



OCTOBER 2005 (revised 26 October 2005)

# VIETNAM

---

Home Office Science and Research Group

**COUNTRY OF ORIGIN INFORMATION SERVICE**

---

Country of Origin Reports are produced by the Science & Research Group of the Home Office to provide caseworkers and others involved in processing asylum applications with accurate, balanced and up-to-date information about conditions in asylum seekers' countries of origin.

They contain general background information about the issues most commonly raised in asylum/human rights claims made in the UK.

The reports are compiled from material produced by a wide range of recognised external information sources. They are not intended to be a detailed or comprehensive survey, nor do they contain Home Office opinion or policy.

Second edition (Scope of document section revised 26 October 2005)

## Contents

	<b>Paragraphs</b>
<b>1. SCOPE OF THE DOCUMENT .....</b>	<b>1.01</b>
<b>2. GEOGRAPHY .....</b>	<b>2.01</b>
<b>3. ECONOMY .....</b>	<b>3.01</b>
Official corruption .....	3.05
Land use .....	3.11
<b>4. HISTORY .....</b>	<b>4.01</b>
<b>5. STATE STRUCTURES .....</b>	<b>5.01</b>
<b>The Constitution</b> .....	5.01
Citizenship and nationality .....	5.03
<b>Political system</b> .....	5.05
National Assembly elections, May 2002 .....	5.08
<b>Judiciary</b> .....	5.09
<b>Legal rights/detention</b> .....	5.13
Death penalty .....	5.16
<b>Internal security</b> .....	5.18
<b>Prisons and prison conditions</b> .....	5.22
<b>Military service</b> .....	5.27
Conscientious objectors and deserters .....	5.29
<b>Medical services</b> .....	5.33
Mental health .....	5.38
People with disabilities .....	5.40
HIV/AIDS .....	5.42
Tuberculosis (TB) .....	5.44
<b>Educational system</b> .....	5.46
<b>6. HUMAN RIGHTS .....</b>	<b>6.01</b>
<b>6.A HUMAN RIGHTS ISSUES .....</b>	<b>6.01</b>
<b>General</b> .....	6.01
<b>Freedom of speech and the media</b> .....	6.06
Journalists .....	6.10
<b>Freedom of religion</b> .....	6.12
Religious groups .....	6.19
Buddhists .....	6.19
Hoa Hao .....	6.23
Catholics .....	6.27
Protestants .....	6.30
Cao Dai .....	6.34
Muslims .....	6.36
Ching Hai .....	6.38
<b>Freedom of assembly and association</b> .....	6.41
Political activists .....	6.43
<b>Employment rights</b> .....	6.48
Child labour .....	6.49
<b>People trafficking</b> .....	6.50
<b>Freedom of movement</b> .....	6.55
Household registration (Ho Khau) .....	6.55
Identity cards .....	6.60
Passports .....	6.62
Returnees .....	6.70
<b>6.B HUMAN RIGHTS – SPECIFIC GROUPS .....</b>	<b>6.72</b>
<b>Ethnic groups</b> .....	6.72
Chinese (Hoa) .....	6.78

Hmong .....	6.82
Montagnards.....	6.83
<b>Women</b> .....	6.91
<b>Children</b> .....	6.96
Family planning.....	6.98
Childcare arrangements .....	6.99
<b>Homosexuals</b> .....	6.106
<b>6.C HUMAN RIGHTS – OTHER ISSUES</b> .....	<b>6.108</b>
<b>Refugees</b> .....	6.108

#### ANNEXES

Annex A – Chronology of major events

Annex B – Political organisations

Annex C – Prominent people

Annex D – List of source material

## 1. Scope of the document

- 1.01 This Country of Origin Information Report (COI Report) has been produced by Research Development and Statistics (RDS), Home Office, for use by officials involved in the asylum / human rights determination process. The Report provides general background information about the issues most commonly raised in asylum / human rights claims made in the United Kingdom. It includes information available up to 31 August 2005.
- 1.02 The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum / human rights determination process.
- 1.03 The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- 1.04 The structure and format of the COI Report reflects the way it is used by Home Office caseworkers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- 1.05 The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- 1.06 As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.
- 1.07 The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent

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

- 1.08 This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the Home Office upon request.
- 1.09 COI Reports are published every six months on the top 20 asylum producing countries and on those countries for which there is deemed to be a specific operational need. Inevitably, information contained in COI Reports is sometimes overtaken by events that occur between publication dates. Home Office officials are informed of any significant changes in country conditions by means of Country of Origin Information Bulletins, which are also published on the RDS website. They also have constant access to an information request service for specific enquiries.
- 1.10 In producing this COI Report, the Home Office has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the Home Office as below.

### Country of Origin Information Service

Home Office  
Apollo House  
36 Wellesley Road  
Croydon CR9 3RR

**Email:** [cois@homeoffice.gsi.gov.uk](mailto:cois@homeoffice.gsi.gov.uk)

**Website:** [http://www.homeoffice.gov.uk/rds/country\\_reports.html](http://www.homeoffice.gov.uk/rds/country_reports.html)

## ADVISORY PANEL ON COUNTRY INFORMATION

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

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

**Advisory Panel on Country Information**

PO Box 1539, Croydon CR9 3WR

**Email:** [apci@homeoffice.gsi.gov.uk](mailto:apci@homeoffice.gsi.gov.uk)

**Website:** [www.apci.org.uk](http://www.apci.org.uk)

**Back to contents**

## 2. Geography

---

- 2.01 As noted by Europa Regional Surveys of the World: The Far East and Australasia 2005, "The Socialist Republic of Viet Nam covers a total area of 329,247 sq km (127,123 sq miles) and lies along the western shore of the South China Sea, bordered by the People's Republic of China to the north, by Laos to the west and by Cambodia to the south-west". [1] (p1171) [4b] (Map)
- 2.02 As indicated by the website of the Vietnam National Administration of Tourism, accessed on 1 September 2005, Vietnam is divided into 64 administrative units, comprised of provinces and cities. [17d]
- 2.03 In its Country Profile on Vietnam, updated on 6 July 2005, BBC News Online noted that a UN estimate in 2005 put the total population of Vietnam at 83.6 million, with life expectancy of 67 years for men and 71 years for women. [14a] (p2)
- 2.04 As recorded by Europa 2005, while the capital of Vietnam is Hanoi, with a population of 3,977,202, Ho Chi Minh City (HCMC) is the largest town in the country, with a population of 4,850,717. [1] (p1171)
- 2.05 As recorded by Ethnologue.com, a website specialising in languages of the world, accessed in August 2005, while the official language of the country is Vietnamese, there are another 92 languages in use. [24] (p1)
- 2.06 The same source noted that in 1993 it was estimated that 86.7 per cent of the population spoke Vietnamese, split into three dialects (Northern, Central and Southern). [24] (p14) Europa 2005 noted that "Vietnamese, who are ethnically related to the southern Chinese, form 80% of the population". [1] (p1171) **See also Section 6.B: Ethnic Groups.**
- 2.07 For further information on geography, refer to Europa Regional Surveys of the World: The Far East and Australasia 2005 (36<sup>th</sup> edition). [1]

**[Back to contents](#)**

### 3. Economy

---

- 3.01 The CIA World Factbook 2005, accessed in August 2005, recorded that “Vietnam is a densely-populated, developing country that in the last 30 years has had to recover from the ravages of war, the loss of financial support from the old Soviet Bloc, and the rigidities of a centrally planned economy. Substantial progress was achieved from 1986 to 1997 in moving forward from an extremely low level of development and significantly reducing poverty. Growth averaged around 9% per year from 1993 to 1997.” The same source stated further that “Since 2001, (however,) Vietnamese authorities have reaffirmed their commitment to economic liberalization and international integration. They have moved to implement the structural reforms needed to modernize the economy and to produce more competitive, export-driven industries.” [4a] (p6)
- 3.02 As noted by the Economist Intelligence Unit’s (EIU) Country Report for Vietnam in July 2005:
- “Foreign donors have urged the government to accelerate the pace of structural reform. In line with robust revenue growth, the government is on target to record a smaller than planned budget deficit. The State Bank of Vietnam (the central bank) has continued to tighten monetary policy gradually. It has also introduced a new risk-rating system for bank loans. Real GDP growth remains impressive, but has been hampered by drought. Consumer price inflation has decelerated. Drought has reduced output of key agricultural crops.” [15a] (p3)
- 3.03 The US State Department (USSD) Report on Human Rights Practices in 2004, published on 28 February 2005, noted that:
- “In the last 10 years, overall poverty levels decreased significantly; as of 2003, approximately 26 percent of the population lived below the poverty line. Particularly in Ho Chi Minh City and Hanoi, economic reforms have raised the standard of living and reduced CPV [Communist Party of Vietnam] and government control over, and intrusion into, citizens’ daily lives; however, many citizens in isolated rural areas, including members of ethnic minorities in the Northwest Highlands, Central Highlands, and the central coastal regions continued to live in extreme poverty. There was a growing income and development gap between urban and rural areas and within urban areas. Unemployment and underemployment remained significant problems.” [2a] (p1)
- 3.04 The EIU’s Country Profile for Vietnam in 2004 noted that the currency of Vietnam is the Dong (D), and that the exchange rate on 27 August 2004 was D15,249: US\$1. [15b] (p3)

### OFFICIAL CORRUPTION

- 3.05 According to the NGO Transparency International (TI) in its Corruption Perceptions Index 2004, Vietnam ranked at 102 out of 145 countries, based on the perceptions of business people and country analysts, both resident and non-resident, regarding levels of corruption throughout the world. Vietnam scored 2.6 out of ten (ten representing zero perception of corruption). [26] (p3&5)
- 3.06 In July 2005, the EIU’s Country Report for Vietnam noted that:

“The prospect of Mr Manh retaining the party’s top position in 2006 partly reflects his relative success in championing a tough anti-corruption stance without upsetting the balance of the party. He recently stated that the leadership’s fight against corruption had to be bold and persistent, beginning with ethics training for cadres and party members. A number of high-profile officials have been punished in recent years, and further such cases are expected as the leadership seeks to demonstrate its determination to tackle official corruption and retain the public’s trust.” [15a] (p7)

3.07 The same report stated further that:

“One of the current issues of debate in the National Assembly (the legislature), is whether or not to form a specialised anti-corruption agency. The leadership, however, is mindful of the damage that could be caused to the party’s reputation if the full extent of corruption is rapidly unveiled. Therefore, there are no assurances that such an agency would be permitted to complete investigations in a fully impartial manner, particularly if such investigations probed activities of high-ranking officials. For the time being though, the leadership’s efforts to tackle corruption have been welcomed by foreign donors.” [15a] (p7)

3.08 In its Country Profile on Vietnam, updated on 6 May 2005, the Foreign & Commonwealth Office (FCO) recorded that:

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

3.09 As reported by Freedom House in its report, Freedom in the World 2005:

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

3.10 The EIU’s Country Profile for Vietnam in 2004 stated that:

“In May 2004 the National Assembly fired the then minister of agriculture and rural development, Le Huy Ngo, for allowing a swindle in a ministry-supervised firm. In December 2003 the firm’s director, La Thi Kim Oanh, was sentenced to death for misappropriating US\$4.7m, and two former deputy ministers were sent to jail. The message is clear: senior officials have been put on notice that they are not beyond the reach of the law. Despite such moves, however, Vietnam still scores poorly in international comparisons of corruption.” [15b] (p7)

## LAND USE

- 3.11 The USSD Report 2004 noted that “During the course of the year [2004], peaceful small protests of farmers demanding redress for land rights issues frequently took place in front of government buildings in Hanoi. Police monitored these protests but did not disrupt them”. [2a] (section 2b)
- 3.12 As reported by Freedom House in its report, Freedom in the World 2005, “[However] the leadership increasingly allows farmers and others to hold small protests over local grievances, which often concern land seizures. Thousands of Vietnamese try to gain redress each year by writing letters to or personally addressing officials”. [29]
- 3.13 The website of UN Volunteers, accessed on 17 August 2005, stated that in November 2003 the National Assembly passed a revised Land Law, which for the first time required Land Use Certificates to bear the names of both husband and wife if the land belongs to both of them. [16]

**[Back to contents](#)**

## 4. History

---

- 4.01 In its Country Profile on Vietnam, updated on 6 May 2005, the Foreign & Commonwealth Office (FCO) recorded that in 1954 Vietnam was divided into the communist north (Democratic Republic of Vietnam) and the western-backed south (Republic of Vietnam). The same source noted that as the North Vietnamese began to use their forces to strengthen the communist movement in the south in order to achieve national reunification, the south became increasingly dependent on the USA, which increased its military commitment as war escalated in the 1960s. [8a] (p2) BBC News Online stated on 8 July 2005 that 1957 marked the beginning of the communist insurgency in the south and that the US entered the war in 1964. [14b] (p1)
- 4.02 The FCO recorded in May 2005 that the numbers of US troops in Vietnam rose to over half a million by 1968, but a withdrawal began in 1969 because of the growing domestic unpopularity of the war in the USA and a lack of military success. [8a] (p2) BBC News Online noted in July 2005 that the troop withdrawal was completed in March 1973. [14b] (p2) As recorded by the FCO in May 2005, although the US and the North Vietnamese reached a peace agreement in 1973, the civil war continued and a North Vietnamese invasion two years later led to the rapid collapse of the South Vietnamese regime. Subsequently, the country was formally reunified as the Socialist Republic of Vietnam (SRV) in 1976 and Vietnam was admitted to the UN in 1977. [8a] (p2)
- 4.03 The FCO also noted that national reunification did not lead to peace and stability. Relations with the Khmer Rouge government in Cambodia and with their main supporters, the Chinese, soon deteriorated; after a number of border provocations Vietnam invaded Cambodia in December 1978 and subsequently installed a friendly regime there. The FCO noted further that as conflict ensued in Cambodia with resistance groups fighting the Vietnamese and their Cambodian allies during the 1980s, Vietnam experienced a period of international and economic isolation, receiving support only from the USSR and its allies. The conflict further sapped an economy weakened by unpopular socialist reforms in the south, which in turn helped precipitate the exodus of hundreds of thousands of refugees in the late 1970s and early 1980s. [8a] (p2)
- 4.04 The same source stated that following a formal settlement of the conflict in 1991, Vietnam began to normalise its relations with the rest of the world, including the United States in 1995, the same year that Vietnam became a member of ASEAN (Association of Southeast Asian Nations). [8a] (p2) In June 2005, Prime Minister Phan Van Khai met US President George W Bush during the first visit to the US by a Vietnamese leader since the end of the Vietnam War. [14b] (p3)
- 4.05 For history prior to 1954, refer to Europa Regional Surveys of the World: The Far East and Australasia 2005 (36<sup>th</sup> edition). [1]

[Back to contents](#)

## 5. State structures

### THE CONSTITUTION

- 5.01 As noted by Europa Regional Surveys of the World: The Far East and Australasia 2005, on 15 April 1992 the National Assembly adopted a new Constitution, a revised version of that adopted in December 1980. [1] (p1208) According to Article 4 of the Constitution, “The Communist Party of Vietnam, the vanguard of the Vietnamese working class, the faithful representative of the rights and interests of the working class, the toiling people, and the whole nation, acting upon the Marxist-Leninist doctrine and Ho Chi Minh’s thought, is the force leading the State and society”. [17a]
- 5.02 A citizen’s rights and duties are defined under Articles 50 to 80 of the 1992 Constitution. Regarding the fundamental rights of the citizen, Article 50 claims that “In the Socialist Republic of Vietnam human rights in the political, civic, economic, cultural and social fields are respected. They are embodied in the citizen’s rights and are determined by the Constitution and the law”. [17a]

### CITIZENSHIP AND NATIONALITY

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

### POLITICAL SYSTEM

- 5.05 In its Country Profile on Vietnam, updated on 6 May 2005, the Foreign & Commonwealth Office (FCO) noted that:

“Vietnam is a one-party state in which the Communist Party of Vietnam (CPV) decides all major policy issues, which are then implemented by the government. The country is led by a triumvirate of CPV General Secretary [Nong Duc Manh], State President [Tran Duc Luong] and Prime Minister [Phan Van Khai]. Although the National Assembly is increasingly powerful, it remains firmly subordinate to the CPV. No legal opposition to the regime is permitted in Vietnam, but neither is there much sign of widespread popular opposition to the regime. The CPV still enjoys popular support following its success in defeating the French colonialist rulers, resisting American intervention, re-unifying the country, opposing Chinese encroachment and – most importantly – creating and maintaining peace and stability.” [8a] (p2-3)

- 5.06 The FCO also recorded that:

“There are no free elections in Vietnam. Candidates for election to the National Assembly and local People’s Councils must in practice be approved by the CPV. There is, however, an increasing minority of elected representatives who are not CPV members. Vietnam’s main legislative body is the National Assembly, which convenes twice per year. It has developed, in recent years, from little more than a ‘rubber stamp’ body to one increasingly able to scrutinise legislation and hold government to account. It has, on paper at least, wide powers over the state budget and its Members, 25% of whom are full time, are increasingly professional. Ultimately, however, the National Assembly remains firmly under the control of the CPV and thus is still far from being a proper democratic legislature. Elections to the 498-Member National Assembly are held every five years. The next elections are due in 2007.” [8a] (p3)

- 5.07 The US State Department (USSD) Report on Human Rights Practices in 2004, published on 28 February 2005, also noted the positive developments, stating that “In recent years, the CPV gradually reduced its formal involvement in government operations and allowed the Government to exercise significant discretion in implementing policy. The National Assembly remained subject to CPV direction; however, the Government continued to strengthen the capacity of the National Assembly”. [2a] (p1)

## NATIONAL ASSEMBLY ELECTIONS, MAY 2002

- 5.08 The same source continued:

“The National Assembly members were chosen in May 2002 elections in which candidates were vetted by the CPV’s Vietnam Fatherland Front (VFF), an umbrella group for the country’s mass organizations. Approximately 90 percent of elected delegates were CPV members. The National Assembly continued to play an increasingly independent role as a forum for local and provincial concerns and as a critic of local and national corruption and inefficiency and made progress in improving transparency in the legal and regulatory systems.” [2a] (p1)

## JUDICIARY

5.09 The USSD Report 2004 recorded that “The Constitution provides for the independence of judges and lay assessors; however, in practice, the CPV controls the courts closely at all levels, selecting judges, at least in part, for their political reliability.” The report stated further that “The judiciary consists of the SPC [Supreme People’s Court]; the district and provincial people’s courts; military tribunals; administrative, economic, and labor courts; and other tribunals established by law”. [2a] (section 1e) The report also noted that:

“The Supreme People’s Procuracy brings charges against an accused and serves as prosecutor during trials. Under revisions to the Criminal Procedures Code, which took effect in July [2004], courtroom procedures were to change from an ‘investigative’ system – in which the judge leads the questioning – to an ‘adversarial’ system – in which prosecutors and defense lawyers advocate for their respective sides. This was intended to provide more protections for defendants and to prevent judges from coercing defendants into confessing guilt. The extent to which this change has been implemented in practice was not known at year’s end. Although the Constitution provides that citizens are innocent until proven guilty, some lawyers complained that judges generally presumed guilt.” [2a] (section 1e)

5.10 The same source reported further that “Government training programs to address the problem of inadequately trained judges and other court officials were underway. Foreign governments and the U.N. Development Program (UNDP) provided assistance; however, the lack of openness in the criminal judicial process and the continuing lack of independence of the judiciary hampered progress.” [2a] (section 1e)

5.11 The website of the Asia Foundation, accessed on 17 August 2005, stated that:

“Since the beginning of doi moi (renovation policy), the law-making process of Vietnam has become increasingly open to public participation. However, despite legal provisions ensuring the public’s right to review and comment on draft laws, shortcomings exist that limit the scope and effectiveness of public participation. To address these shortcomings, The Asia Foundation is supporting a project implemented by the Office of the National Assembly to help enhance public participation in drafting laws. The project does so by examining past law-making experience in Vietnam, and by developing refined models of public participation and piloting these models in actual practice. As part of this project, a regional observation program is being organized for Vietnamese law-makers to study participatory procedures elsewhere in Southeast Asia.” [9]

5.12 The same source stated that:

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

## LEGAL RIGHTS/DETENTION

- 5.13 As noted by the French-based NGO, Que Me: Action for Democracy in Vietnam, in September 2002, Article 72 of the Vietnamese Constitution asserts that nobody can be detained without due process of law, but Decree 31/CP (adopted in 1997) allows the local security police to arrest and detain people in the interests of national security for up to two years without a court order. [20] (p4) The USSD Report 2004 stated that:

“Amendments to the Criminal Code that took effect in July [2004] grant defense lawyers access to their clients from the time of detention. During the investigative period, the amended code provides that defense lawyers be informed of interrogations and be able to attend them and be given access to case files and be permitted to make copies of documents in it. It was not yet clear whether this was respected in practice. In national security cases, defense lawyers are granted access to clients only after an investigation has ended. Although the Constitution provides for legal counsel for all persons accused of criminal offenses, a scarcity of trained lawyers made this provision difficult to implement. Counsel generally was provided only to those charged with crimes that could lead to life imprisonment or the death penalty. Prior to being formally charged, a detainee has a statutory right to notify family members, and, in most cases, police informed the family of the detainee’s whereabouts. Family members may visit a detainee only with the permission of the investigator. Prior to July [2004], the MPS [Ministry of Public Security] usually prohibited contact between detainees and their lawyer while the procurator’s office was investigating.” [2a] (section 1d)

- 5.14 The same report stated that “The law prohibits arbitrary arrest and detention; however, the Government continued to arrest and detain citizens for the peaceful expression of their political and religious views”. [2a] (section 1d) The report also noted that:

“Courts may sentence persons to administrative detention of up to 5 years after completion of a sentence. In addition, according to Article 22 of the revised Ordinance on Administrative Violations, police or mass organizations can propose that five ‘administrative measures’ be imposed by people’s committee chairpersons at local, district, and provincial levels without a trial. These measures include terms ranging from 6 months to 2 years in either juvenile reformatories or adult detention centers and were generally applied to repeat offenders with a record of minor offenses such as petty theft or ‘humiliating other persons.’ People’s committee chairpersons can also impose terms of ‘administrative probation’ as defined by Decree 31/CP of 1997. This generally has been some form of house arrest.” (2a) (section 1d)

- 5.15 In its report, Freedom in the World 2005, Freedom House noted that “Defense lawyers cannot call or question witnesses and sometimes are permitted only to appeal for leniency for their clients. While defendants have a constitutional right to counsel, scarcity of lawyers often makes this right impossible to enforce. Moreover, many lawyers reportedly are reluctant to take human rights and other sensitive cases because they fear harassment and retribution by the state.” [29] Regarding arrest warrants, the British Embassy in Hanoi stated in March 2004 that “The warrant is read out before the accused who may inspect it but not keep it or retain copies”. [8c]

## DEATH PENALTY

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

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

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

"Vietnam has among the highest execution rates per capita in the world. Death penalty statistics are officially secret, but executions are thought to number at least 100 per year. Most executions are for drug offences, but economic crimes (eg corruption) may also attract the death penalty. There are concerns that Vietnam's legal system may not offer fair trials in many cases. In a positive move, Vietnamese Ministers have spoken of reducing use of the death penalty, but abolition appears a distant prospect." [8a] (p4)

## INTERNAL SECURITY

- 5.18 The USSD Report 2004 recorded that "Internal security primarily is the responsibility of the Ministry of Public Security (MPS); however, in some remote areas, the military is the primary government agency and provides infrastructure and all public safety functions, including maintaining public order in the event of civil unrest". [2a] (p1)

- 5.19 The same report also noted that:

"The MPS controls the police, a special national security investigative agency, and other internal security units. It also maintained a system of household registration and block wardens to monitor the population, concentrating on those suspected of engaging, or being likely to engage in, unauthorized political activities; however, this system has become less pervasive in its intrusion into most citizens' daily lives. While the civilian authorities generally maintained effective control of the security forces, there were reports that elements of the

security forces acted independent of government authority. Members of the public security forces committed numerous human rights abuses.” [2a] (p1)

- 5.20 A report by the Canadian IRB on 5 November 2002 stated that “Vowing to ‘root out and punish its own corrupt cops,’ the Ministry of Public Security in Vietnam was reported to have acknowledged that members of its force, as well as local police, were ‘covering up and protecting underworld vice’ (DPA 13 July 2001). According to figures quoted in a Deutsche Presse-Agentur article, corrupt police officers could account for one-third of the Ministry’s police force (ibid.)”. [6g] **See also Section 3, Economy: Official Corruption.**

- 5.21 The same report stated further that:

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

## PRISONS AND PRISON CONDITIONS

- 5.22 The USSD Report 2004 recorded that:

“Prison conditions reportedly often were harsh, but generally did not threaten the lives of prisoners. Overcrowding, insufficient diet, and poor sanitation remained serious problems in many prisons. Most prisoners had access to basic health care.... During the year, visits by select diplomatic observers revealed Spartan, but generally acceptable conditions in at least two prisons. Men and women were housed separately. Juveniles were housed separately from adult populations.” [2a] (section 1c)

- 5.23 The USSD Report 2004 stated that “Prisoners, including those held for political reasons, were reportedly moved arbitrarily to solitary confinement, where they were deprived of reading and writing materials, for periods of up to several months”. [2a] (section 1c)

- 5.24 Regarding pretrial detainees, the same source noted that:

“Pretrial detainees were generally held separately from convicted prisoners and were denied visits from family members, though relatives could provide them with money or certain supplies. Under revisions to the criminal procedures code that came into effect in July [2004], pretrial detainees are allowed access to their lawyers from the point of detention; however, bureaucratic delays frequently limited initial contact between detainees and their lawyers, and some detainees particularly political activists – were not permitted regular access by lawyers until shortly before their trials.” [2a] (section 1c)

- 5.25 The same report also stated that:

“Unlike in previous years, prisoners sentenced to hard labor did not complain that their diet and medical care were insufficient to sustain good health.

Although political and religious prisoners often were held under harsh conditions, there was no evidence to suggest their conditions were significantly different than those for the regular prison population. During the year, the Government permitted selected diplomatic observers to visit prisons; however, the Government did not allow the International Committee of the Red Cross to visit prisoners." [2a] (section 1c)

- 5.26 On 17 February 2005, Amnesty International (AI) reported that on 2 February 2005 over 8,000 prisoners were released, some prisoners of conscience among them, as part of an amnesty to mark Tet, the Lunar New Year. [3c] Citing an article by the *Courier Mail* on 29 April 2005, the website of International Christian Concern, accessed on 3 August 2005, reported that the President of Vietnam, Tran Duc Luong, had ordered a further amnesty of 7,751 prisoners, including political prisoners, who would be freed to mark the 30<sup>th</sup> anniversary of the end of the Vietnam War on 30 April 2005. [10]

## MILITARY SERVICE

- 5.27 Europa 2005 recorded that "In August 2003 the total strength of the armed forces was an estimated 484,000: army 412,000; navy 42,000; air force 30,000. Men are subject to a two-year minimum term of compulsory military service between 18 and 35 years of age". [1] (p1219)
- 5.28 War Resisters International (WRI) noted in March 1998 that "Women with special qualifications and skills, while not liable to conscription, must register with the reserve forces and may be called up for training.... Reservist obligations apply until the age of 45 in the case of men, and until the age of 40 in the case of women." The same source noted that "Exemption is possible for medical reasons, domestic reasons and in the case of convicted criminals.... In order to meet the recruitment targets, men with criminal records, who should have been exempt from service, have apparently been called up". [19]

## CONSCIENTIOUS OBJECTORS AND DESERTERS

- 5.29 WRI recorded in March 1998 that "The right to conscientious objection is not legally recognized and there are no provisions for substitute service.... Under art. 69 of the Law on Military Service, as amended in 1990, draft evasion and desertion are punishable by disciplinary and administrative measures.... It is not clear how far draft evasion and desertion are in practice monitored and penalized". [19]
- 5.30 According to the Vietnamese Criminal Code, passed by the National Assembly on 21 December 1999 (Chapter 23: Crimes of Infringing upon the Duties and Responsibilities of Army Personnel), those who evade their duties shall be subject to non-custodial reform for up to three years or between three months' and three years' imprisonment, or, if the offence caused serious consequences, between two and ten years' imprisonment (Article 326). [17e]
- 5.31 The same source stated that those who desert the army, having already been disciplined for such an act previously, or who cause serious consequences in doing so, or who do so in time of war, shall be subject to non-custodial reform for up to three years or between six months' and five years' imprisonment, or, if

the offence caused very serious consequences, between three and twelve years' imprisonment (Article 325). [17e]

- 5.32 The Criminal Code also stated that the death penalty may be imposed upon those who disobeyed orders (Article 316), surrendered to the enemy in the course of combat (Article 322), or destroyed military weapons/technical means without authorisation (Article 334), if the offence caused particularly serious consequences. [17e]

## MEDICAL SERVICES

- 5.33 The Economist Intelligence Unit's (EIU) Country Profile for Vietnam in 2004 stated that:

"Healthcare provision is relatively good, as measured by such indicators as life expectancy, infant mortality and the number of doctors per head of population.... However, in the late 1980s a number of factors began adversely to affect the quality of healthcare. These included reform-linked factors, budgetary constraints, the shift of responsibility to the provinces and the introduction of charges. By 2001 government spending on healthcare amounted to just 1.5% of GDP, and more than two-thirds of healthcare spending was privately funded. The shortage of funds has meant that improvements in water supply and sewerage systems have been slow in coming. These inadequacies are largely responsible for the most common infectious diseases such as malaria, dengue fever, typhoid and cholera." [15b] (p18)

- 5.34 The same report stated further that:

"National statistics indicate that there has been a steady decline in the number of nurses and midwives, and in the number of hospital beds per head of population. There is particular concern about the health of people living in the poorer provinces, where malnutrition, though falling, is still common. As an indication of the lack of improvement in primary healthcare, the infant mortality rate is no longer falling and life expectancy at birth has stagnated." [15b] (p18)

- 5.35 The website of the World Health Organisation (WHO), accessed on 1 September 2005, recorded that:

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

- 5.36 The same source also noted that:

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

- 5.37 According to the website of the Vietnamese Embassy in the United States, accessed in September 2005, “In the face of economic difficulties, the Vietnamese Government has decided to increase the number of the beneficiaries of free medical charges for poor households and those in mountainous areas, to enhance malaria control, to extend the aid to purchase medical insurance for poor families, war invalids and soldiers. The State has attached great importance to primary health care for the community”. [17b]

### MENTAL HEALTH

- 5.38 The WHO’s Mental Health Atlas 2005 Country Profile for Vietnam noted that a mental health programme was one of the ten objectives listed in the National Health Programme of 1999. As recorded by the same source, there is no mental health legislation, and “Medications approved by the Ministry of Health for people with schizophrenia and epilepsy are routinely available and are free. Medications for other conditions may or may not be available and would not be free”. [11b]

- 5.39 The same source stated further that:

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

### PEOPLE WITH DISABILITIES

- 5.40 The USSD Report 2004 noted that:

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

- 5.41 The same report stated that “The law provides for preferential treatment for firms that recruit persons with disabilities for training or apprenticeship and for

finances on firms that do not meet minimum quotes [sic] of 2 to 3 percent of their workforce for workers with disabilities; however, the Government enforced these provisions unevenly". [2a] (section 5)

## HIV/AIDS

- 5.42 The website of the WHO, accessed on 1 September 2005, recorded that "The cumulative number of reported HIV cases as of 2003 is around 75,000. However, reported figures significantly understate the scale of the problem, and it is estimated that at least 150,000 people are infected by HIV. It is projected that by the year 2005, more than 200,000 Vietnamese will be infected with HIV". [11a]
- 5.43 The USSD Report 2004 noted that "There was no evidence of official discrimination against persons with HIV/AIDS; however, there remains substantial societal discrimination against persons with HIV/AIDS". [2a] (section 5)

## TUBERCULOSIS (TB)

- 5.44 The Stop TB Partnership's website, accessed on 15 August 2005, included Vietnam among 22 countries accounting for 80 per cent of TB cases in the world. However, it noted Vietnam's outstanding success in fighting TB, stating that, "This outstanding success was made possible by the effective integration of political commitment, international technical assistance and funding, and efficient community mobilization". [12] (p1)
- 5.45 The website of the WHO, accessed on 1 September 2005, recorded that "Viet Nam is considered to be among the countries worldwide with the highest burden of TB, but its programme is now considered to be one of the best with treatment success rates at more than 90%. There are more than 130,000 new TB patients on average every year". [11a]

## EDUCATIONAL SYSTEM

- 5.46 As noted by Europa 2005, "Primary education, which is compulsory, begins at six years of age and lasts for five years. Secondary education, beginning at the age of 11, lasts for up to seven years, comprising a first cycle of four years and a second cycle of three years.... In 1998/99, there were 123 universities and colleges of higher education". [1] (p1219)
- 5.47 The USSD Report 2004 recorded that "While education is compulsory through the age of 14, the authorities did not enforce the requirement, especially in rural areas where government and family budgets for education were strained and where children were needed for agricultural labor". [2a] (section 5) **See also Section 6.A. Employment Rights: Child Labour.**
- 5.48 The same source recorded that:
- "Due to lack of classroom space, most schools operated two sessions, and children attended either morning or afternoon classes. Some street children both in Ho Chi Minh City and Hanoi participated in night education courses. The culture's strong emphasis on education led parents who could send children to school to do so, rather than to allow them to work. The public school system

includes 12 grades. Over 90 percent of children attended primary grades; however, the percentage that attended lower and upper secondary school was much lower. While secondary school enrollments have increased sharply, they were still at less than 75 percent of eligible students for lower secondary and less than 50 percent for upper secondary. Enrollments were lower at all educational levels in remote mountainous areas, although the Government ran a system of subsidized boarding schools through the high school level for ethnic minority students.” [2a] (section 5)

- 5.49 The Economist Intelligence Unit’s (EIU) Country Profile for Vietnam in 2004 stated that:

“Although access to higher levels of education has historically been limited, the introduction of near-universal primary education has produced high literacy rates. The Viet Nam Living Standards Survey 1997-98 found that 89% of the population aged ten years and older were literate – 86% of females and 94% of males. Literacy in the urban areas (94%) is only slightly higher than in the countryside (88%). The highest literacy rate is found in the Red River Delta region, where 98% of men are literate. According to the latest World Bank estimates for 2002, 93% of the population (aged 15 years and above) was literate.” [15b] (p17)

- 5.50 The same report stated further that:

“China, Indonesia, Thailand and the Philippines all have better-educated populations than Vietnam. Vietnam’s school enrolment rates suffered a decline in 1987-91, particularly at secondary level, because of a budgetary squeeze that reduced the wages of teachers. This was compounded by the emergence of alternative occupations for teachers. However, the share of government current spending allocated to education rose from just under 5% in 1989 to over 16% by 1999, the level at which it has remained since. Enrolment rates have not only recovered but have risen to record levels, doubling in secondary schools and trebling in colleges. State spending is augmented by large amounts of household spending on fees, tutoring, and educational supplies, which accounted for 43% of all educational spending in 1998.” [15b] (p17-18)

[Back to contents](#)

## 6. Human rights

---

### 6.A HUMAN RIGHTS ISSUES

#### GENERAL

- 6.01 The US State Department (USSD) Report on Human Rights Practices in 2004, published on 28 February 2005, stated that:

“The [Vietnamese] Government’s human rights record remained poor, and it continued to commit serious abuses. The Government continued to deny citizens the right to change their government. Several sources reported that security forces shot, detained, beat, and were responsible for the disappearances of persons during the year. Police also reportedly sometimes beat suspects during arrests, detention, and interrogation. Incidents of detention of citizens and foreign visitors, including detention for peaceful expression of political and religious views, continued.” [2a] (p1)

- 6.02 The USSD Report 2004 also noted that “The Government does not permit private, local human rights organizations to form or operate. The Government generally did not tolerate attempts by organizations or individuals to comment publicly on government human rights practices and used a wide variety of methods to suppress domestic criticism of its human rights policies, including surveillance, limits on freedom of assembly, interference with personal communications, and detention”. [2a] (section 4) On 1 March 2005 the state-run Vietnam News Agency reported that “Although recognising Viet Nam’s positive progress, the US State Department’s human rights report 2004 still contains partial comments on Viet Nam’s human rights situation. We totally reject these inaccurate remarks”. [25]

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

- 6.04 Human Rights Watch, in its World Report 2005 (covering events in 2004), stated that “Human rights conditions in Vietnam, already dismal, worsened in 2004. The government tolerates little public criticism of the Communist Party or statements calling for pluralism, democracy, or a free press. Dissidents are harassed, isolated, placed under house arrest, and in many cases, charged with crimes and imprisoned.” [5a] (p1)

- 6.05 The Foreign & Commonwealth Office (FCO), in its Human Rights Annual Report 2005, stated that “Vietnam has taken some positive steps forward with regard to civil and political rights over the past year, but its overall record remains poor. We are particularly concerned about the country’s high rate of executions and restrictions on freedom of expression, freedom of religion and access to justice.” [8b] In its Country Profile on Vietnam, updated on 6 May 2005, the FCO also stated that:

“Human rights in Vietnam are an issue which have attracted considerable public attention from NGOs and Parliament in recent times.... Overall, the great majority of Vietnamese people enjoy greater security, prosperity and personal liberty than previously in their history. Vietnam has also made great strides in terms of economic and social rights over recent decades. Vietnam has a poor record with regard to civil and political rights, however, notwithstanding gradual improvements over recent years. Restrictions on freedom of expression, freedom of religion and the high number of executions are particular causes for concern.” [8a] (p4)

## FREEDOM OF SPEECH AND THE MEDIA

6.06 The USSD Report 2004 noted that “The Constitution provides for freedom of speech and freedom of the press; however, the Government significantly restricted these freedoms in practice, particularly with respect to political and religious speech. Both the Constitution and the Criminal Code include broad national security and anti-defamation provisions that the Government used to restrict severely such freedoms”. [2a] (section 2a) The same source reported that the Vietnamese press was able to cover issues such as official corruption. [2a] (section 2a)

6.07 BBC News Online’s Country Profile for Vietnam, updated on 6 July 2005, stated that:

“The Communist Party of Vietnam has a strong grip on the media. The Ministry of Culture and Information manages and supervises press and broadcasting activities. The government has shut down several newspapers for violating the narrow limits on permissible reporting. Media rights organisation Reporters Without Frontiers says publications deemed to be ‘bad or inaccurate’ are subject to official bans. Television is the dominant medium in Vietnam; Vietnam Television (VTV) broadcasts from Hanoi to the whole country and via satellite to the wider region. There are many provincial TV stations. The authorities restrict the viewing of foreign TV stations via satellite. Only senior officials, international hotels and foreign businesses are permitted to use satellite receiving equipment.” [14a] (p3)

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

“Reporters Without Borders today condemned a directive issued by Vietnam’s ruling communist party aimed at stepping up surveillance of the country’s 5,000 cyber-café’s by turning their owners into police auxiliaries. The directive also tends to tighten controls on online journalists who, according to the authorities, ‘provide sensationalist news and articles while others even publish reactionary and libellous reports and a depraved culture.’ The press freedom organisation said that, although the Vietnamese government tried to justify these measures by referring to national security and defence, they were clearly designed to stifle dissent.... The inter-ministerial directive on controlling cyber-café’s, which was adopted jointly by the public security ministry and the culture and information

ministry, will take effect on 30 July [2005]. It reinforces a decree issued last year which was not properly implemented and which was supposed to make cyber-café owners keep a record of all their customers for 30 days. The new directive will also force cyber-café owners to take a six-month course in order to learn how to ‘monitor’ their customers better.” [7b]

- 6.09 As recorded by Reporters Without Frontiers in its Worldwide Press Freedom Index 2004, Vietnam was ranked 161 out of the 167 countries included in the index (one being the most free and 167 being the least free). [7c] In its 2005 World Report, Human Rights Watch stated that:

“Domestic newspapers and television and radio stations remain under strict government control.... The government maintains strict control over access to the Internet. It blocks websites considered objectionable or politically sensitive and strictly bans the use of the Internet to oppose the government, ‘disturb’ national security and social order, or offend the ‘traditional national way of life.’ Decision 71, issued by the Ministry of Public Security in January 2004, requires Internet users at public cafés to provide personal information before logging on and has increased the pressure on Internet café owners to monitor customers’ email messages and block access to banned websites.” [5a] (p1-2)

## JOURNALISTS

- 6.10 The 2004 Annual Report of Reporters Without Frontiers documented various cases involving the imprisonment, physical attack and harassment of journalists. For example, “Dissident journalist Nguyen Dinh Huy was still in prison at the end of 2003. Detained since 17 November 1993, he was sentenced in April 1995 to 15 years in prison for trying to ‘overthrow the people’s government’ and for being a founder-member of the Movement for People’s Unity and Building Democracy, which has campaigned for press freedom”. [7a] (p2-3)
- 6.11 The same report noted two directives issued by the Communist Party’s political bureau, one of which described dissident journalists as “criminal spies.” The report also stated that “The law allows the authorities to crack down on dissent and sustain a climate of fear for the journalists who work for the country’s 500 or so newspapers and magazines”. [7a] (p1)

## FREEDOM OF RELIGION

- 6.12 In its International Religious Freedom Report (IRFR) 2004, covering events from July 2003 to June 2004 and published on 15 September 2004, the US State Department (USSD) noted that “Both the Constitution and government decrees provide for freedom of worship; however, the Government continued to restrict significantly those publicly organized activities of religious groups that were not recognized by the Government or that it declared to be at variance with state laws and policies”. [2b] (p1) As reported by the same source, the government officially recognises the following six religions:

- 1) Buddhist – 9 to 40 million adherents
- 2) Catholic – 6 to 8 million adherents
- 3) Protestant – 0.5 to 1.6 million adherents
- 4) Muslim – 65,000 adherents

- 5) Hoa Hao – 1.3 to 3 million adherents
- 6) Cao Dai – 2.2 to 4 millions adherents.  
[2b] (section I)

- 6.13 As noted by the Economist Intelligence Unit's (EIU) Country Report for Vietnam in July 2005:

"In recent months the government has been showing greater flexibility in its policy towards religious groups. This trend partly reflects international pressure, but it is also part of the government's efforts to avoid criticism and thereby smooth the process towards joining the World Trade Organisation (WTO).... In September 2004 the US designated Vietnam as one of eight countries 'of particular concern' for abuses of religious freedom. The designation allows the US to impose economic sanctions or other measures if religious rights do not improve. Since then the US government has reached an agreement with Vietnam that 'addresses a number of important religious concerns'. Vietnam has now banned the practice of forced renunciations, released some prisoners of conscience, and allowed some churches to reopen. These changes may lead the US to consider removing Vietnam from the list, although this is unlikely to happen quickly." [15a] (p13)

- 6.14 As reported in the USSD's IRFR 2004, registration issues are at the fore of most disputes between (unofficial) religious groups and the government. This is particularly so in the case of the Unified Buddhist Church of Vietnam (UBCV – see below, [Buddhists](#)) and unofficial Hoa Hao groups (see below, [Hoa Hao](#)). The withholding of official recognition of religious bodies is one of the means by which the government actively restricts religious activities. [2b] (section II) The USSD's Country Report on Human Rights Practices in 2004, published on 28 February 2005, stated that there were at least 22 prisoners being held for religious reasons. [2a] (section 1e)

- 6.15 The USSD's IRFR 2004 recorded that:

"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, strict restrictions on the hierarchies and clergy of religious groups remained in place. The Government maintained supervisory control of the recognized religions, in part because the Communist Party (CPV) fears that not only organized religion but any organized group outside its control or supervision may weaken its authority and influence by serving as political, social, and spiritual alternatives to the authority of the Government." [2b] (p1)

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

- 6.17 The USSD's IRFR 2004 recorded that:

"The ordinance reiterates citizens' right to freedom of belief, religion, and freedom not to follow a religion, and it states that violation of these freedoms is

prohibited. It advises, however, that ‘abuse’ of freedom of belief or religion ‘to undermine the country’s peace, independence, and unity’ is illegal and warns that religious activities must be suspended if they negatively affect the cultural traditions of the nation. The ordinance also reiterates the principle of government control and oversight of religious organizations, specifying that religious groups must be recognized by the Government and must seek approval from authorities for many activities, including the training of clergy, construction of religious facilities, preaching outside a specifically recognized facility, and evangelizing. Many activities, including promotion and transfer of clergy and annual activities of religious groups, appear to be held under the new ordinance to the lower standard of ‘registration’ with the Government, rather than approval.” [2b] (section II)

- 6.18 Citing an article by Forum 18 on 14 July 2005, the website of World Wide Religious News, accessed on 17 August 2005, stated that:

“Despite three new legal documents on religion since last November, government harassment of religious communities has not eased.... A comparison of the situation five years ago and today shows no change in the fundamental causes of persecution: the restrictions on unregistered religious activity, the interference in the activity of registered religious communities and the lack of a transparent line of command from the central government to local officials which allows local violations to continue. If religious freedom is to improve, these three causes of persecution will be crucial benchmarks of change. Over the past year, Vietnam has implemented three new legal documents on religion: a new ordinance on religious affairs and two prime ministerial decrees on how that ordinance should be implemented. The ordinance officially went into effect in November 2004 and ostensibly replaced the 1999 prime ministerial decree as the controlling government document on religion – hence the ordinance’s importance. This piece of legislation, along with the two implementation decrees – one of which specifically addresses Protestant Christian issues – was hailed by Vietnamese officials as an indication that their government was taking greater strides toward protecting people’s right to ‘believe or not believe’ in religion. Yet, during this 12-month period, the government continued to violate religious freedom.” [27] (p1-2)

## RELIGIOUS GROUPS

### BUDDHISTS

- 6.19 As noted by the USSD’s IRFR 2004, some estimates suggest that over half the population of Vietnam, that is more than 40 million people, are at least nominally Buddhist, with many of them practising a mixture of traditional faiths of which Buddhism is only one component. The same report stated that only about 30 per cent of Buddhists are believed to be practising their faith regularly, with official figures much lower, at about 11 per cent. [2b] (section I)
- 6.20 Amnesty International’s (AI) Annual Report 2005 (covering events from January to December 2004) recorded that:

“Members of unauthorized religious denominations continued to face repression including harassment, forced renunciation of their faith, administrative detention and imprisonment. Members of the Unified Buddhist Church of Vietnam (UBCV)

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

- 6.21 In its 2005 World Report, Human Rights Watch stated that "Religious leaders of the banned Unified Buddhist Church of Vietnam (UBCV), which was the largest Buddhist organization in the country prior to 1975 and which does not recognize the authority of the government-controlled Vietnam Buddhist Church, face ongoing persecution." [5a] (p3) The USSD's IRFR 2004 recorded that the government continued to ban and actively discourage participation in what it regards as illegal religious groups, including the UBCV. The report noted further that "Religious and organizational activities by UBCV monks are illegal." The same report noted that "The Government requires all Buddhist monks to be approved by and work under the officially recognized Buddhist organization, the Vietnam Buddhist Sangha (VBS). The Government influenced the selection of the leadership of the VBS, excluding many leaders and supporters of the pre-1975 UBCV organization". [2b] (section II)

- 6.22 The same report stated further that:

"The Government continued to oppose efforts by the unrecognized UBCV to operate independently. In early October 2003, senior monks of the UBCV held an organizational meeting without government permission at a monastery in Binh Dinh Province. Subsequent to the meeting, four leading monks of the church – Thich Tue Sy, Thich Nguyen Ly, Thich Thanh Huyen, and Thich Dong Tho – were detained and sentenced without trial to 2 years' 'administrative detention' in their respective pagodas. Many other leading members, including Thich Vien Dinh, Thich Thien Hanh, Thich Nguyen Vuong, and Thich Thai Hoa, have been placed under conditions similar to house arrest, despite the lack of any charges against them. Patriarch Thich Huyen Quang and deputy leader Thich Quang Do have been placed under similar, house arrest-like restrictions, although the Government does not appear to be investigating its allegations of 'possession of state secrets' against them. Previously, restrictions on Thich Huyen Quang and Thich Quang Do had been lessened in early 2003, such as when Thich Huyen Quang traveled to Hanoi for medical treatment in March 2003 and met Prime Minister Phan Van Khai as well as the U.S. Ambassador. Thich Quang Do had been released from official administrative detention in June 2003." [2b] (section II)

## HOA HAO

- 6.23 As noted by the USSD's IRFR 2004, the government officially recognises one Hoa Hao organisation. [2b] (section I) However, the same report noted that many believers do not recognise or participate in the government-approved organisation, and that some religious bodies have unsuccessfully requested official recognition of their organisations. Their activities are considered illegal

by the authorities and they sometimes experience harassment or repression as a result. [2b] (section II)

6.24 The USSD's IRFR 2004 stated further that:

"The Hoa Hao branch of Buddhism was founded in the southern part of the country in 1939. Hoa Hao is largely a quietist faith, emphasizing private acts of worship and devotion; it does not have a priesthood and rejects many of the ceremonial aspects of mainstream Buddhism. According to the Office of Religious Affairs, there are 1.3 million Hoa Hao followers; affiliated expatriate groups estimate that there may be up to 3 million followers. Hoa Hao followers are concentrated in the Mekong Delta, particularly in provinces such as An Giang, where the Hoa Hao were dominant as a political and military, as well as a religious, force before 1975.... The Government recognized Hoa Hao Administrative Committee was organized in 1999." [2b] (section I)

6.25 The same report noted that the Hoa Hao have been allowed to hold large public gatherings. [2b] (section II) However, it also recorded that:

"The Hoa Hao have faced some restrictions on their religious and political activities since 1975, in part because of their previous armed opposition to the Communist forces. After 1975 all administrative offices, places of worship, and social and cultural institutions connected to the Hoa Hao faith were closed. Believers continued to practice their religion at home but the lack of access to public gathering places contributed to the Hoa Hao community's isolation and fragmentation. In 1999, a new official Hoa Hao body, the Hoa Hao Administrative Council was formed. Several leaders of the Hoa Hao community, including several pre-1975 leaders, openly criticized the Council, claiming that it was subservient to the Government, and demanded official recognition instead of their own Hoa Hao body, the Hoa Hao Central Buddhist Church (HHCBC). The Government turned down a group that subsequently tried to register the independent Hoa Hao organization. Some members of this group were incarcerated and remained in custody at the end of the period covered by this report." [2b] (section II)

6.26 The USSD's IRFR 2004 noted that a number of leaders of the unofficial HHCBC remained in detention, including Ha Hai, its third-ranking officer, who had been sentenced to five years in prison in 2001 for abusing "democratic rights." In addition, Hoa Hao follower, Nguyen Van Lia, was sentenced to three years' imprisonment in October 2003, after holding a commemoration of the disappearance of the Hoa Hao prophet. [2b] (section II) Citing an article by Forum 18 on 14 July 2005, the website of World Wide Religious News, accessed on 17 August 2005, stated that:

"In June 2004, just as the new religious ordinance was promulgated, a Hoa Hao organisation in the United States reported that the Vietnamese government elevated a state-appointed administrative committee – headed by a long-time communist – that has been managing the religious community. The re-named Central Administrative Council arbitrarily replaced the charter of the religious community with a new one and changed the regulations governing the Hoa Hao Ancestral Temple, which is perceived by many Hoa Hao Buddhists to remain the property of the family of the religion's founder, Huynh Phu So. In February 2005, according to the same US-based Hoa Hao organisation, two Hoa Hao Buddhists, Tran Van Hoang and Tran Van Thang, were arrested at their home

in the province of An Giang for the unauthorised distribution of compact discs and cassettes containing Huynh Phu So's teachings. In April [2005], the brothers were handed prison sentences of nine and six months respectively, while Hoang was also fined 20 million dong (8,247 Norwegian kroner, 1,040 Euros or 1,260 US dollars) and Thang 10 million dong." [27] (p3)

## CATHOLICS

6.27 As documented by the USSD's IRFR 2004, up to 8 million people in Vietnam are Roman Catholic. The same report stated that Catholics live throughout the country, but the largest concentrations remain in the southern provinces around HCMC and in the provinces southeast of Hanoi. [2b] (section I) The USSD's IRFR 2004 noted further that "In some areas, especially in the south, Catholic priests and nuns operated kindergartens, orphanages, vocational training centers, and clinics, and engaged in a variety of other humanitarian projects. In HCMC the Catholic Church is involved in running HIV/AIDS hospices and treatment centers, and providing counseling to young persons". [2b] (section II)

6.28 The USSD's IRFR 2004 also recorded that while the Catholic Church hierarchy remained somewhat frustrated by government restrictions, a number of clergy reported continued easing of government control over church activities in certain dioceses, including in a few churches in Hanoi and HCMC that offer English-language Masses for expatriates. However, the report stated further that:

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

6.29 Citing an article by Forum 18 on 14 July 2005, the website of World Wide Religious News, accessed on 17 August 2005, stated that "Relations between the Catholic Church and the government remain tense as the communist regime continues to interfere in the training, appointment and assignment of priests." [27] (p2)

## PROTESTANTS

6.30 As recorded by the USSD's IRFR 2004:

"There are estimates that the growth of Protestant believers has been as much as 600 percent over the past decade, despite continued government restrictions on proselytizing activities. Many of these persons belong to unregistered evangelical house churches primarily in rural villages and ethnic minority areas. Based on believers' estimates, two-thirds of Protestants are members of ethnic minorities, including Hmong, Thai, and other ethnic minorities (an estimated

200,000 followers) in the Northwest Highlands, and some 350,000 members of ethnic minority groups of the Central Highlands (Ede, Jarai, Bahnar, and Koho, among others).” [2b] (section I)

- 6.31 The report also noted that “There have been credible reports for several years that officials have continued to pressure many ethnic minority Protestants to recant their faith, usually unsuccessfully. According to credible reports, the police arbitrarily detained and sometimes beat religious believers, particularly in the mountainous ethnic minority areas.” [2b] (p1) The same report cited two cases of Hmong Protestants dying at the hands of the authorities, which had been attempting to force them to renounce their beliefs. [2b] (section II) However, it also stated that “Some nonrecognized Protestant groups also conduct religious services and training without noticeable restriction from the Government”. [2b] (section II)

- 6.32 As noted by the Economist Intelligence Unit’s (EIU) Country Report for Vietnam in July 2005:

“In recent months the government has been showing greater flexibility in its policy towards religious groups.... In May [2005] the government sponsored a conference on the Prime Minister’s Directive on the Protestant Church, which makes it easier for Protestants to register, build churches, train clergy and publish religious materials, but also maintains a degree of governmental control. There are an estimated 345,000 Protestants in officially recognised chapters in the Central Highlands, and another 70,000 whose 30 chapters are to get legal recognition by the end of the year. A modest number of new churches are being built and a small number of trainees have been allowed to enrol in theological classes.” [15a] (p13)

- 6.33 Amnesty International’s (AI) Annual Report 2005 (covering events from January to December 2004) recorded that “Members of evangelical protestant churches (also) faced harassment. Mennonite pastor and human rights activist Nguyen Hong Quang was arrested and sentenced to three years’ imprisonment in November. Pastor Quang had been outspoken about the situation of religious freedoms in the Central Highlands for ethnic minority groups, and had defended farmers in land rights cases.” [3a] (p2) The website of International Christian Concern, accessed on 3 August 2005, also cited cases of the harassment of Mennonites in July 2005. [10] **See also Section 6.B: Montagnards.**

## CAO DAI

- 6.34 As documented by the USSD’s IRFR 2004, Cao Dai followers make up 1.5 to 3 per cent of the population, and the government officially recognises several Cao Dai organisations. [2b] (section I) The same report stated that:

“The Cao Dai religion was founded in 1926 in the southern part of the country. Official government statistics put the number of Cao Dai at 2.2 million, although Cao Dai officials routinely claim as many as 4 million adherents. Cao Dai groups are most active in Tay Ninh Province, where the Cao Dai ‘Holy See’ is located, and in HCMC and the Mekong Delta. There are 13 separate groups within the Cao Dai religion; the largest is the Tay Ninh sect, which represents more than half of all Cao Dai believers. The Cao Dai religion is syncretistic, combining elements of many faiths. Its basic belief system is influenced strongly by Mahayana Buddhism, although it recognizes a diverse array of persons who

have conveyed divine revelation, including Siddhartha, Jesus, Lao-Tse, Confucius, and Moses.... A small Cao Dai organization, the Thien Tien branch, was formally recognized in 1995. The Tay Ninh Cao Dai branch was granted legal recognition in 1997." [2b] (section I)

- 6.35 As noted by the USSD's IRFR 2004, the government continued to ban and actively discourage participation in what it regards as illegal religious groups, including the unapproved Cao Dai groups. [2b] (section II) The same report stated further that "In 1997, a Cao Dai Management Council drew up a new constitution under government oversight.... The Cao Dai Management Council has the power to control all of the affairs of the Cao Dai faith, and thereby manages the church's operations, its hierarchy, and its clergy within the country. Independent Cao Dai officials oppose the edicts of this council as unfaithful to Cao Dai principles and traditions". [2b] (section II)

## MUSLIMS

- 6.36 The USSD's IRFR 2004 recorded that Muslims make up 0.1 per cent of the population and that the government officially recognises one Muslim organisation. [2b](section I) The Muslim Association of Vietnam is the only registered Muslim organisation in the country, but its leaders state that they are able to practise their faith, including saying daily prayers, fasting during the month of Ramadan, and teaching the Koran. [2b] (section II)

- 6.37 The same report stated that:

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

## CHING HAI

- 6.38 The website of Ching Hai, accessed on 17 August 2005, indicates that the organisation is a Buddhist-influenced personality cult, founded by, named after, and led by a Vietnamese-born woman, now living outside the country. The group is also referred to as the Quan Yin Method (the form of meditation that it advocates) or Thanh Hai Vo Thuong Su (the Vietnamese title for Supreme Master Suma Ching Hai, a title by which its leader is known). [23]
- 6.39 The Quan Yin Method requires two and a half hours of meditation per day and refraining from killing, lying, taking what is not offered, sexual misconduct, and the use of intoxicants. Followers are also supposed to be strict vegetarians. [23]
- 6.40 The website of Ching Hai also lists representatives of the cult around the world, many of them in the United States. No representatives are listed for Vietnam. [23]

## FREEDOM OF ASSEMBLY AND ASSOCIATION

- 6.41 The US State Department (USSD) Report on Human Rights Practices in 2004, published on 28 February 2005, recorded that:

“The right of assembly is restricted in law, and the Government restricted and monitored all forms of public protest. Persons who wish to gather in a group are required to apply for a permit, which local authorities can issue or deny arbitrarily. In general, the Government did not permit demonstrations that could be seen as having a political purpose. Persons routinely gathered in informal groups without government interference; however, the Government restricted the right of some unregistered religious groups to gather in worship.” [2a] (section 2b)

- 6.42 The same report stated that:

“The Government restricted freedom of association. The Government prohibited the legal establishment of private, independent organizations, insisting that persons work within established, party-controlled mass organizations, usually under the aegis of the VFF [Vietnam Fatherland Front]. However, some entities, particularly unregistered religious groups, were able to operate outside of this framework with little or no government interference.” [2a] (section 2b)

## POLITICAL ACTIVISTS

- 6.43 As documented by the USSD Report 2004, the government continued to imprison persons for the peaceful expression of dissenting political views. It also noted that “There were no reliable estimates of the number of political prisoners, because the Government usually did not publicize such arrests, rejected the concept of political and religious prisoners, and sometimes conducted closed trials and sentencing sessions.” The same report went on to state that there were at least nine prisoners known to be held for political reasons. [2a] (section 1e)
- 6.44 The USSD Report 2004 also recorded that “The Government claimed that it did not hold any political or religious prisoners and that persons described as political or religious prisoners were convicted of violating national security laws or general criminal laws. As with the general prison population, the Government did not allow access by humanitarian organizations to political prisoners”. [2a] (section 1e)
- 6.45 In September 2002, the French-based NGO, Que Me: Action for Democracy in Vietnam, accused the Vietnamese government of “grossly violating” its citizens’ civil and political rights through the coercive use of state power and the misuse of the law to justify human rights violations. [20] (p2) In its political outlook for 2005-06, the Economist Intelligence Unit’s (EIU) Country Report for Vietnam, dated July 2005, stated that “The party’s willingness to accept greater political debate, [however,] remains strictly limited; political dissenters will continue to face harsh punishment”. [15a] (p7)
- 6.46 As noted by Freedom House in its report, Freedom in the World 2005, “[Nevertheless,] ordinary Vietnamese, particularly those living in major cities, are increasingly free of government intrusion into their daily lives. The regime continues to rely on informers, block wardens, and a household registration

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

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

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

## EMPLOYMENT RIGHTS

6.48 The USSD Report 2004 stated that "Workers are not free to join or form unions of their choosing. Trade unions are controlled by the CPV. All unions must be approved by and must affiliate with the party-controlled Vietnam General Confederation of Labor (VGCL)". As noted by the same report, the government generally tolerated strikes even when they failed to follow the legal framework. [2a] (section 6a)

## CHILD LABOUR

6.49 As documented by the USSD Report 2004, child workers are defined as workers under the age of 18 years. The same report also noted that while child labour is technically illegal, exceptions apply for certain groups aged between 15 and 18 years, while rural areas have high rates of child labour due to the need for agricultural workers. [2a] (section 6d)

## PEOPLE TRAFFICKING

6.50 The USSD Report 2004 recorded that "The Penal Code prohibits trafficking in women and children; however, trafficking in women and children for the purpose of sexual exploitation was a serious problem. There were no known cases of trafficking in persons for labor during the year [2004]. While reliable statistics on the number of citizens trafficked were not available, there was evidence that the number has grown in recent years". [2a] (section 5)

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

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

"The Government of Vietnam does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In July 2004, the government issued a national action plan to combat trafficking for commercial sexual exploitation, as well as a five-year national program for addressing all aspects of Vietnam's anti-trafficking efforts including prevention, prosecution, and protection. In addition to implementing strategies to address trafficking for sexual exploitation, the government took steps to provide greater protection for Vietnamese workers sent abroad by labor export companies. It continued to engage neighboring governments to combat trafficking and cooperated on the repatriation of victims and other cross-border issues." [2c]

- 6.53 The report stated further that:

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

- 6.54 The same report also recorded that:

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

## FREEDOM OF MOVEMENT

### HOUSEHOLD REGISTRATION (HO KHAU)

- 6.55 The USSD Report 2004 noted that the Constitution provides for freedom of movement and of residence within the country but that the government imposed some limits on freedom of movement. The report stated that:

"Officially, citizens had to obtain permission to change their residence. In practice, many persons continued to move without approval, especially migrant or itinerant laborers moving from rural areas to cities in search of work. Moving without permission hampered persons in obtaining legal residence permits.... Citizens are also required to register with local police when they stay overnight in any location outside of their own homes; the Government appeared to have

enforced these requirements more strictly in some districts of the Central and Northwest Highlands.” [2a] (section 2d)

- 6.56 As recorded by the US State Department’s Bureau of Consular Affairs on 13 May 2003, “Every person residing in Vietnam must be listed on a household registry (ho khau), maintained by the Public Security Bureau.” [2d] (p6) A report by the Canadian Immigration and Refugee Board (IRB) dated 16 October 2001 noted that if individuals move from one place to another without changing their household registration, they are moving illegally, and would be unable to obtain a job or schooling for their children. [6c]
- 6.57 The USSD Report 2004 recorded that “Household registration and block warden systems existed for the surveillance of all citizens, but usually did not intrude on most citizens. The authorities focused on persons whom they regarded as having dissenting views, or whom they suspected of involvement in unauthorized political or religious activities.” [2a] (section 1f)
- 6.58 The Canadian IRB recorded on 16 October 2001 that people would be removed from the household registry (ho khau) if they failed to live continuously at their address for one year. Such people could apply to have their registration restored if they were closely related to the head of the households concerned (sibling, son or daughter, spouse or parent). [6c]
- 6.59 The same source stated further that “For people who emigrate from Vietnam, the government considers them no longer part of their original household and they would lose their registration.” An individual could apply for restoration of his name to the household registry only after returning to Vietnam, but those considered undesirable by the government would not be eligible. [6c]

#### IDENTITY CARDS

- 6.60 As noted by the US State Department’s International Religious Freedom Report (IRFR) 2004, published on 15 September 2004, citizens carry a national identity card, on which is indicated their religious affiliation (if this is one of the six officially recognised religions). The same report stated further that “In practice, many citizens who consider themselves religious do not indicate this on their identification card, and government statistics list them as non-religious. There are no formal prohibitions on changing one’s religion. While it is possible to change the entry for religion on national identification cards, many converts may find the procedures overly cumbersome or fear government retribution.” [2b] (section II) **See also Section 6.A: [Freedom of religion](#).**
- 6.61 As noted by the US State Department’s Bureau of Consular Affairs on 13 May 2003, “Vietnam has no central recorded system.... Fraudulent civil documents are common in Vietnam and it has been relatively easy to establish false identities both before and after 1975”. [2d] (p3)

#### PASSPORTS

- 6.62 The USSD Report 2004 recorded that “Citizens’ access to passports sometimes was constrained by factors such as bribery and corruption. Refugee and immigrant visa applicants sometimes encountered local officials who arbitrarily delayed or denied passports based on personal animosities, on the officials’

perception that an applicant did not meet program criteria, or to extort a bribe". [2a] (section 2d)

- 6.63 On 16 October 2001, the Canadian IRB recorded that for a Vietnamese citizen to secure a passport within Vietnam, applicants must submit the following documents:
- 1) Birth certificate
  - 2) Household registration document (ho khau)
  - 3) Government-issued ID card
  - 4) Letter of introduction for a passport, if applicable. [6e]
- 6.64 As noted by the same source, a representative of the Vietnamese Embassy in Ottawa stated that a certificate of police clearance is not required from Vietnamese citizens to obtain a passport in Vietnam. [6e]
- 6.65 A Vietnamese human rights activist contacted by the Canadian IRB in August 2000 stated that it was relatively easy even for dissidents to obtain a Vietnamese passport for the purposes leaving Vietnam. However, the same source stated that dissidents living abroad may experience problems if applying for a visa to re-enter Vietnam. The same source also knew of cases where people openly opposed to the regime had been allowed to return to Vietnam, although they were kept under surveillance and harassed repeatedly by the police during their visit. [6b] [6a regulations translated and reproduced in full]
- 6.66 As recorded by the USSD Report 2004, "Although the Government no longer required citizens traveling abroad to obtain exit or reentry visas, the Government sometimes refused to issue passports. The Government did not allow some persons who publicly or privately expressed critical opinions on religious or political issues to travel abroad". [2a] (section 2d)
- 6.67 As recorded in a report by the Canadian IRB, dated 16 October 2001, recently expired Vietnamese passports may be renewed abroad at consular offices. In Canada, the Embassy of Vietnam requires the expired passport, two photos and, if applicable, the applicant's landed immigrant certificate. [6d]
- 6.68 As noted by the US State Department's Bureau of Consular Affairs on 13 May 2003, there are two types of standard Vietnamese passports:
- 1) The Socialist Republic of Vietnam (SRV) passport (ho chieu or giay ho chieu). SRV regulations effective from 26 November 1997 abolished exit and entry permits in Vietnamese passports.
  - 2) A laissez-passer (giay thong hanh or giay xuat canh) permitting only exit from Vietnam. [2d] (p7)
- 6.69 The same source stated that:
- "Passports are generally valid for five years and are made of blue plastic-laminated paper with gilt print on the cover. Official passports are dark green, while diplomatic passports are maroon. The bearer's photo is on an inside page, with a dry impression seal and sometimes a clear plastic laminate over the photo. The issuance page shows the name stamp and 'stamp of office' of one of several issuing authorities." [2d] (p7)

## RETURNEES

6.70 The USSD Report 2004 recorded that:

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

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

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

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

[Back to contents](#)

## 6.B HUMAN RIGHTS – SPECIFIC GROUPS

### ETHNIC GROUPS

6.72 As recorded by the Economist Intelligence Unit’s (EIU) Country Profile for Vietnam in 2004, “Almost one in six Vietnamese comes from a minority ethnic group. These groups are disproportionately concentrated in the poorer and more remote parts of the country.... Many ethnic minority people do not speak Vietnamese, especially in the more remote mountainous areas, and thus remain outside the economic and social mainstream.” [15b] (p7&16)

6.73 Ethnologue.com, a website specialising in languages of the world, accessed in August 2005, stated that there are 54 official ethnic communities within Vietnam. [24] (p1) The website of the Vietnam National Administration of Tourism, accessed in September 2005, also provides information on these ethnic communities. [17d] The World Directory of Minorities (1997) noted that there are essentially three main groupings within the 54 communities:

- 1) Indigenous groups living in the central and other highlands
- 2) Non-indigenous Chinese communities
- 3) Khmer groups of the Mekong Delta area. [18] (p648-649)

6.74 As noted by the US State Department’s International Religious Freedom Report (IRFR) 2004, published on 15 September 2004, many members of ethnic

minority groups are also members of unregistered religious groups. [2b] (p1) **See Section 6.A: Religious groups**.

- 6.75 The USSD Report 2004 recorded that “Although the Government officially was opposed to discrimination against ethnic minorities, longstanding societal discrimination against ethnic minorities was widespread. In addition, there continued to be credible reports that local officials sometimes restricted ethnic minority access to some types of employment and educational opportunities”. [2a] (section 5) The report stated further that:

“The Government continued to implement policies to narrow the gap in the standard of living between ethnic groups living in the highlands and richer, lowland ethnic majority Kinh by granting preferential treatment to domestic and foreign companies that invested in highland areas. The Government ran special schools for ethnic minorities in many provinces, including subsidized boarding schools at the high school- and middle school-levels, and offered special admission and preparatory programs as well as scholarships at the university level.” [2a] (section 5)

- 6.76 The same report stated that:

“The Government resettled some ethnic minorities from inaccessible areas to locations where basic services were easier to provide; however, the resettlement sometimes diluted political and social solidarity of these groups.... In August [2004], the Government announced a suspension of state-sponsored migration programs to bring settlers to the Central Highlands, and vowed to discourage spontaneous migration into the area. However, in September, provincial officials said that they were not aware of a change in migration policy. Large-scale migration of ethnic Kinh to the Central Highlands in past years led to numerous land disputes between ethnic minority households and ethnic Kinh migrants. The loss of traditional ethnic minority lands to Kinh migrants was an important factor behind the ethnic unrest in the Central Highlands in 2001 and during the year [2004].” [2a] (section 5)

- 6.77 The USSD Report 2004 also stated that:

“The Government continued a program to conduct classes in some local ethnic minority languages up to grade five. The Government worked with local officials to develop a local language curriculum. The Government appeared to implement this program more comprehensively in the Central Highlands than in the mountainous northern provinces. The Government broadcast radio and television programming in ethnic minority languages in some areas. The Government also instructed ethnic Kinh officials to learn the language of the locality in which they worked; however, implementation was not widespread. Provincial governments implemented initiatives designed to increase employment, reduce the income gap between ethnic minorities and ethnic Kinh, and be sensitive and receptive to ethnic minority culture and traditions.” [2a] (section 5)

## CHINESE (HOA)

- 6.78 As noted by the World Directory of Minorities (1997), the Chinese are known as the Hoa – not to be confused with the Buddhist group Hoa Hao (**See Section 6.A: Hoa Hao**). [18] (p649) The World Directory of Minorities (1997) also

recorded that “The majority of ethnic Chinese today live in the south and still suffer from low-level discrimination, mainly due to fear that they might dominate the economy again”. [18] (p649) The Economist Intelligence Unit’s (EIU) Country Profile for Vietnam in 2004 stated that:

“The once sizeable ethnic Chinese community was depleted after many left Vietnam, often as ‘boat people’, when the government closed down private businesses in the south in 1978. The 1989 census counted 962,000 Chinese, but the figure is now estimated to be more than 1.5m. A large proportion of the inflow of remittances, estimated at close to US\$2bn a year, originates from the overseas Chinese. The Chinese business community remains vibrant, particularly in and around Ho Chi Minh City. There is a high rate of intermarriage, with 30% of Chinese marrying a non-Chinese partner.” [15b] (p16)

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

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

6.80 The same source stated that “While the Chinese remain underrepresented in the political arena, all restrictions on their participation were officially lifted in the mid-1990s. The ethnic Chinese are referred to as Vietnamese citizens who possess the same rights and duties guaranteed to all citizens. In the cultural arena, government and private efforts have been undertaken to promote the use of Mandarin in schools and the development of a Chinese curriculum.” [6f]

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

## HMONG

6.82 As recorded by Europa Regional Surveys of the World: The Far East and Australasia 2005, the Hmong number some 750,000. [1] (p1171) The USSD Report 2004 recorded that “Government officials continued to harass some highland minorities, particularly the Hmong in the northwest provinces and several ethnic groups in the Central Highlands, for practicing their Protestant

religion without official approval.” [2a] (section 5) **See also Section 6.A: Protestants.**

### MONTAGNARDS

- 6.83 As recorded by Europa 2005, the Montagnards is the collective term used for a number of ethnic minorities that inhabit the Central Highlands of Vietnam. [1] (p1171)
- 6.84 The Economist Intelligence Unit’s (EIU) Country Profile for Vietnam in 2004 stated that “Riots in the Central Highlands in February 2001, mainly over loss of traditional lands and government intolerance of religious activities, led the administration to pay more attention to the problems of ethnic minorities. However, its efforts were not enough to prevent a repetition of demonstrations in April 2004.” [15b] (p7)
- 6.85 The USSD Report 2004 recorded that “On April 10 [2004], ethnic minorities protested in numerous locations in the Central Highlands provinces of Dak Nong, Dak Lak, and Gia Lai. In some of the protests, individuals carried clubs and threw rocks at police officers. In a number of cases, police reportedly responded to by beating [sic] and firing upon demonstrators.... Credible estimates put the number of protestors killed by police at least in double digits; some international organizations report that the figures may be much higher”. [2a] (section 1a) In a report dated January 2005, Human Rights Watch recorded numerous arrests of Montagnards following the April 2004 demonstrations, as well as the risks faced by those who sought to flee to neighbouring Cambodia. [5b]
- 6.86 The USSD Report 2004 noted that:
- “There were numerous credible reports that groups of Montagnards continued to flee to Cambodia to escape ethnic and religious repression in the Central Highlands. These numbers increased after the April 10 [2004] demonstrations.... The Government continued to impose extra security measures in the Central Highlands, especially after the April demonstrations. There were numerous reports of Montagnards seeking to cross into Cambodia being returned to Vietnam by Vietnamese police operating on both sides of the border, sometimes followed by beatings and detentions; however, the Government continued to implement measures to address the causes of the unrest and initiate new measures as well. The Government allocated land to ethnic minorities in the Central Highlands through a special program; however, there were complaints that some of the allocated land was poor.” [2a] (section 5)
- 6.87 In its Country Report for Vietnam dated July 2005, the EIU stated that:
- “In April [2005] Vietnam, Cambodia and the UN Refugee Agency (UNHCR) reached an agreement to repatriate illegal Vietnamese migrants currently in Cambodia. The migrants in question are members of ethnic minorities who fled into Cambodia from the Central Highlands after anti-government protests in February 2001 and April 2004. A group of 75 migrants have been denied refugee status by the UNHCR, and are to return to Vietnam promptly. Vietnam has said that returnees will be properly treated. A UN official who visited the Central Highlands in May [2005] and met with 35 people who had returned earlier found ‘no evidence of harassment or mistreatment’.” [15a] (p14)

- 6.88 The website of the United Nations High Commissioner for Refugees (UNHCR), accessed in July 2005, stated that:

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

- 6.89 The same source also stated that:

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

- 6.90 In its 2005 World Report, Human Rights Watch stated that “Increasing numbers of ethnic minorities, collectively known as Montagnards, appear to be joining Tin Lanh Dega, or Dega Protestantism, which combines evangelical Christianity with elements of ethnic pride and aspirations for self-rule. Dega Protestantism is officially banned by the government”. [5a] (p2) **See also Section 6.A: Protestants.**

## WOMEN

- 6.91 The USSD Report 2004 recorded that:

“The Penal Code proscribes punishment ranging from warnings to up to 2 years’ imprisonment for ‘those who cruelly treat persons dependent on them;’ however, the police and legal system were generally not equipped to deal with cases of domestic violence. Officials increasingly acknowledged domestic violence, which also was discussed more openly in the media. Domestic

violence against women reportedly was common. Hotlines for victims of domestic violence run by domestic NGOs exist in some major cities, and the Vietnam Women's Union, a mass organization guided by the CPV, introduced small projects to counter domestic violence in some areas. Approximately two-thirds of divorces reportedly were due in part to domestic violence. The divorce rate has risen in the past few years, but many women remained in abusive marriages rather than confront the social and family stigma and economic uncertainty of divorce." [2a] (section 5)

6.92 The same report continued:

"Under the Penal Code, it is a crime to use violence, threaten violence, take advantage of a person who is unable to act in self-defense, or resort to trickery to have sexual intercourse with a person against that person's will. This appears to criminalize rape, spousal rape, and, in some instances, sexual harassment; however, there were no known instances of prosecution for spousal rape. NGOs and party-controlled mass organizations took some steps to establish shelters for victims of abuse and trained police to deal with domestic violence." [2a] (section 5)

6.93 The USSD Report 2004 noted that the work of the government-controlled Women's Union was viewed in a favourable light by international NGOs, and that in addition to operating micro-credit consumer finance programmes and other programmes to promote the advancement of women, it has a broad agenda to promote women's rights, including political, economic, and legal equality, and protection from spousal abuse. [2a] (section 5) The USSD Report 2004 also noted that:

"While there is no legal discrimination, women faced deeply ingrained societal discrimination. Despite provisions in the Constitution, in legislation, and in regulations that mandate equal treatment, few women competed successfully for higher status positions.... Despite the large body of legislation and regulations devoted to the protection of women's rights in marriage as well as in the workplace, and Labor Code provisions that call for preferential treatment of women, women did not always receive equal treatment. Nevertheless, women played an important role in the economy and were engaged widely in business and in social and educational institutions." [2a] (section 5)

6.94 As recorded by Freedom House in its report, Freedom in the World 2005, "Economic opportunities have grown for women, but they continue to face discrimination in wages and promotion. Many women are victims of domestic violence, and thousands are trafficked internally and externally each year for the purpose of prostitution". [29]

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

## CHILDREN

6.96 The USSD Report 2004 stated that "International organizations and government agencies reported that, despite the Government's promotion of child protection and welfare, children continued to be at risk of economic exploitation.... Religious groups operated some orphanages, despite the Government's

prohibition on such activities, and sent the children to public schools during the day". [2a] (section 5)

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

#### FAMILY PLANNING

- 6.98 The USSD Report 2004 recorded that:

"The Government continued to implement a family planning policy that urged families to have no more than two children; this policy emphasized exhortation rather than coercion. The Government can deny promotions and salary increases to government employees with more than two children." [2a] (section 1f)

#### CHILDCARE ARRANGEMENTS

- 6.99 As reported by Reuters on 6 August 2002, the Vietnamese government announced the creation of the Ministerial Committee for Population, Family and Children, merging two existing committees, one of which covered childcare and protection, in August 2002. [13e]
- 6.100 A Reuters report of 26 June 2002 noted that the orphan population of Vietnam was estimated at 124,000 out of a total population of 27.8 million children in 2002. The same source also noted that only 214 centres provided shelter for these orphans plus around 182,200 disabled children. [13d]
- 6.101 A Reuters report dated 15 May 2002 stated that the Vietnam Red Cross Society had registered its concern over children with HIV/AIDS being denied access to orphanages, and their exclusion from the government's policy on sponsoring orphaned or abandoned children under the age of 15. [13c]
- 6.102 As documented by Reuters in September 2001 and December 2001, foreign aid organisations have been permitted to assist in child welfare and care in Vietnam. [13a] [13b]
- 6.103 The USSD Report 2004 noted that:
- "The Government continued a nationwide immunization campaign, and the government-controlled press regularly stressed the importance of health and education for all children. While reports from domestic sources indicated that responsible officials generally took these goals seriously, concrete actions were constrained by severely limited budgets. According to UNICEF, despite growth in incomes over the past decade, severe malnutrition remained a problem;

approximately 39 percent of children under 5 years of age were underweight during the 1995-2000 timeframe.” [2a] (section 5)

- 6.104 The same report stated that “According to the Ministry of Labor, Invalids, and Social Affairs (MOLISA), there were 21,869 street children in the country as of February 2003. Street children were vulnerable to abuse and sometimes were abused or harassed by police”. The report continued:

“Widespread poverty contributed to continued child prostitution, particularly of girls, but also of some boys, in major cities. Many prostitutes in Ho Chi Minh City were under 18 years of age. Some child prostitutes, such as those from abusive homes, were forced into prostitution for economic reasons. Some children were trafficked domestically and others were trafficked to foreign destinations for the purpose of sexual exploitation.... Mass organizations and NGOs continued to operate limited programs to reintegrate trafficked children into society. During the year [2004], new programs designed to provide protection and reintegration assistance for trafficking victims through psychosocial support and vocational training, as well as to supplement regional and national prevention efforts by targeting at-risk populations for similar services, started operation in the north of the country.” [2a] (section5)

- 6.105 For information on child labour and trafficking, **see Section 6.A: [Child labour and People trafficking](#)**.

## HOMOSEXUALS

- 6.106 As noted by a Reuters report dated 3 August 2003, “Outward discrimination of the kind sometimes found in Western countries is rare in Vietnam, possibly because homosexuality does not yet exist as a firm concept in Vietnam and also because a large degree of same-sex tacility is accepted as normal in Southeast Asian cultures.” The same report stated that “There are no laws or regulations on homosexuality or homosexuals in Vietnam, and no mention of gays as a risk group for HIV and AIDS”. [13f]

- 6.107 A report by Amnesty International (AI) Germany, dated 22 November 2003, stated that “Homosexuals, bisexuals and transsexuals in Vietnam are frequently victims of political persecution or social exclusion.” [3b]

[Back to contents](#)

## 6.C HUMAN RIGHTS – OTHER ISSUES

### REFUGEES

- 6.108 The USSD Report 2004 recorded that:

“The country is not a signatory to the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In July [2004], international NGOs and press reports speculated that the Government allowed more than 450 North Koreans illegally present in Vietnam to travel to South Korea. Reports from similar sources in August [2004] stated that as many as 100 North Korean refugees had been forcibly returned to China.” [2a] (section 2d)

6.109 In its World Refugee Survey 2004, the US Committee for Refugees and Immigrants stated that:

“Vietnam hosted an estimated 16,000 refugees from Cambodia at the end of 2003. Of those, some 13,000 were ethnic Vietnamese who arrived primarily between 1993 and 1994 and were living in Mekong Delta provinces. Another 3,000 ethnic Chinese, who had arrived in the late 1970s and early 1980s, resided in four refugee camps established in 1979 by the UN High Commissioner for Refugees (UNHCR) in Binh Duong and Binh Phuoc provinces and in Ho Chi Minh City. UNHCR only considers the 3,000 ethnic Chinese – and not the 13,000 ethnic Vietnamese – to be refugees, because they view the ethnic Vietnamese as locally integrated and self-sufficient. The Vietnamese government, however, still considers both groups as Cambodians who are temporarily working and living in Vietnam.” [21]

**[Back to contents](#)**

## Annex A: Chronology of major events [14b]

---

- 1945** The Viet Minh seizes power and Ho Chi Minh proclaims Vietnam's independence.
- 1946** In November French forces attack Viet Minh at Hai Phong. French Vietnam war begins.
- 1954** After attack by Viet Minh forces at Dien Bien, the French agree to a peace deal in Geneva. Vietnam is split into North and South Vietnam at the 17<sup>th</sup> Parallel.
- 1957-63** Period of Communist insurgency in South Vietnam; American aid is increased. In 1963, the Viet Cong, the Communist guerrillas of the South, defeat units of the South Vietnamese Army (ARVN) and President Diem of the South is overthrown.
- 1964** Start of US offensive against North Vietnam.
- 1965-68** Height of American involvement in Vietnam War.
- 1969** The US begins troop withdrawals.
- 1973** In March, US troop withdrawal is completed.
- 1975** North Vietnamese troops invade South Vietnam and take control of the whole country after South Vietnamese President Duong Van Minh surrenders.
- 1976** Socialist Republic of Vietnam proclaimed. Hundreds of thousands flee abroad, including many boat people.
- 1979** Vietnam invades Cambodia and ousts the Khmer Rouge regime of Pol Pot. In response, Chinese troops cross Vietnam's northern border. They are pushed back by Vietnamese forces. The number of boat people trying to leave Vietnam causes international concern.
- 1989** Vietnamese troops withdraw from Cambodia.
- 1994** US lifts its 30-year trade embargo.
- 1995** US restores full diplomatic relations with Vietnam.
- 2001** In December, trade with the US is fully normalised.
- 2002** In May, National Assembly elections return a victory for the ruling Communist Party. No opposition parties contest the poll. In July President Tran Duc Luong is reappointed for a second term by the National Assembly, which also reappoints Prime Minister Phan Van Khai for a second five-year term.
- 2003** In June, showcase trial of Ho Chi Minh City gangster Nam Cam and 154 others hands down six death sentences.

- 2004** In January, Vietnam confirms first human deaths from bird flu. Within 12 months the virus has claimed more than 30 lives. In June Nam Cam, Ho Chi Minh City gangster, is executed. In December the first US commercial flight since the end of the Vietnam War touches down in Ho Chi Minh City.
- 2005** In June, Prime Minister Phan Van Khai meets US President George W Bush during the first visit to the US by a Vietnamese leader since the end of the Vietnam War.

## **Annex B: Political organisations**

---

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

Founded in 1976; formerly the Viet Nam Workers' Party, founded in 1951; ruling party which has exercised monopoly on power since reunification of Vietnam in 1975.

General Secretary of Central Committee: Nong Duc Manh. [1] (p1175 & 1209)

### **National Salvation (Cuu Quox)**

Unknown political party.

### **Viet Nam Fatherland Front**

Founded in 1930; in 1977, merged with National Front for the Liberation of South Viet Nam and Alliance of National, Democratic and Peace Forces in South Viet Nam to form a single front; 200-member Central Committee; President: Pham The Duyet;

General Secretary: Tran Van Dang. [1] (p1209-1210)

### **Vietnam General Confederation of Labor (VGCL)**

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

### **Vietnam Women's Union**

Government-controlled body, with broad agenda to promote women's rights. [2a] (section 5) Founded in 1930; 11.4 million members; President: Ha Thi Khiet. [1] (p1210)

## **Annex C: Prominent people**

---

### **Thich Quang Do**

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

### **Phan Van Khai**

Prime Minister since 1997. [1] (p1179)

### **Le Quang Liem**

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

Tran Doc Luong

President since 1997. [1] (p1179)

### **Nong Duc Manh**

General Secretary of the CPV. [1] (p1209)

### **Thich Huyen Quang**

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

### **Dr Nguyen Dan Que**

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

## **Annex D: List of source material**

---

- [1] **Europa**  
Regional Surveys of the World: The Far East and Australasia 2005 (36<sup>th</sup> edition): Vietnam
- [2] **US State Department (USSD)**  
<http://www.state.gov/g/drl>  
a Country Report on Human Rights Practices 2004: Vietnam, 28 February 2005  
<http://www.state.gov/g/drl/rls/hrrpt/2004/41665.htm> (accessed 28 July 2005)  
b International Religious Freedom Report 2004: Vietnam, 15 September 2004  
<http://www.state.gov/g/drl/rls/irf/2004/35433.htm> (accessed 28 July 2005)  
c Trafficking in Persons Report 2005: Vietnam, 3 June 2005  
<http://www.state.gov/g/tip/rls/tiprpt/2005/46616.htm> (accessed 28 July 2005)  
d Bureau of Consular Affairs, Reciprocity Schedule: Vietnam, 13 May 2003
- [3] **Amnesty International (AI)**  
<http://web.amnesty.org/library/eng-vnm/index>  
a Annual Report 2005 (covering events from January to December 2004)  
<http://web.amnesty.org/web/web.nsf/print/36D0079F9EB343FF80256FE3004F625C> (accessed 2 August 2005)  
b Risk of persecution for homosexuals (or bi-/transsexuals), (expert opinion, in German) (#18726), 22 November 2003  
c Socialist Republic of Viet Nam: Further information on: Health concern/Incommunicado detention, Dr Nguyen Dan Que, ASA 41/004/2005, 17 February 2005  
<http://web.amnesty.org/library/Index/ENGASA410042005?open&of=ENG-VNM> (accessed 2 August 2005)
- [4] **Central Intelligence Agency (CIA)**  
a CIA World Factbook 2005: Vietnam  
<http://www.cia.gov/cia/publications/factbook/print/vm.html> (accessed 3 August 2005)  
b General Map of Vietnam, 1 August 2001, via UN Reliefweb  
[http://www.reliefweb.int/w/map.nsf/Country?OpenForm&Query=SA\\_Viet+Nam](http://www.reliefweb.int/w/map.nsf/Country?OpenForm&Query=SA_Viet+Nam) (accessed 3 August 2005)
- [5] **Human Rights Watch (HRW)**  
<http://www.hrw.org/asia/vietnam.php>  
a World Report 2005 (Events of 2004)  
<http://hrw.org/english/docs/2005/01/13/vietna9828.htm> (accessed 3 August 2005)  
b Vietnam: Torture, Arrests of Montagnard Christians – Cambodia Slams the Door on New Asylum Seekers, January 2005  
<http://hrw.org/backgrounder/asia/vietnam0105/index.htm> (accessed 3 August 2005)
- [6] **Canadian Immigration and Refugee Board (IRB)**  
[http://www.irb-cisr.gc.ca/cgibin/foioci.exe/refinfo\\_e/query=\\*/toc/{@141}?next](http://www.irb-cisr.gc.ca/cgibin/foioci.exe/refinfo_e/query=*/toc/{@141}?next) (accessed 4 August 2005)

- a VNM35083.E, 27 July 2000, Exit and re-entry laws; whether one can get a passport if he/she has "fallen out of favour" with the government [regulations translated and reproduced in full]
- b VNM35244.E, 2 August 2000, Exit and re-entry laws; whether one can get a passport if he/she has "fallen out of favour" with the government (follow-up)
- c VNM37802.E, 16 October 2001, Whether Vietnamese citizens or residents are required to cancel their household registration (ho khau) when leaving Vietnam to live abroad; whether the registration can be restored upon returning to Vietnam after two or more years of absence; grounds for refusal to issue a household registration to a returnee
- d VNM37780.E, 16 October 2001, Procedures for renewal of a recently expired passport at Vietnamese consular offices in Canada
- e VNM37730.E, 16 October 2001, Documents required by Vietnamese authorities in order to issue a passport to a Vietnamese citizen from within Vietnam; whether local police clearance is required
- f VNM38818.E, 26 April 2002, Treatment of ethnic Chinese in the workplace and educational system
- g VNM40086.E, 5 November 2002, Nature and extent of police corruption, specifically reports of police requiring payment of bribes in order to process and investigate complaints by the public
- h VNM41977.E, 10 February 2004, Whether a person who was born in Vietnam to Chinese parents, and who left the country as an adult and remained outside of Vietnam for over 30 years, is entitled to Vietnamese nationality; whether this person would be able to bring his or her spouse, who does not have Vietnamese nationality, to Vietnam

**[7] Reporters Without Frontiers**

- a 2004 Annual Report  
[http://www.rsf.org/article.php3?id\\_article=10227](http://www.rsf.org/article.php3?id_article=10227) (accessed 4 August 2005)
- b Government tightens grip on cyber-café and online press, 26 July 2005  
[http://www.rsf.org/article.php3?id\\_article=14524](http://www.rsf.org/article.php3?id_article=14524) (accessed 17 August 2005)
- c Third Annual Worldwide Press Freedom Index 2004  
[http://www.rsf.org/article.php3?id\\_article=11715](http://www.rsf.org/article.php3?id_article=11715) (accessed 1 September 2005)

**[8] Foreign & Commonwealth Office (FCO)**

- a Country Profiles: Vietnam, 6 May 2005  
<http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1007029394365&a=KCountryProfile&aid=1019061877785> (accessed 3 August 2005)
- b Human Rights Annual Report 2005  
<http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1119526503628> (accessed 1 September 2005)
- c Email from British Embassy, Hanoi, 19 March 2004

**[9] Asia Foundation**

Supporting governance and legal reform  
<http://www.asiafoundation.org/Locations/vietnam.html> (accessed 17 August 2005)

**[10] International Christian Concern**

Country News: Vietnam, July 2005  
<http://www.persecution.org/newsite/countrynews.php?newscode=397&PHPSESSID=a855df5354a5cdadcd0140d289b4ca97> (accessed 3 August 2005)

- [11] **World Health Organisation (WHO)**
- a Vietnam: Health Situation  
[http://www.wpro.who.int/countries/vtn/health\\_situation.htm](http://www.wpro.who.int/countries/vtn/health_situation.htm) (accessed 1 September 2005)
  - b Mental Health Atlas 2005: Country Profile: Vietnam  
[http://www.who.int/mental\\_health/evidence/atlas/](http://www.who.int/mental_health/evidence/atlas/) (accessed 1 September 2005)
- [12] **The Stop TB Partnership**  
Country profile: Vietnam  
<http://www.stoptb.org/countries/> (accessed 15 August 2005)
- [13] **Reuters Business Briefing news reports**
- a Vietnam News Brief Service, PM gives nod to foreign-assisted projects, 24 September 2001
  - b Vietnam News, Child sexual abuse arouses public concern, 1 December 2001
  - c Vietnam News Brief Service, HIV-infected children look for refuge, 15 May 2002
  - d Vietnam News Brief Service, PM takes care of children, 26 June 2002
  - e Vietnam News Brief Service, NA approves two new ministries, 6 August 2002
  - f Vietnam's gays begin to gain recognition, 3 August 2003
- [14] **BBC News Online**  
<http://news.bbc.co.uk/1/hi/world/asia-pacific/default.stm>
- a Country Profile: Vietnam, 6 July 2005  
[http://news.bbc.co.uk/1/hi/world/asia-pacific/country\\_profiles/1243338.stm](http://news.bbc.co.uk/1/hi/world/asia-pacific/country_profiles/1243338.stm) (accessed 16 August 2005)
  - b Timeline: Vietnam, 8 July 2005  
<http://news.bbc.co.uk/1/hi/world/asia-pacific/1243686.stm> (accessed 16 August 2005)
  - c Vietnam reforms 'harm children', 20 February 2003
- [15] **Economist Intelligence Unit (EIU)**
- a Country Report: Vietnam, July 2005
  - b Country Profile 2004: Vietnam
- [16] **UN Volunteers**  
Vietnamese Land Use Certificates must now bear both husband and wife names  
<http://www.unv.org/infobase/voices/2004/vietnam.htm> (accessed 17 August 2005)
- [17] **Vietnamese Government**
- a Embassy of the Socialist Republic of Vietnam in the United States of America, Constitution of the Socialist Republic of Vietnam 1992 (Chapters 1 & 5)  
[http://www.vietnamembassy-usa.org/learn\\_about\\_vietnam/politics/constitution/](http://www.vietnamembassy-usa.org/learn_about_vietnam/politics/constitution/) (accessed 1 September 2005)
  - b Embassy of the Socialist Republic of Vietnam in the United States of America, Public services – Health  
[http://www.vietnamembassy-usa.org/learn\\_about\\_vietnam/public\\_services/health/](http://www.vietnamembassy-usa.org/learn_about_vietnam/public_services/health/) (accessed 1 September 2005)

- c Standing Committee of the National Assembly, Ordinance Regarding Religious Belief and Religious Organisations, 18 June 2004  
[PDF] [ORDINANCE \(translation\)](#) (accessed 1 September 2005)
  - d Vietnam National Administration of Tourism, Vietnam: Country and People  
[http://www.vietnamtourism.com/e\\_pages/country/overview.asp](http://www.vietnamtourism.com/e_pages/country/overview.asp) (accessed 1 September 2005)
  - e Criminal Code (Chapter 23: Crimes of Infringing upon the Duties and Responsibilities of Army Personnel), 21 December 1999
- [18] **Minority Rights Group International (MRGI)**  
The World Directory of Minorities, 1997
- [19] **War Resisters International (WRI)**  
Refusing to Bear Arms: Vietnam, 19 March 1998  
<http://www.wri-irg.org/co/rtba/vietnam.htm> (accessed 17 August 2005)
- [20] **Que Me: Action for Democracy in Vietnam**  
<http://www.queme.net/eng/e-about.php>  
The Legal System in Vietnam: A Framework For Freedom Or A Cage Of Control? The Situation in Burma, Laos and Vietnam, Speech at European Parliament in Brussels, 16 and 17 September 2002  
[http://servizi.radicalparty.org/documents/conference\\_southeast\\_asia/index.php?func=detail&par=180](http://servizi.radicalparty.org/documents/conference_southeast_asia/index.php?func=detail&par=180) (accessed 17 August 2005)
- [21] **US Committee for Refugees and Immigrants**  
<http://www.refugees.org/>  
World Refugee Survey 2004: Country Report: Vietnam  
<http://www.refugees.org/countryreports.aspx?area=investigate&subm=19&ssm=29&cid=186> (accessed 17 August 2005)
- [22] **United Nations High Commissioner for Refugees (UNHCR)**  
<http://www.unhcr.org/cgi-bin/texis/vtx/country?iso=vnm>  
UNHCR mission finds Montagnard returnees and deportees well, 5 August 2005  
<http://www.unhcr.org/cgi-bin/texis/vtx/news/opendoc.htm?tbl=NEWS&id=42f3653e4&page=news>  
(accessed 16 August 2005)
- [23] **The Supreme Master Ching Hai**  
[www.godsdirectcontact.org](http://www.godsdirectcontact.org) (accessed 17 August 2005)
- [24] **Ethnologue**  
Languages of Viet Nam  
[http://www.ethnologue.com/show\\_country.asp?name=Viet+Nam](http://www.ethnologue.com/show_country.asp?name=Viet+Nam)  
(accessed 17 August 2005)
- [25] **Vietnam News Agency**  
Viet Nam rejects US State Department's comments on human rights, 1 March 2005  
[http://www.vnanet.vn/NewsA.asp?LANGUAGE\\_ID=2&CATEGORY\\_ID=29&NEWS\\_ID=140846](http://www.vnanet.vn/NewsA.asp?LANGUAGE_ID=2&CATEGORY_ID=29&NEWS_ID=140846) (accessed 18 August 2005)
- [26] **Transparency International (TI)**  
<http://www.transparency.org/>

Corruption Perceptions Index 2004  
<http://www.transparency.org/cpi/2004/cpi2004.en.html#cpi2004> (accessed 18 August 2005)

[27] **World Wide Religious News (WWRN)**

Vietnam: Three fundamental causes of persecution remain (Forum 18, 14 July 2005)

<http://www.wwrn.org/article.php?idd=17861&sec=59&con=31> (accessed 17 August 2005)

[28] **Asia News**

Law limiting religious freedom adopted, 2 July 2004

<http://www.asianews.it/view.php?1=en&art=1076> (accessed 19 August 2005)

[29] **Freedom House**

Freedom in the World 2005

<http://www.freedomhouse.org/research/index.htm> (accessed 1 September 2005)