious trials and continued to hold a number of political prisoners. The Government restricts significantly citizens' privacy rights, although the trend toward reduced government interference in the daily lives of most citizens 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; these authors 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, a Hoa Hao organization was recognized for the first time officially. In July a festival gathering of up to 500,000 Hoa Hao in An Giang province took place and in August, an estimated 200,000 Roman Catholics attended the annual La Vang pilgrimage. The Government imposes some limits on

freedom of movement. Societal discrimination and violence against women remained problems. Trafficking in women and children for the purpose of prostitution within the country and abroad continued to grow, and there were reports of the increased trafficking of women to China for forced marriages. The Government made efforts to combat these problems. Discrimination against ethnic minorities and child labor are problems. There were some reports of forced child labor and 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 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.

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, and to monitor citizens closely. However, the regulations 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. 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. In general time spent in pretrial detention counts toward time served upon conviction and sentencing.

Geophysicist Nguyen Thanh Giang was detained for 2 months during the period from March to May for circulating letters calling for pluralism and respect for human rights. After his release, he was informed by police in writing that he could not leave Hanoi without permission. Protestant pastors Tran Dinh "Paul" Ai and Lo Van Hen were detained and questioned by police in Hanoi after a religious training course that they were leading was raided by local police in May. Ai was forced to remain in a government-run hotel, at his own expense, and appear for daily questioning by police for more than 2 weeks regarding his religious activities, and Hen, a member of the Black Tai ethnic minority, was returned to Dien Bien Phu for further questioning by police. Both were released in May after paying fines for participating in an illegal religious meeting (see Section 2.c.). In December Ai and his family obtained Vietnamese passports and traveled abroad on a religious worker visa.

There were credible reports that during the year more than 25 Hmong Protestants were detained illegally in Lai Chau province. Of these, 15 were released by year's end. Among those who remained in detention were: Sinh Phay Pao, Va Sinh Giay, Vang Sua Giang, and Phang A Dong (see Section 2.c.).

Persons 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 continued to isolate certain political and religious dissidents by placing restrictions on the movements of some dissidents and by pressuring the supporters and family members of others. For the past 5 years, Thich Huyen Quang, the Supreme Patriarch of the Unified Buddhist Church of Vietnam (UBCV), has been at a pagoda in Quang Ngai province under conditions resembling administrative detention. From 1981 until 1994, he was held at another pagoda in that province. In March he was visited by senior UBCV leader Thich Quang Do for the first time in 18 years, but after 3 days of meetings both were held for questioning by police, and Thich Quang Do was escorted by police to his pagoda in Ho Chi Minh City. Thich Huyen Quang has confirmed that he must request permission before leaving the pagoda and is not allowed to lead prayers or participate in worship activities as a monk. He is able to receive visits from sympathetic monks, sometimes several per week; UBCV monk Thich Khong Thanh visited in November. After meeting with him, visitors are questioned by police. Thich Huyen Quang has called for the Government to recognize the UBCV. He is receiving good medical care. In December, because of heavy flooding in the province, police temporarily evacuated him from the pagoda, then returned him there 2 days later, after the waters receded.

Family members of Nguyen Dan Que in Ho Chi Minh City were questioned by police, their telephone service was suspended periodically, and the family's Internet account also was suspended following the publication abroad in May of several of his writings critical of the Government.

Cao Daists Le Kim Bien and Pham Cong Hien in Kien Giang province were sentenced during the year to 2 years' imprisonment. They had been detained since October 1998. They had requested to meet with visiting United Nations Special Rapporteur Amor.

An ethnic Hre church leader, Dinh Troi, remained in detention in Quang Ngai province at year's end; two of his church colleagues, Dinh Bim and Dinh Hay, were released in July and September, respectively.

In 1998 the Government released two dozen political and religious prisoners. Prior to their release, long-time political prisoners Doan Viet Hoat and Nguyen Dan Que were told by public security officials that they would have to leave the country in order to be released. Hoat agreed and left the country. Que refused to leave the country, but was released from prison despite his refusal. He now lives in Ho Chi Minh City. 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 those 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 May the National Assembly passed a new enterprise law that broadened the legal framework supporting private businesses. A 1998 commercial code 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 and the U.N. Development Program 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.

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. On December 27, Nguyen Thi Thuy, a Protestant house church leader in Phu Tho province was sentenced to 1 year in prison for "interfering with an officer doing his duty." Thuy had been arrested in October when police raided a house church meeting that she was hosting. Church sources stated that her defense lawyer provided only a superficial defense at the trial.

The Government continued to imprison persons for the peaceful expression of dissenting religious and political views. There are no reliable estimates of the number of political prisoners, in part because the Government usually does not publicize such arrests and frequently conducts closed trials and sentencing sessions. In 1998 Amnesty international listed more than 40 prisoners held for political reasons, but suggested that the total may be higher. Other sources put the figure at from 100 to 150 persons. The Government claims that it does not hold any political prisoners and that persons described as political prisoners were convicted of violating national security laws. Among those believed to be imprisoned at year's end for peaceful political activities are: Do Van hung, Do Van Thac, Nguyen Dinh Huy, Nguyen Ngoc Tan, Pham Hong Tho, Pham Quang Tin, and Vo Van Pham. Among those believed to be held at year's end for religious offenses are: UBCV monks Thich Thien Minh and Thich Hue Dang, and Thich Thanh Quang, held in

administrative detention; Catholic priests Reverends Mai Duc Choung (Mai Huu Nghi), Pham Minh Tri, Nguyen Van De, Pham Ngoc Lien, Nguyen Thien Phung, and Nguyen Minh Quan; Cao Dai provincial leaders Le Kim Bien, Pham Cong Hien, Lam Thai The, Do Hoang Giam, and Van Hoa Vui; Hoa Hao leader Le Minh Triet (Tu Triet); about 10 Hmong Protestant Christians in Lai Chau and Ha Giang provinces, including Sung Phai Dia, Vu Gian Thao, Vang Gia Chua, Sung Va Tung, Sung Seo Chinh, Sinh Phay Pao, and Va Sinh Giay. Credible reports from multiple sources suggest that at the beginning of the year, there were more than 25 Hmong Protestants imprisoned in Ha Giang province after being charged either with "teaching religion illegally" or "abusing the rights of a citizen to cause social unrest." By year's end, Vietnamese church leaders reported that 15 Hmong Protestants had been released, including Ly A Giang, Giang A To, Giang A Cat, Cha A Cua, Thao A Chinh, Ma Truong Chinh, and Giang A Vang (see Section 2.c.).

No current information is available concerning imprisoned dissidents Nguyen Van Thuan and Le Duc Vaong who were arrested in 1998.

As part of a national day amnesty on September 2, the Government commuted the prison sentences of 1,712 prisoners and released them early for good behavior. However, unlike 1998, there apparently were no political or religious prisoners included in this amnesty. 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. The authorities continued to monitor citizens, but with less vigor and efficiency than in the past, as they focused on persons with what they regarded as dissident views, whom they suspected of involvement in unauthorized political or religious activities. Citizens formally are required to 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 rarely are enforced, since many citizens move around the country to seek work or to visit family and friends without being monitored closely. However, there were 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 also exerts control over citizens who work for foreign organizations by requiring that citizens be vetted and hired through a government service bureau. However, many foreign organizations hire their own personnel and only "register" them with the service bureau.

The Government opened and censored targeted persons' 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, and local regulations permit fines based on the cost of extra social services incurred by a larger family. In practice these penalties rarely are enforced. 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.

Foreign language periodicals are widely available in cities, and the Government only rarely censors articles about the country that are available for sale.

The Government allows access to the Internet and owns and controls the country's only Internet access provider, Vietnam Data Communications. Four Internet service providers compete for subscribers. (A fifth provider, Vietel, owned by the military services, is inactive.) There are roughly 28,000 Internet subscribers and an increasing number of cyber cafes in major cities. The Government appeared to limit access to those persons who are allowed to have Internet accounts. However, in their homes and in certain settings such as universities, students have widespread access to the Internet. The Government uses firewalls to block access to some sites operated by Vietnamese exile groups abroad. Vietnam Data Communications is authorized by the Government to monitor the sites that subscribers access. Ho Chi Minh City police interrupted and periodically suspended Nguyen Dan Que's Internet service after he circulated articles critical of the Government (see Section 1.d.). By law access to satellite television was limited to top officials, foreigners, luxury hotels, and the press. The law was not enforced uniformly, 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.

In July Binh Phuoc provincial authorities demolished three Protestant churches. However, following the intervention of the central Government, the provincial official responsible for the destruction of these churches was removed from office. There were no further church demolitions (see Section 2.c.).

Section 2 Respect for Civil Liberties, Including: a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government severely limits these freedoms, especially concerning political and religious subjects. Reporters and editors practiced self-censorship concerning sensitive subjects. A new press law, passed by the National Assembly in May, provides for monetary damages to be paid by journalists to individuals or organizations who are harmed by reporting, regardless of whether the reports are true or false. The media continued to publish articles that criticized party and government actions; however, the freedom to criticize the Communist Party and its leadership continued to be restricted.

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. In December the Government established a mechanism for citizens to petition the Government with complaints. 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.

The Government requires journalists to obtain approval from the Ministry of Culture and Information before providing any information to foreign journalists.

Retired General and war hero Tran Do was expelled from the Communist Party in January after he refused to cease circulating writings critical of the Party and the Government. In July Tran Do submitted an application to publish an independent newspaper, but the authorities refused to grant him permission to do so. Foreign diplomats are not allowed to visit Tran Do.

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. The few persons who spoke out on these matters, such as Nguyen Dan Que and Thich Quang Do, were subjected to questioning and close monitoring by security officials. 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, to speak publicly, or to travel abroad. Security forces harassed novelist Duong Thu Huong, and authorities would not issue her a passport. Some persons who express dissident opinions on religious or political issues are not allowed to travel abroad (see Section 2.d.).

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 published reports on high-level government corruption and mismanagement as well as 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. Two Western foreign correspondents were forced to curtail their assignments in Vietnam. The first, based in Hanoi for several years for a wire service, was forced to leave after his bureau chief was informed by the Press Center that the length of his visa was being shortened because of the critical nature of his reporting. The second was required to leave before his temporary assignment was completed. The number of foreign staff allowed each foreign media organization is limited, and most Vietnamese staff who work for foreign media are provided by the Foreign Ministry. All foreign correspondents are required to base themselves in Hanoi. The Press 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. Artists are not allowed to exhibit works of art that censors regard as criticizing or ridiculing the Government or the Party. Authorities required a foreign-produced film, parts of which had been filmed in Vietnam, to be censored in two places before allowing it to be shown publicly in the country. However, 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 stated 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 interference. Similarly, a group of up to 50 protesters demonstrated peacefully in public in Hanoi and Ho Chi Minh City including once demonstrating in front of a Western diplomatic mission in Ho Chi Minh City. However, the Government does not permit demonstrations that could be seen as having a political purpose. Although it was more tolerant than in the past of occasional demonstrations by citizens about specific grievances against local officials, the Government did not tolerate extended demonstrations. The Government allowed large gatherings of Roman Catholic and Hoa Hao religious believers for preapproved festivals (see Section 2.c.).

The Government restricts freedom of association. With a few exceptions, the Government prohibits the establishment of private, independent organizations, insisting that persons work within established, party-controlled organizations, often under the aegis of the Fatherland Front. Citizens are prohibited from establishing independent organizations such as 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 groups 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. However, government regulations control religious hierarchies and organized religious activities, in part because the Communist Party fears that organized religion may weaken its authority and influence by serving as political, social, and spiritual alternatives to the authority of the central Government.

The Government requires religious groups to be registered and uses this process to control and monitor church organizations. Officially recognized religious organizations are able to operate openly, and they must consult with the Government about their religious operations, although not about their religious tenets of faith. In general religious organizations are confined to dealing specifically with spiritual and organizational matters. The Government holds conferences to discuss and publicize its religion decrees.

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. Many of these restrictive 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 increased demand from congregations.

The Government officially recognizes Buddhist, Roman Catholic, Protestant, Cao Dai, Hoa Hao, and Muslim religious organizations. However, some Buddhists, Protestants, Cao Dai, and Hoa Hao believers do not recognize or participate in the government-approved associations and thus are not considered legal by the authorities.

Among the country's religious communities, Buddhism is the dominant religious belief. Many believers practice an amalgam of Mahayana Buddhism, Taoism, and Confucian traditions that sometimes is called Vietnam's "triple religion." Three-fourths of the population of approximately 80 million persons are at least nominally Buddhist, visit pagodas on festival days, and have a world view that is shaped in part by Buddhism. One prominent Buddhist official estimated that 30 percent of Buddhists are devout and practice their faith regularly. The Government's Office of Religious Affairs uses a much lower estimate of 7 million practicing Buddhists. Mahayana Buddhists, most of whom are part of the ethnic Kinh majority, are found throughout the country, especially in the populous areas of the northern and southern delta regions. There are proportionately fewer Buddhists in certain highlands and central lowlands areas, although migration of Kinh to highland areas is changing the distribution somewhat.

A Khmer minority in the south practices Theravada Buddhism. Numbering from perhaps 700,000 to 1 million persons, they live almost exclusively in the Mekong delta.

The Government requires all Buddhist monks to work under a party-controlled umbrella organization, the Central Buddhist Church of Vietnam. The Government opposed 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 wide-ranging government amnesties in September and October 1998.

The Government continued to isolate certain political and religious dissidents by placing restrictions on the movements of some dissidents and by pressuring the supporters and

family members of others. For the past 5 years, Thich Huyen Quang, the Supreme Patriarch of the Unified Buddhist Church of Vietnam (UBCV), has been at a pagoda in Quang Ngai province under conditions resembling administrative detention. From 1981 until 1994, he was held at another pagoda in that province. In March he was visited by senior UBCV leader Thich Quang Do for the first time in 18 years, but after 3 days of meetings both were held for questioning by police, and Thich Quang Do was escorted by police to his pagoda in Ho Chi Minh City. Thich Huyen Quang has confirmed that he must request permission before leaving the pagoda and is not allowed to lead prayers or participate in worship activities as a monk. He is able to receive visits from sympathetic monks, sometimes several per week; UBCV monk Thich Khong Thanh visited in November. After meeting with him, visitors are questioned by police. Thich Huyen Quang has called for the Government to recognize the UBCV. He is receiving good medical care. In December, because of heavy flooding in the province, police temporarily evacuated him from the pagoda, then returned him there 2 days later, after the waters receded.

In September Thich Quang Do complained that fellow UBCV monk Thich Khong Thanh was summoned by police for questioning in Ho Chi Minh City.

There are an estimated 6 to 7 million Roman Catholics in the country (about 8 percent of the population). The largest concentrations are in southern provinces around Ho Chi Minh City, with other large groups in the northern and central coastal lowlands. In recent years, the Government eased its efforts to control the Roman Catholic hierarchy by relaxing the requirements that all clergy belong to the government-controlled Catholic Patriotic Association. Few clergy actually belonged to this association.

Authorities allowed the Vatican's ordination of a new archbishop in Ho Chi Minh City in 1998, as well as the ordination of five bishops in other dioceses in 1998 and 1999. A high-level Vatican envoy visited the country in March. A number of bishops traveled to Rome for a synod of Asian bishops. Up to 200,000 Catholics gathered in August at an annual Marian celebration in La Vang in the central part of the country and celebrated their faith freely there.

The local Catholic Church hierarchy remained frustrated by the Government's restrictions but has learned to accommodate itself to them for many years. 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. At least six priests belonging to the Congregation of the Mother Co-redemptrix reportedly remain imprisoned.

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, particularly in many ethnic areas. The Government discourages priests from entering Son La and Lai Chau provinces. Upon return from international travel during the year, citizens, including clergy, officially were required to surrender their passports; this law is enforced unevenly. Some persons who express dissident opinions on religious or political issues are not

allowed to travel abroad (see Section 2.d.). Seminaries throughout the country have approximately 500 students enrolled. The Government limits the Church to operating 6 major seminaries and to recruit new seminarians only every 2 years. All students must be approved by the Government, both upon entering the seminary and prior to their ordination as priests. The Church believes that the number of graduating students is insufficient to support the growing Catholic population.

There are approximately 600,000 Protestants in the country (less than 1 percent of the population), with more than half these persons belonging to a large number of unregistered evangelical "house churches" that operate in members' homes or in rural villages, many of them in ethnic minority areas. Perhaps 150,000 of the followers of house churches are Pentecostals, who celebrate "gifts of the spirit" through charismatic and ecstatic rites of worship.

The network of Tin Lanh (Good News) churches, originally founded by the Christian and Missionary Alliance early in the 20th century, generally operated with greater freedom than did the house churches. The roughly 300 Tin Lanh churches in the country are concentrated in the major cities, including Ho Chi Minh City, Danang, Hanoi, and in lowland areas. Some 15 Tin Lanh churches in the northern provinces are the only officially recognized Protestant churches.

Reports from believers indicated that Protestant church attendance grew substantially, especially among the house churches, despite continued government restrictions on proselytizing activities. The Government restricts Protestant congregations from cooperating on joint religious observances or other activities, although in some localities there was greater freedom to do so. There is some ecumenical networking among Protestants, particularly in Ho Chi Minh City.

Based on believers' estimates, two-thirds of Protestants are members of ethnic minorities, including ethnic Hmong (some 120,000 followers) in the northwest provinces and some 200,000 members of ethnic minority groups of the central highlands (Ede, Jarai, Bahnar, and Koho, among others). The house churches in ethnic minority areas have been growing rapidly in recent years, sparked in part by radio broadcasts in ethnic minority languages from the Philippines. This growth has led to tensions with local officials in some provinces. There have been crackdowns on leaders of these churches, particularly among the Hmong in the northwest. The secretive nature of the house churches, particularly among ethnic minorities, has contributed to greater repression against these groups. Provincial officials in certain northwest provinces do not allow churches or pagodas to operate and have arrested and imprisoned believers for practicing their faith nonviolently in accordance with the provisions of the Constitution.

The authorities in the northwest provinces severely restrict the religious freedom of evangelical Protestants, including ethnic Hmong and ethnic Tai. Credible reports from multiple sources stated that at the beginning of the year, there were more than 25 Hmong Protestants imprisoned primarily in Lai Chau province for "teaching religion illegally" or "abusing the rights of a citizen to cause social unrest."

Following protests by church leaders and international attention to the detentions, Protestant church leaders reported that 15 of the detainees had been released by year's end. Among the remaining detainees were four Hmong Protestant leaders: Sinh Phay Pao,

Va Sinh Giay, Vang Sua Giang, and Phang A Dong. These persons had been arrested in Ha Giang province late in the year. Phang A Dong was charged with illegally traveling to China without a visa or passport.

The Government's repression of the Hmong is complicated by several factors which include religious practices. Some Hmong citizens fought against the Government in the past, and they live in sensitive border regions with China and Laos, which together lead the Government to question their loyalty. Among the Hmong there are two distinct religious groups: One group's members follow a traditional form of Christianity, and another group's beliefs are characterized by an element that is cultic in nature. The latter group's eschatological world view includes a predicted cataclysmic event in 2000. However, the Government does not differentiate between the two groups; their beliefs exacerbate the authorities' anxiety about the Hmong.

In December Nguyen Thi Thuy, a Protestant house church leader in Phu Tho province, was sentenced to 1 year's imprisonment for "interfering with an officer doing his duty." Thuy was arrested during a police raid on her home, where she was leading a Bible study group.

An ethnic Hre church leader, Dinh Troi, remained in detention in Quang Ngai province at year's end; two of his church colleagues, Dinh Bim and Dinh Hay, were released in July and September, respectively.

In July Binh Phuoc provincial authorities demolished three Protestant churches. Their congregations, composed of ethnic Mnong and Stieng Christians, protested to the central government authorities and the international community. Church officials reported that the central authorities intervened to prevent the further razing of churches. In December the provincial official responsible was removed from office. Binh Phuoc province Christians reported that they were able to celebrate Christmas openly and peacefully.

The Government's Office of Religious Affairs estimates that there are 1.1 million Cao Dai followers (just over 1 percent of the population). Some nongovernmental organization (NGO) sources estimate that there may be from 2 to 3 million followers. Cao Dai groups are most active in Tay Ninh province, where the Cao Dai holy see is located, and in Ho Chi Minh City, the Mekong delta, and Hanoi. There are separate sects within the Cao Dai religion, which is syncretistic, combining elements of many faiths. Its basic belief system is influenced strongly by Mahayana Buddhism, although it recognizes a diverse array of persons who have conveyed divine revelation, including Siddhartha, Jesus, Lao-Tse, Confucius, and Moses.

A government-controlled management committee has been established with full powers to control the affairs of the Cao Dai faith, thereby managing the church's operations, its hierarchy, and its clergy. Independent church officials oppose the edicts of this committee as not being faithful to Cao Dai principles and traditions. Despite the Government's statement in 1997 that it had recognized the Cao Dai church legally and encouraged Cao Dai believers to expand their groups and practice their faith, many top-level clerical positions remain vacant, and some believers were detained arbitrarily. In October 1998, the authorities detained two Cao Daists in Kien Giang province, Le Kim Bien and Pham Cong Hien, who sought to meet with U.N. Special Rapporteur on Religious Intolerance Abdelfattah Amor. They were sentenced to 2 years' imprisonment. Three Cao Daists, Lam

Thai The, Do Hoang Giam, and Van Hoa Vui, arrested several years ago, remain imprisoned in Xuan Loc prison in Dong Nai province. Ly Cong Cuong, a Cao Daist arrested in 1983 in An Giang province, was released in July.

Hoa Hao, considered by its followers to be a "reform" branch of Buddhism, was founded in the southern part of the country in 1939. Hoa Hao is a privatistic faith that does not have a priesthood and rejects many of the ceremonial aspects of mainstream Buddhism. Hoa Hao followers are concentrated in the Mekong delta, particularly in provinces such as An Giang, where the Hoa Hao were dominant as a political and religious force before 1975. According to the Office on Religious Affairs, there are 1.3 million Hoa Hao believers; church-affiliated expatriate groups suggest that there may be 2 million to 3 million. A government-organized group of 160 Hoa Hao held a congress in May in An Giang. The congress established an 11-member committee to oversee the administrative affairs of the religion. Establishment of the committee constituted official governmental recognition of the religion for the first time in 25 years.

The Hoa Hao have faced restrictions on their religious and political activities since 1975 because of their previous armed opposition to the Communist forces. Since 1975 all administrative offices, places of worship, and social and cultural institutions connected to the faith have been closed, thereby limiting public religious functions. Believers continue to practice their religion at home. The lack of access to public gathering places has contributed to the Hoa Hao community's isolation and fragmentation. In July, following official recognition of a Hoa Hao religious organization, up to 500,000 Hoa Hao believers gathered for a religious festival in An Giang province in the largest Hoa Hao gathering since 1975. The authorities continue to restrict the distribution of the sacred scriptures of the Hoa Hao, and believers say that a number of church leaders continue to be detained. One prominent Hoa Hao activist, Tran Huu Duyen, was released in the September 1998 prisoner amnesty.

Mosques serving the country's small Muslim population, estimated at 100,000 persons, operate in Hanoi, Ho Chi Minh City, and several provinces in the southern part of the country. The Muslim community comprises ethnic Vietnamese, ethnic Cham in the southern coastal provinces and western Mekong delta, and migrants originally from Malaysia, Indonesia, and India. Most practice Sunni Islam.

The Muslim Association of Vietnam was banned in 1975 but authorized again in 1992. It is the only official Muslim organization. Association leaders say that they are able to practice their faith, including daily prayer, fasting during the month of Ramadan, and the pilgrimage to Mecca, Saudi Arabia. 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 1998.

There are a variety of smaller religious communities. An estimated 8,000 Hindus are concentrated in the south, including some ethnic Chams on the south central coast who practice Hinduism.

There are several hundred members of the Church of Jesus Christ of Latter-Day Saints (Mormons) who are spread throughout the country, primarily in the Ho Chi Minh City and Hanoi areas.

The prominent position of Buddhism does not affect religious freedom for others adversely, including those who wish not to practice a religion. The secular government does not favor a particular religion. Of the country's 80 million citizens, 14 million or more reportedly do not appear to practice any organized religion. Some sources define strictly those considered to be practicing Buddhists, excluding those whose activities are limited to visiting pagodas on ceremonial holidays; using this definition, the number of nonreligious persons would be much higher--perhaps up to 50 million persons.

In some respects, conditions for religious freedom improved. In many areas, Buddhists, Catholics, and Protestants reported an increase in religious activity and observance. However, at the same time, government restrictions remained, and worshipers in several Buddhist, Catholic, and Cao Dai centers of worship reported that they believed that undercover government observers attended worship services and monitored the activities of the congregation and the clergy.

The Government released at least eight prominent religious prisoners as part of a wide-ranging prisoner amnesty in the Fall of 1998. Among these were five UBCV monks, including two of the most senior-ranking, Thich Quang Do and Thich Tue Sy; Catholic priests Dinh Viet Hieu and Nguyen Chau Dat; and Hoa Hao Buddhist Tran Huu Duyen.

However, operational and organizational restrictions on the hierarchies and clergy of most religious groups remain in place. While there were releases of religious prisoners, including others in addition to the eight prominent ones, detention and imprisonment of other persons for practicing religion illegally continued.

In April the Government issued a new decree on religion that prescribes the rights and responsibilities of religious believers. Similar to the Government's 1991 decree on religion, the decree also states for the first time that no religious organization can reclaim lands or properties taken over by the State following the end of the 1954 war against French rule and the 1975 Communist victory in the south. The decree also states that persons formerly detained or imprisoned must obtain special permission from the authorities before they may resume religious activities.

There were credible reports that Hmong Protestant Christians in several northwestern villages were forced to recant their faith and to drink blood from sacrificed chickens mixed with rice wine. Hmong church leaders told a North American church official that one Hmong Christian, Lu Seo Dieu, died in prison in Lao Cai province from mistreatment and lack of medical care. This report could not be confirmed. Prison conditions are poor in remote regions, and prison conditions in general are harsh.

Police authorities routinely question persons who hold dissident religious or political views. In May two prominent pastors of the unsanctioned Assemblies of God, pastors Tran Dinh "Paul" Ai and Lo Van Hen, were detained and questioned by police after a Bible study session that they were conducting in Hanoi was raided by local police. Ai was questioned daily for more than 2 weeks regarding his religious activities, and Lo Van Hen, a member of the Black Tai ethnic minority, was returned to Dien Bien Phu for further questioning by police. Both were released before the end of May and allowed to return home. Ai later was issued a passport and allowed to travel abroad with his family on a religious worker visa.

There were numerous reports that police arbitrarily detained persons based on their religious beliefs and practice. A 1997 directive on administrative detention gives security officials broad powers to monitor citizens and control where they live and work for up to 2 years if they are believed to be threatening "national security." In their implementation of administrative detention, authorities held some persons under conditions resembling house arrest.

The Penal Code, as amended in 1997, established penalties for offenses that are only vaguely defined, including "attempting to undermine national unity" by promoting "division between religious believers and nonbelievers." In some cases, particularly involving Hmong Protestants, when authorities charge persons with practicing religion illegally they do so using provisions of the Penal Code that allow for jail terms up to 3 years for "abusing freedom of speech, press, or religion." There were reports that officials fabricate evidence, and some of the provisions of the law used to convict religious prisoners contradict international covenants such as the Universal Declaration on Human Rights.

There are no precise estimates available of the number of religious detainees and religious prisoners. There reportedly are at least 10 religious detainees, held without arrest or charge; however, the number may be greater. These persons include: Le Minh Triet (Tu Triet), a Hoa Hao leader detained at a government house in the south; and a number of Hmong and other ethnic minority Protestant detainees. The authorities use administrative detention as a means of controlling persons whom they believe hold dissident opinions. Anecdotal reports indicate that small groups of Protestants are detained briefly--sometimes for only a few days, at other times for weeks or months. Some persons are subject to prolonged detention without charge.

According to rough estimates, there are from 20 to 40 religious prisoners. This number is difficult to verify with any precision because of the secrecy surrounding the arrest, detention, and release process. The following persons reportedly continue to be held as religious prisoners: UBCV monks Thich Thein Minh and Thich Hue Dang; Catholic priests Mai Duc Chuong (Mai Huu Nghi), Pham Minh Tri, Nguyen Van De, Pham Ngoc Lien, Nguyen Thien Phung, and Nguyen Minh Quan; and Cao Daists Le Kim Bien and Pham Cong Hien. About 10 Hmong Protestant Christians in Lai Chau and Ha Giang provinces remain in detention; they include: Sung Phai Dia, Vu Gian Thao, Vang Gia Chua, Sung Va Tung, Sung Seo Chinh, Sinh Phay Pao, and Va Sinh Giay.

Officials acknowledge that the following Hmong Christians were sentenced and imprisoned under the section of the Penal Code that prohibits "abusing the freedom of religion": Sung Phai Dia, Vu Gian Thao, Ly A Giang, Giang A To, and Giang A Cat.

Unconfirmed reports from the central highlands suggest that some local officials have extorted cattle and money from Protestants in those areas. It is unclear whether their religious affiliation or other factors were the causes of these alleged crimes. Provincial officials in Ha Giang and Lai Chau provinces in the north have sought to pressure Hmong Christians to recant their faith.

The Government bans and actively discourages participation in "illegal" religious groups, including the UBCV, Protestant house churches, and unapproved Hoa Hao and Cao Dai groups. The Government restricts the number of clergy that the Buddhist, Catholic,

Protestant, and Cao Dai churches may train. Restrictions are placed on the numbers of Buddhist monks and Catholic seminarians. Protestants are not allowed to operate a seminary or to ordain new clergy.

The Government restricts and monitors all forms of public assembly, including assembly for religious activities. On some occasions, large religious gatherings have been allowed, such as the 1998 and 1999 celebrations at La Vang. Within the past year, the Hoa Hao also have been allowed to hold two large public gatherings.

Religious and organizational activities by UBCV monks are illegal, and all UBCV activities outside private temple worship are proscribed. Protestant groups in central and southern provinces and some groups of Hoa Hao believers not affiliated with the group that held the May congress have petitioned the Government to be recognized officially. They have been unsuccessful thus far. Most evangelical house churches do not attempt to register because they believe that their applications would be denied, and they want to avoid government control.

The Government does not permit religious instruction in public schools. The Government restricts persons who belong to dissident and unofficial religious groups from speaking about their beliefs. It officially requires all religious publishing to be done by government-approved publishing houses. Many Buddhist sacred scriptures, Bibles, and other religious texts and publications are printed by these organizations and allowed to be distributed to believers. The Government allows, and in some cases encourages, links with coreligionists in other countries when the religious groups are approved by the Government. The Government actively discourages contacts between the illegal UBCV and its foreign Buddhist supporters, and between illegal Protestants, such as the house churches, and their foreign supporters. Contacts between the Vatican and the domestic Catholic Church are permitted, and the Government maintains a regular, active dialog with the Vatican on a range of issues, including organizational activities, the prospect of establishing diplomatic relations, and a possible papal visit. The Government allows religious travel for some, but not all, religious persons; Muslims are able to undertake the Hajj, and many Buddhist and Catholic officials also have been able to travel abroad. Persons who hold dissident religious opinions generally are not approved for foreign travel.

The Government does not designate persons' religions on passports, although citizens' "family books," which are household identification books, list religious and ethnic affiliation.

The law prohibits foreign missionaries from operating in the country. Proselytizing by citizens is restricted to regularly scheduled religious services in recognized places of worship. Immigrants and noncitizens must comply with the law when practicing their religions. Catholic and Protestant foreigners exercise leadership in worship services that are reserved for foreigners.

The government Office on Religious Affairs hosts periodic meetings to address religious issues according to government-approved agendas that bring together leaders of diverse religious traditions.

Adherence to a religious faith generally does not disadvantage persons in civil, economic,

and secular life, although it likely would prevent advancement to the highest government and military ranks. Avowed religious practice bars membership in the Communist Party, although anecdotal reports indicate that a handful of the 2 million Communist Party members are religious believers.

The Government remained sensitive about international and nongovernmental organization investigations. In October 1998, the United Nations Special Rapporteur on Religious Intolerance, Abdelfattah Amor, visited Hanoi, Ho Chi Minh City, Hue, and Tay Ninh province. He met with government officials and representatives of the government-sanctioned Central Buddhist Church, the Catholic Church, Cao Dai, a Protestant church, and the small Muslim community. However, security officials prevented Amor from meeting several senior representatives of the non-government-sanctioned UBCV, including Thich Huyen Quang and Thich Quang Do, despite his repeated requests to do so.

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

The Government imposes some limits on freedom of movement. 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 formally 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; however, these requirements generally are not enforced. Holders of foreign passports must register to stay in private homes. In practice visitors of Vietnamese origin from overseas do not appear to have problems with this requirement and are allowed to stay with family and friends. Other foreigners complain that they are not allowed to do so.

The Government employs internal isolation to restrict the movement of political and religious dissidents (see Section 1.d.). 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 to most border areas without prior approval. However, on several occasions, local police detained and fined foreigners whom police found had ventured too close to international borders and other sensitive military areas.

Although the Government no longer required citizens traveling abroad to obtain exit or reentry visas, the Government sometimes prevented persons from traveling by refusing to issue passports to persons who wished to travel. Persons who depart the country using passports marked *dinh cu* or "resettlement" appear to need a reentry permit to return.

Some persons who express dissident opinions on religious or political issues are not allowed to travel abroad (see Section 2.d.).

Citizens must demonstrate eligibility to emigrate to another country and show sponsorship abroad before the Government issues passports, which are required before a person is able to emigrate. Persons emigrating under refugee status are required to have a letter of introduction from the Ministry of Public Security before the passport office will issue them passports. Citizens' access to passports frequently was constrained by factors outside the law, such as bribery and corruption. Refugee and immigrant visa applicants sometimes encountered local officials who arbitrarily delayed or denied passports based on personal animosities or on the officials' perception that an applicant did not meet program criteria, or in order to extort a bribe.

Because citizens who live overseas are considered a valuable potential source of foreign exchange and expertise for the country but also a potential security threat, the Government generally encourages them to visit but monitors many of them carefully.

The United States continued to process for admission and resettlement immigrants and refugee applicants, including Amerasians, former reeducation camp detainees, and family reunification cases. 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 passports 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. The Government no longer requires reentry visas for citizens holding regular passports but who reside in another country. Holders of Vietnamese passports marked dinh cu or resettlement appear to need a reentry visa. However, emigrants are not permitted to use Vietnamese passports after they adopt other citizenship.

Vietnam and the United States continued to work together on the Resettlement Opportunity for Vietnamese Returnees Program (ROVR) in processing the residual few hundred ROVR persons who had returned from refugee camps elsewhere in southeast Asia.

Vietnam cooperated with the international community in implementing the Comprehensive Plan of Action (CPA), which was in effect in Vietnam between 1989 and June 1997, to resolve the situation of the thousands of Vietnamese who departed the country illegally. In 1989 as part of the CPA, Vietnam had signed a memorandum of understanding with the U.N. High Commissioner for Refugees (UNHCR) to accept 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. The UNHCR, which monitored repatriates reported that they do not face retribution or discrimination.

The Constitution allows consideration of asylum under certain circumstances for foreigners persecuted abroad. Otherwise, the country 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, the Government

admitted refugees from Cambodia, most of whom were ethnic Chinese. Between 1993 and 1995, it 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. Senior advisors to the Party, including the former party general secretary, President, and Prime Minister, also continue to exert significant influence on Politburo decisionmaking. 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 unsanctioned letters from private citizens critical of the Government that 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 Party members. Most National Assembly members belong to the VCP, although 15 percent do not.

The National Assembly, although subject to the control of the Party (all of its senior leaders are party members), 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 generally 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 vigorous debate on economic, legal, and social issues, including a business enterprise law and a press law. Legislators questioned and criticized ministers in sessions 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 men. There is one woman in the Politburo. Women are better represented in the National Assembly, where more than one-fourth of the 450 members are women. Women hold a few important positions. The Vice President is a woman, as are several ministers and vice ministers.

The president of the National Assembly, who is also a Politburo Standing Committee 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, although some dissidents were able to do so despite opposition from the Government. The Government permitted the UNHCR and international visitors to monitor implementation of its repatriation commitments under the CPA and carried on a limited dialog with foreign human rights organizations based outside Vietnam.

The Government generally was willing 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.

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 of the former Republic of Vietnam remain incarcerated for activities after 1975. They and their families generally are not allowed employment with the Government. This prohibition is less restrictive 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.

Some women are forced to work as prostitutes, and trafficking in women for the purpose of forced prostitution, both domestically and internationally, is a serious problem (see Section 6.f.). Women and girls are trafficked from southern delta and highlands provinces to Cambodia, and from northern provinces into China. Women and girls frequently are misled by promises of well-paying jobs in those countries. Prostitution, although officially illegal, appears to be widely tolerated. The Ho Chi Minh City People's Committee recently acknowledged that more than 10,000 women in the city engaged in prostitution. Hanoi and the port cities of Danang and Haiphong also have large numbers of women engaged in prostitution. There are reports that some exploiters in Ho Chi Minh City addicted young girls to heroin and forced them to work as prostitutes to earn cash for drugs. Many more women are compelled to work as prostitutes because of poverty, a lack of other employment opportunities, or because they are victimized by false promises of lucrative work. The Vietnam Women's Union and Youth Union, as well as international and domestic NGO's, are engaged actively in education and rehabilitation programs to combat these abuses.

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. Very poor women, especially in rural areas but also in cities, perform menial jobs in construction, waste removal, and other jobs for extremely low wages. 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 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 Women's Union operates micro-credit consumer finance programs and other programs to promote the advancement of women. International NGO's and other 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

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 through the age of 14, 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 Sections 6.c. and 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. According to a recent World Bank report, despite growth in incomes over the past decade, severe malnutrition remains an entrenched problem; about 45 percent of children under 5 years of age suffer from stunted growth.

Widespread poverty contributed to continued child prostitution, especially of girls, but also some boys as well, in major cities. Many prostitutes in Ho Chi Minh City are girls of ages 15 through 17. One NGO advocate stated that some child prostitutes, such as those from abusive homes, are forced into prostitution for economic reasons, having few other choices available to them. There are reports that some exploiters in Ho Chi Minh City addicted young girls to heroin and forced them to work as prostitutes to earn money for drugs.

Other children are trafficked domestically, as well as to foreign destinations for the purpose of forced prostitution. Although statistics are not reliable, children are trafficked from southern delta and highland provinces to Cambodia, and from northern provinces

into China. Government agencies were engaged in combating these abuses. The Vietnam Women's Union and Youth Union are active in drawing attention to them and helping with education programs to warn vulnerable families of the dangers of deception by those who would lure young women and children into prostitution. Press reports documented the conviction and imprisonment of some traffickers (see Section 6.f.).

Street children often are subjected to abuse, including beatings by police (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. The Government continued to implement policies designed to narrow the gap in the standard of living between ethnic groups living in the highlands and richer 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 provide incentives for disadvantaged minorities to relocate from inaccessible villages to locations where basic services are easier to provide; however, the effect of the policy sometimes has been to dilute the political and social solidarity of these groups. The Government continued to repress some highland minorities, particularly the Hmong, for practicing their religion without official approval (see Section 2.c.). Unlike the previous year, there were no reports that the Government repressed some highland minorities for suspected ties with resistance groups.

Section 6 Worker Rights 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 nearly 70 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. In addition, while the Labor Code states that all enterprise level and professional trade unions are affiliated with the VGCL, in practice hundreds of unaffiliated "labor associations" have been organized in occupations such as those of taxi, motorcycle and cyclo drivers, cooks, and market porters. 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. In a recent report, the ILO stated that many labor organizations failed to establish labor conciliation councils, and that without one, or if one fails to resolve the matter, it is referred to the provincial Labor Arbitration Council, which does not exist in some provinces. If the Council's decision is unsatisfactory to the union or if the province does not have an arbitration council, unions have the right to appeal to the Provincial People's Labor Arbitration Council. Labor courts, which were established in 1996 within the People's Court System, heard approximately 500 cases; most cited wrongful dismissal and matters of labor discipline. Since January 1995, the Labor Ministry has organized 150 training courses on the Labor Code for its staff and for managers of large enterprises.

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 the right to strike.

There were approximately 60 private and public strikes during the year, primarily against foreign-owned or joint venture companies, but some also involved state-owned and private firms. The Government tolerated these strikes, even though most were spontaneous and supported by organized labor after the fact. Approximately 250 strikes were reported from January 1995 through September 1999. Of these, some 132 strikes were in enterprises with foreign investment, about 40 in state-owned enterprises, and 80 in private enterprises. The majority of these strikes took place in Ho Chi Minh City, Dong Nai province, and other southern provinces. The strikes mainly were caused by disputes over wages and related problems, including late payment of overtime pay and inappropriate labor discipline. Although most of the strikes did not follow an authorized conciliation and arbitration process, and thus were illegal, the Government tolerated the strikes and did not take action against the strikers. Although the VGCL or its affiliate unions did not sanction these strikes officially, they were supported unofficially at the local and provincial levels of the VGCL on an informal basis. The Labor Law prohibits retribution against strikers, and there were no credible reports of such retribution. In some cases, the Government disciplined employers for illegal practices that led to strikes. VGCL officials stated that their general policy was not to use strikes to settle investment disputes, but only as a last resort. They stressed the need to educate workers on lawful strike procedure.

The Labor Code prohibits strikes at enterprises that serve the public and at those considered by the Government to be important to the national economy and defense. A subsequent decree defined these enterprises to be those involved in: Electrical production; post 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. 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. During the year, many contracts were negotiated that ended the practice of annual renewal, as collective bargaining increased in importance. Multiyear contracts became more common despite initial resistance from foreign companies. Labor leaders became more active in supporting their workers by agreeing to place more workplace issues in collective bargaining agreements. Issues that are not in a contract, such as working on Sundays, have been spelled out so that companies cannot order workers to work a seventh day. 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, including such labor by children; however, there were reports that thousands of children work in exploitative child labor. Some women are forced into prostitution, and trafficking in women for the purpose of forced prostitution is a problem (see Sections 5 and 6.f.). A 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. Children were trafficked both domestically and internationally and forced to work as prostitutes (see Sections 5 and 6.f.).

During the year, the Government suspended the practice of required labor in the construction of national infrastructure projects; however, there is a long local tradition under which persons living along flood-prone levees voluntarily help to build or repair their critical flood control system. In 1998 the Government denied the use of prison labor without compensation, and there were no reports of this practice during the year.

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

The Labor Law prohibits most child labor but allows exceptions for certain types of work. 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 their parents and 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. Children may work a maximum of 7 hours per day and 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.

Restrictions on working in hazardous operations apply to persons under the age of 18. The Labor Code permits the vocational training of children at the age of 13.

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 years of age. 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. Many urban schools operate two sessions, allowing children to attend classes and 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.

The Government did not commit sufficient resources to enforce its laws providing for children's labor safety, especially for children working in coal mines and as domestic servants. The ILO stated that street children both in Ho Chi Minh City and Hanoi usually participate in night education courses.

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 (552,000 dong) 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.

In October the Government reduced the length of the workweek for government employees and employees of companies in the state sector from 48 hours to 40 hours; it intends to encourage the private business sector and foreign and international organizations that employ Vietnamese workers to implement a 40-hour week.

The Labor Law sets working hours at a maximum of 8 hours per day, with a mandatory 24-hour break each week. 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 to 4 hours per week and 200 days per year. Annual leave with full pay for various types of work is also prescribed by the law. In a recent report, the ILO pointed out that the limit of 200 hours a year of overtime work is too low, and that workers and employers should have the right to agree to a greater amount of overtime work. 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 and a shortage of trained enforcement personnel. The VGCL reported that there are 300 labor inspectors in the country but that at least 600 are needed. There is growing evidence that workers, through labor unions, have been effective in improving working conditions.

Some foreign companies with operations in the country have established independent monitoring of problems at their factories. In some instances, they used NGO's and other nonprofit organizations to monitor workplace conditions and report abuses to the Ministry of Labor.

f. Trafficking in Persons

The Penal Code prescribes harsh punishment for persons convicted of trafficking in women and children; however, some women are forced to work as prostitutes, and trafficking in women for the purpose of forced prostitution, both domestically and internationally, is a serious problem.

The Government, international NGO's, and the press reported an increase in recent years in trafficking in women. Women and girls are trafficked from the southern delta and highland provinces into Cambodia and from northern provinces into China. Women and girls frequently are misled by promises of well-paying jobs in those countries.

Prostitution, although officially illegal, appears to be widely tolerated. The Ho Chi Minh City People's Committee recently acknowledged that more than 10,000 women in the city engaged in prostitution. Hanoi and the port cities of Danang and Haiphong also have large numbers of women engaged in prostitution. There are reports that some persons in Ho Chi

Minh City addicted young girls to heroin, then forced them to work as prostitutes to earn money to support their drug addiction. Many more women are compelled to work as prostitutes because of poverty, a lack of other employment opportunities, or because they are victimized by false promises of lucrative work. The Vietnam Women's Union and Youth Union, as well as international and domestic NGO's, are engaged actively in education and rehabilitation programs to combat these abuses.

The Government is working with international NGO's to supplement law enforcement measures and is cooperating with other national governments to prevent trafficking. NGO's reported that the problem appeared to grow during the year. Organized groups lure poor, often rural, women with promises of jobs or marriage and force them to work as prostitutes (see Sections 5 and 6.c.). Press and NGO reports noted that some women were kidnaped and transported to China and other countries against their will, where they were sold into forced marriages. The Government took measures to address this problem.

There is reported trafficking in women to the Macau Special Administrative Region of China with the assistance of organizations in China that are ostensibly marriage service bureaus, international labor organizations, and travel agencies. After arrival, many women are forced into conditions similar to indentured servitude; some may be forced into prostitution.

Children also are trafficked domestically and overseas to work as prostitutes. Government agencies were engaged in efforts to combat this abuse. One NGO advocate estimated that, among trafficked girl children, the average age was from 15 through 17 years; many were trafficked to Cambodia and China.

Government agencies and mass organizations are engaged to combat this problem. Some traffickers have been convicted and imprisoned. The Vietnam Women's Union and Youth Union's programs, as well as state-owned media, publicized the problem. Women's union advocacy and rehabilitation efforts help women and girls who have been trafficked.

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