



Home Office

Vietnam

Country Report

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**Country Information & Policy Unit
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1. Scope of Document

1.1 This Country Report has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, for use by Home Office 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 is not a detailed or comprehensive survey.

1.2 The Report is compiled from a wide range of recognised sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to original source material, which has been made available to those working in the asylum / human rights determination process. The Report aims to provide only a brief summary of the source material quoted. For a more detailed account, the relevant source documents should be examined directly.

1.3 The information contained in this Country Report is, by its nature, limited to information that we have been able to identify from various well-recognised sources. The contents of this Report are not exhaustive and the absence of information under any particular heading does not imply that any analysis or judgement has been exercised to exclude that information, but simply that relevant information on the subject has not been identified from the sources that have been consulted. Equally, the information included in the Reports should not be taken to imply anything beyond what is actually stated.

1.4 The great majority of the source material is readily available in the public domain. Copies of other source documents, such as those provided by Government offices, may be provided upon request.

1.5 All sources have been checked for currency, and as far as can be ascertained, contain information, which remained relevant at the time, this Report was issued. Some source documents have been included because they contain relevant information not available in more recent documents.

1.6 This Country Report and the accompanying source material are publicly disclosable. Where sources identified in this Report are available in electronic form the relevant link has been included. The date that the relevant link was accessed in preparing the report is also included. Paper copies of the source documents have been distributed to nominated officers within IND.

1.7 It is intended to revise this Report on a six-monthly basis while the country remains within the top 35 asylum producing countries in the United Kingdom. Information contained in Country Reports is inevitably overtaken by events that occur between the 6 monthly publications. Caseworkers are informed of such changes in country conditions by means of Country Information Bulletins.

[\[Jump to overview of human rights situation\]](#)

2. Geography

2.1 The Socialist Republic of Vietnam (SRV, Vietnam) is situated in eastern Asia in the area formally known as Indo-China. Bordered by the South China Sea to the east it has land borders with China (PRC) to the north; Laos to the west; and Cambodia to the south-west. The Capital is Hanoi; with Ho Chi Minh City (formally Saigon) the country's biggest city. The country is divided in to 64 administrative units: 61 provinces (tinh, both singular and plural) and 3 municipalities: Hanoi, Ho Chi Minh City (HCMC) and Hai Phong. There are approximately 600 districts, which are subdivided into almost 10,000 communes. [3a][3j][8h is a map]

Population

2.2 The total population of Vietnam was estimated in 2003 at 81.4 million [7b] with an average life expectancy of 66.9 for men and 71.8 for women. [3j]

Vietnam, April 2004

Ethnic Vietnamese (the Kinh) make up 87 per cent of the population (figures from 1989). [8e][3c]

Languages

2.3 The official language of the country is Vietnamese. There are 92 other living languages, and one extinct language. [8f] It was estimated in 1993 that 86.7 per cent of the population spoke Vietnamese, split into three dialects (Northern, Central and Southern). [8f] (See below, [Ethnic Groups](#) for more information)

2.4 For further information on geography, refer to Europa publications, Regional Surveys of the World: The Far East and Australasia 2004 (35th edition). Vietnam [3j]

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3. Economy

3.1 Vietnam has been reforming its economy along free-market lines since the mid-1980s [4z][7ba] and hopes to join the World Trade Organisation (WTO) in 2005. [7be] A mid-1990s boom was cut short by crashes in the Asian economies of 1997/9 and led to social and political problems (See below, [Land Ownership Issues](#)). [8e][7ba]

3.2 Since the mid-1990s, poverty levels have been reduced significantly. However, approximately 30 per cent of the population still live below the poverty line (figures from 2004). [1h](p1) According to a report in The Independent newspaper dated 26 November 2003, one fifth of the population is undernourished, compared to one third in 1979 (figures from 2003). [3t]

Currency

3.3 The Vietnamese currency is the dong (VND). [7bf] The exchange rate (at the time of publication) is 28, 600.00 VND to the pound sterling. [8j] (Yahoo currency converter) According to a BBC report dated 8 January 2004, gold is also used as a hard currency for large business deals. [7bj]

Official Corruption

3.4 Official corruption (combined with ineffective bureaucracy) is often blamed for scaring off foreign investment [7y] and the Government has made combating it one of its top priorities. [7bk]

3.5 The BBC reported on 30 October 2003, that an appeal court had upheld the death sentence on Truong Van Cam (Nam Cam, Fifth Orange). [7bm] As reported by CNN on 25 February 2003, Nam Cam was the main defendant in a trial involving 155 alleged racketeers. Including 13 police officers, 3 prosecutors, 3 journalists, and several high-ranking Government officials

including a vice minister of public security, the director of Vietnamese state radio and a vice national chief prosecutor. [7aq]

3.6 On 2 December 2003, the BBC reported that two former Ministers, Nguyen Thien Luan and Nguyen Quang Ha had been sentenced to 3-years in prison for their part in a banking fraud. [7bk]

Land Ownership Issues

3.7 In 1996/97 the then buoyant economy prompted many local Government officials to expropriate (sometimes compulsorily purchase) land in order to sell to developers at a later date. This speculation led to accusations of abuse of power / position (against officials) by villages or long term residents dispossessed of their land. Land issues were further clouded by officials' prejudices against certain groups. In 1997, many violent incidents occurred directly related to land expulsions. [4ab][5a]

3.8 Notable disputes include protests over a planned golf course at Kim No commune in December 1996. [4ab] A Government investigation into the local mismanagement of land and construction deals in the northern province of Thai Binh in September 1997 [4ad][4ae], and the trial of eight officials in September 2001, in connection with handling of bids for the construction of the West Lake amusement park in 1999. The allegations when first aired in 1999 led to the temporary disgrace of the deputy Prime Minister, Ngo Xuan Loc. [7s]

3.9 Reports of land disputes continued to surface throughout 1997 and 1998 [4af][4ah] with thirty incidents in June 1997. [4ad]

3.10 The decision to repossess Church lands, [4ai] or refuse planning permission for temples or shrines [4ac][1b] often has a political dimension (See below, [Freedom of Religion](#)).

3.11 In June 2003, the Vietnamese Politburo announced a programme to restructure state-owned farms by 2005. [4ce] In November 2003, the National Assembly passed a revised Land Law, which for the first time required Land Use Certificates (see below) to bear both a husband and wives name. [10f]

Land Use Certificates

3.12 As document in Europa, Regional Surveys of the World (2004), individuals, state owned enterprises and co-operatives are issued with Land Use Certificates. These can be either provisional ('green book') or permanent ('red book') and are normally valid for 20-years (50-years for forestland). These certificates allow farmers to use land as collateral for loans. [3j](p1142-1143) However the land still belongs to the state and according to a report in The Economist dated 13 July 2002,

“The small knots of protestors with placards who gather periodically outside government offices are usually complaining about a corrupt official who has seized their property.” [81]

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4. History

4.1 From 1954 to 1959 Vietnam was split into the Communist North (Democratic Republic of Vietnam) and the Western-backed South (Republic of Vietnam). After 1954, the United States rapidly replaced France, the former colonial ruler of Vietnam (called French Indo-China and comprising present day Vietnam, Cambodia and Laos) as the South’s main backer, committing troops (initially as military advisors) to aid the South fight a communist revolt which began in 1957. [74][12b]

4.2 In 1964, the United States entered the war committing half a million troops in a futile effort to defeat the North, by 1969 the war was lost and in the face of growing domestic opposition the US began to withdraw troops. The pullout was completed by March 1973. Two years latter South Vietnam was overrun and the country re-united. [74][12b]

4.3 In 1976, the Socialist Republic of Vietnam (SRV) was proclaimed, Vietnam fought two further wars against Cambodia (1976 - 79) and China (PRC) 1979. [74][12b]

4.4 Vietnamese troops remained in Cambodia until 1989. After their withdrawal Vietnam finally began to normalise it’s relations with the rest of the world. This culminated with the establishment of full diplomatic relations with the United States in 1995. Vietnam joined ASEAN (Association of Southeast Asian Nations) the same year. [74][12b]

4.5 For history prior to 1949, refer to Europa publications, Regional Surveys of the World: The Far East and Australasia 2004 (35th edition). Vietnam

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5. State Structures

The Constitution

5.1 The National Assembly adopted Vietnam’s revised constitution on 15 April 1992. Under it the Communist Party of Vietnam (CPV) is mandated a leading rule. [3][8e]

Citizenship and Nationality

5.2 Law on Nationality of Vietnam was passed on 28 June 1998, it defines the criteria for citizenship as follows: -

Article 1. Persons holding Vietnamese nationality

The Socialist Republic of Vietnam is a unified State of all nationals living on Vietnamese territory. All members of all ethnic groups hold Vietnamese nationality.

Persons holding Vietnamese nationality include those who hold Vietnamese nationality up to the day this Law comes into force and those who will be granted Vietnamese nationality in accordance with the provisions of this Law.

Article 5. Persons holding Vietnamese nationality

A person shall hold Vietnamese nationality if one of the following circumstances applies:

1. By birth;
2. Being granted Vietnamese nationality;
3. Having Vietnamese nationality restored;
4. Holding Vietnamese nationality in accordance with international treaties to which Vietnam is a party;
5. Holding Vietnamese nationality in other cases as provided for by this Law. [9h]

5.3 Citizenship is defined in Article 49 as "a person with Vietnamese nationality" and a citizen's duties are defined under Articles 50 to 80. [9a]

Political System

5.4 The Communist Party of Vietnam (CPV) is the sole legal party and exercises a monopoly on power. The country is divided into provinces and municipalities that are subordinate to the Central Government. [3j][8e]

5.5 The 498-member National Assembly (comprising mainly Party members along with a few carefully screened "independents") elects the President and Prime Minister. The National Assembly's Standing Committee supervises the passage of legislation and monitors the activities of the executive. The Prime Minister appoints the Government (i.e. Ministers) subject to approval by the National Assembly. [3j][8e]

5.6 The President (Head of State) is Tran Duc Luong: elected by the 10th National assembly on 24 September 1997, and re-elected in July 2002. [3j][7am][8e] The Prime Minister is Phan Van Khai and the General Secretary of the CPV is Nong Duc Manh. [3j]

National Assembly Elections, May 2002

5.7 In May 2002, elections were held for the 11th National Assembly. [7z][7aa][7ab][7ac] A total of 759 candidates ran (for 498 seats). 135 of whom were not members of the CPV, 13 of whom were adjudged to be independents (see below for selection procedure). The proportion of non-party candidates (16.5 per cent) was not significantly higher than at the last election in 1997. [7ab]

5.8 Candidates were required to gain prior approval from the Fatherland Front; a mass organisation controlled [1h][p13] by the CPV. [7aa] Before the elections, three senior Communist officials were disqualified on suspicion of involvement in immoral behaviour, corruption and dubious associations. [7z]

5.9 40 million voters were eligible to vote and polling was held on 19 May 2002), with results announced on 25 May 2003. Of the 498 candidates elected, 447 were CPV members, 51 non-party members (of whom 2 were “independents”). [7ac] The Government claimed a turnout of 99 per cent. [7ac]

5.10 Two Ministers were dismissed from their posts before the new Assembly met as fresh allegations of corruption surfaced. [7ap]

5.11 The 11th National Assembly met for the first time on 19 July 2002 in Hanoi. [7ao] Tran Duc Luong was re-elected as President (he polled 97 per cent of the vote) [7am] and Phan Van Khai was re-appointed (by Luong) as Prime Minister. [7a] According to a BBC report dated 5 August 2002, the Assembly took 4 days to approve the choice of Government, according to the source this was a break with convention. [7aj] On 8 August 2002, the new cabinet was announced. It contained 26 members 3 of who were women. Three new ministries were also created, emphasising the development of the communications industry and concerns about the natural environment. [7ai]

Judiciary

5.12 The legal system is based on Marxist-Leninist Communist theory and French precedent law (France being the former colonial ruler). The Supreme Court heads the legal system and includes provincial courts, district courts, and military tribunals. [1a][3a] The Constitution provides for the independence of judges and jurors. However, in practice the courts are subordinate to the will of the CPV. [1h][p5]

5.13 The Supreme People's Procuracy brings charges against the accused and serves as prosecutor during trials. A judging council, made up of a judge and one or more lay assessors (appointed by local People's Councils), determines guilt or innocence and also passes sentence. [1h][p6]

5.14 According to the US State Department 2004 Report on Human Rights,

“Although the Constitution provides that citizens are innocent until proven guilty, a foreign legal expert who analyzed the court system during 2000 found that more than 95 percent of the persons who were charged with a crime were convicted. Some lawyers complained that judges generally presumed guilt.” [1h][p6]

Vietnam, April 2004

5.15 In November 2003, the National Assembly passed a new Criminal Procedures Code, which defined more clearly the role of the different bodies involved in trying a case. [13b]

Legal Rights / Detention

5.16 According to the US State Department (2004 Report), the Government continued to arrest and detain people arbitrarily in 2003. [1h](p4) Article 72 of the Vietnamese constitution asserts that nobody can be detained without due process of law. However, 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 2-years without a court order. [3k](p2-3)

5.17 Arrest warrants have the following features:

- a) Standard Socialist Republic of Vietnam banner at the top
- b) Arrest Warrant (in Vietnamese) below the banner
- c) The rule contravened by the accused
- d) The issuing authority's name in the top left hand corner

Though a court official or the police can issue an arrest warrant, its validity requires the Public Prosecutor's authorisation, and therefore should include the signature of the President or Deputy President of the Prosecution Institute. [6r]

5.18 According to the British Embassy in Hanoi, the warrant is read out before the accused who may inspect it but not keep it or retains a copy. [12c]

5.19 According to US State Department - Bureau of Consular Affairs (May 2003),

“Fraudulent civil documents are common in Vietnam and it has been relatively easy to establish false identities both before and after 1975.” [1f](p3)

5.20 Courts may sentence persons to administrative detention for a period up to 5 years after release from prison. These provisions are enforced unevenly. The Ministry of Public Security (MPS) uses administrative probation to place people under house arrest without trial for up to 2 years. [1d](p4)[1h](p5)

Death Penalty

5.21 According to a report by Amnesty International (AI) dated April 2004,

“In 2003 there was a dramatic rise in the reported imposition of the death penalty, particularly for drug-related offences and economic crimes. According to information collated from official sources, 103 people were sentenced to death in 2003; 63 were convicted on drug-related charges and four women were convicted of fraud. There were

reports that 64 people were executed, many in public. The true figures are believed to be much higher.” [2n](p7)

5.22 According to the chair of a Vietnamese civil rights group, the Vietnam Committee for the Defence of Human rights,

"Death penalties continue to be pronounced despite advice from the upper echelons... who have called for it to be used less." [4u]

5.23 in July 2002, the Supreme People's Court informed the UN Human Rights Committee in July 2002 that between 1997 and 2002, 931 people had been sentenced to death. These included 535 cases of people convicted of "violations of the right to life", 310 involved drug-related offences, 24 involved corruption charges, and 5 involved people convicted of property-related offences. The number of executions carried out during this period was not made public. Executions in Vietnam are carried out by firing squad, sometimes in front of large crowds. [2h]

5.24 In January 2004, Amnesty International (AI) reported that the Vietnamese Government had made reporting statistics on the death penalty a state secret. [2i]

Internal Security

5.25 Ministry of Public Security (MPS) controls the police, a special investigative agency, and other units that maintain internal security. [1h](p1) However, in some remote areas, the military forces are the primary Government agency, providing infrastructure and all public safety functions, including maintaining public order in the event of civil unrest. Since 2001, the military has played a prominent role in the Central Highlands, enforcing restrictions on gatherings, detaining individuals and enforcing travel restrictions. [1h](P1)[2h] The Ministry also administers the ho khau household registration scheme (See below, [Freedom of Movement](#)) and block wardens who monitor political activities. [1a]

5.26 According to a report by the Canadian IRB dated 5 November 2002, police corruption is endemic at every level. [6ae] Reuters reported in October 2000, that over 100 officers had been disciplined as a result of the Nam Cam case (See above, [Official Corruption](#)) [4at] with 13 convicted of criminal charges according to a CNN report dated 25 February 2003. [7aq]

Prisons and Prison Conditions

5.27 According to the US State Department's 2004 Report on Human Rights,

“Prison conditions reportedly were often harsh but generally did not threaten the lives of prisoners. During the year, as in 2002, visits by select diplomatic observers revealed Spartan but generally acceptable conditions in at least two prisons. Men and women were housed separately in prisons. Juveniles were housed separately from adult

populations. Overcrowding, insufficient diet, and poor sanitation remained serious problems in many prisons.” [1h](p3-4)

5.28 According to the same source, some prisoners (including political prisoners) were held in solitary confinement and deprived of reading and writing materials. [1h](p4) However, there was no evidence that political prisoners were held in significantly worse conditions than regular prisoners were. [1h](p4) Most prisoners had access to basic health care. [1h](p4)

5.29 Overcrowding has prompted many amnesties: [1d](p3) In July 2001, over 23,000 prisoners were granted amnesty, including 65 foreign nationals. [4be] In July 2002, the number of amnesties was set at 6,110. [7ad] There was no evidence that political prisoners were included in either of these amnesties.

5.30 In 2001, two prisoners died after being tortured by guards. An official from the Supreme People’s Procuracy later admitted systematic beatings and overcrowding had occurred at a former flagship prison. [1d](p2-3) In 2002, the police reportedly beat two suspects to death while in detention. [1h](p4)

The Military

5.31 The military forces are responsible for defence from external threats. However, in some remote areas they are the primary Government agency (See above, [Internal Security](#) for more information). [2h](p1)

5.32 In August 2002, a count of the armed forces showed a total of 484,000 regulars, with the army accounting for 412,000 troops. Reservists number 4 to 5 million. Military service is compulsory and lasts for 2 years. [8e]

5.33 In November 2001, the Government announced the reviving of conscription of women, for the first time since the late 1970s. The recruits, aged between 18 and 40 years, would hold the rank of second class reservists and have to do one year’s military service. [7k]

Conscientious Objectors and Deserters

5.34 The position of deserters is unclear: NGOs, such as Amnesty International (AI), refer to Article 256 of the 1986 Criminal code, arguing that desertion carries the death penalty. [6u] This Article however refers to active service in a combat situation and Under Article 69 of the Law on Military Service (amended 1990), draft evasion is punishable by disciplinary and administrative measures. [3m] According to War Resister’s International (1998) only surrender to the enemy and desertion from a unit during a combat situation is punishable by death. [3m] According to the same source the desertion rate in 1995 was put at between three and five per cent, with many recruits simply failing to show up for their medical in the hope that their details will “get lost” in the system. [3m] According to a report by the Canadian IRB dated 24 July 2001, most desertions occur in the south of the country. [6u]

Medical Services

5.35 UN indices regularly mark Vietnam highly for provision of educational and health services given the GDP per capita. [8e] The Government has attached great importance to primary healthcare, with vaccination programmes for six preventable diseases. In spite of this health care in many areas is best described as rudimentary. [9b] On 14 May 2003, following the outbreak and spread of SARS in the region, the World Health Organisation (WHO) described the Vietnamese approach as a model case study on how a country should combat such an epidemic. [7ay]

Mental Health

5.36 A mental health programme is one of the ten objectives listed in the National Health Programme of 1999. In spite of a lack of mental health legislation, primary care is provided for maintenance and rehabilitation while community based mental healthcare is integrated in the primary healthcare system. The Government limits financing to those patients suffering from schizophrenia and epilepsy. For other mental disorders, patients' families are expected to pay for treatment themselves. [3g]

HIV / AIDS

5.37 The Centre for Disease Control (CDC) has estimated that the number of people infected with HIV might be as high as 300,000 (figures from February 2002). [8j] In 2001, the Ministry of Health puts the number of HIV carriers at 48,000, with 9,000 deaths from AIDS [4bj] while the UN estimates that there were 130,000 people living with HIV/AIDS in 2001. [3h]

5.38 According to the Ministry of Health there was a 100 per cent increase in the number of people who died from the disease in the first 7 months of 2003. There was also a 5 per cent rise in the number of HIV carriers and a 70 per cent increase in the number of AIDS patients. [4cf]

5.39 In 2001, the US Government pledged US\$10 million to help raise awareness, and improve treatment and detection of HIV/AIDS in Vietnam. [4bg] Doubts have been raised in local newspapers (prior to 2000) about the probity of the National Committee for AIDS Prevention (now the AIDS Prevention Office) in distributing funds. [4bh]

Treatment

5.40 The Government's strategy is based on compulsory treatment for drug-addicts and the production of low-cost generic anti-AIDS drugs. [1g]

5.41 In 2001, there were 100,000 registered drug users in Vietnam, late that year the Government announced plans to send them all to compulsory drug detoxification centres, where they could be held for up to 2 years. According to Human Rights Watch, up to 75,000 drug users were detained in 2002. [5g]

5.42 In November 2001, the Government announced that it would conduct bidding on the import of specific drugs for HIV/AIDS treatment for 1,000 - 2,000 patients. [4b1] In February 2002, the Government announced that more than 20 Vietnamese drugs companies had been identified as capable of producing low-cost generic anti-AIDS drugs. However, the complicated issue of intellectual property-rights (held by foreign-based pharmaceutical companies) to these drugs has proved a difficult barrier to overcome. [7w]

5.43 In May 2003, the Government approved the production of a new treatment by local pharmacists where the cost to patients would be 20 per cent lower than imported combinations. [4b2]

5.44 According to a BBC report dated 18 April 2001, there is only one hospital dedicated to AIDS patients, Binh Trieu hospital, HCMC. [7ax]

5.45 A report by the Centre for Disease Control (CDC), dated 20 February 2002, the Ministry of Health has made a low-cost anti-retroviral AIDS drugs available to some pregnant women and health workers infected with HIV. [8j]

Discrimination

5.46 In November 1999, Vietnam's Labour Ministry banned people diagnosed as HIV-positive from a long list of professions. [4g] In December 2003, the International Labour Organisation (ILO) expressed concern about the level of workplace discrimination directed against HIV carriers. [3i] Such (occupational) bans are considered by AIDS awareness groups to be counter productive as they deter people from getting tested and may indirectly contribute to the market in counterfeit health certificates. [4g][4k]

Tuberculosis (TB)

5.47 According to stoptb.org, approximately 90,000 new cases of TB are reported in Vietnam every year. [3u] According to the same source short course chemotherapy presently covers 99.8 per cent of the population, with a success rate of 87-90 per cent. Drug supplies have been secured for the next 5-years via a loan from the World Bank. According to stoptb.org Vietnam has achieved "outstanding success" in fighting TB. [3u] According to a report dated 10 March from the official Chinese news agency Xinhua, approximately 90 per cent of patients recovered. [3v]

Educational System

5.48 Primary education is compulsory and lasts 5 years, usually beginning at the age of six years' old. [8e] Secondary education lasts 7 years and is divided into 2 tiers, a 4-year junior period ("Level II") followed by a 3-year senior period. [8e] In 1997, there were 123 colleges of higher education. [8e]

5.49 As documented in the US State Department's 2004 Report on Human Rights, education is compulsory up to the age of 14. [1h](21) However, according to the State Department the authorities do not enforce the

requirement, especially in rural areas where Government and family budgets are strained, and where children were needed for agricultural labour [1h](21) (See below, [Child Labour](#)).

5.50 According to the same source, due to lack of classroom space most schools operated two sessions, and children attend either morning or afternoon sessions - leaving them free to work for part of the day. In 2001, it was reported that some street children both in HCMC and Hanoi participated in night education courses. The Government is in the process of extending free public education from 6 years of age to 9 years of age. The public school system includes 12 grades. [1h](p22) According to a report by the Canadian IRN dated 29 November 2003, students must pay for textbooks, and from Level II onwards there are tuition fees. [6a7]

5.51 According to a report by the Center for Social Development published in January 2003, the literacy rate is just over 91 per cent (for those aged 10 and over). [3n]

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6. Human Rights

6.A Human Rights Issues

For reasons of clarity the term "USSD report" is used within the body of the text. This refers to the US State Department Report on Human Rights Practices. Other reports by the same dept. are identified when appropriate. The year always refers to the year of publication not the year under review unless otherwise stated e.g. US State Department report for February 2004, covering events in 2003.

Overview

6.1 The US State Department in their February 2004 Report (for 2003) on Human Rights stated that,

"The [Vietnamese] Government's human rights record remained poor, and it continued to commit serious abuses... Police sometimes beat suspects during arrests, detention, and interrogation. Several sources also reported that security forces detained, beat, and were responsible for the disappearances of persons during the year. Incidents of arbitrary detention of citizens, including detention for peaceful expression of political and religious views, continued." [1h](p2)

6.2 This was a view borne out in the annual reports (for 2003) of Amnesty International (AI) and Human Rights Watch. [2h](p1)[5g](p1) However, the most serious abuses seem to be centred around particular pressure points rather than on a general curbing of the liberties permitted to the population at large. [1h] In summing up the political climate and the treatment of dissidents in Vietnam the Foreign and Commonwealth Office (FCO) on their country profile stated that,

Vietnam, April 2004

“Nevertheless, partly because of the opening up of the country, there has been a considerable loosening of controls in recent years, with ordinary people able to enjoy more personal freedom.” [8p](p3)

6.3 On 29 May 2003, The Government of Vietnam (reacting to the 2003 AI report) accused Amnesty International (AI) of distorting the facts to meet pre-conceived notions about life in Vietnam. They went on to categorically deny that anybody was detained in Vietnam for expressing their political opinions. [4bw] According to a BBC report dated 28 May 2003, they also condemned a motion in the European Parliament expressing concern over the detention of Buddhist monks and the tightening of restrictions over freedom of expression as unwarranted interference in their internal affairs. [7az]

6.4 On 27 February 2004, the Vietnamese Government rejected the US State Department’s criticism (see above) saying it did not reflect the real situation in Vietnam. [9n]

6.5 Amnesty International (AI) reported in 2002, that domestic human rights monitoring was not permitted and access continued to be denied to independent international human rights monitors, with the UNHCR, diplomats and journalists based in Vietnam only being allowed to visit the Central Highlands region under strict supervision. [2h](p2)

Freedom of Speech and the Media

6.6 The US State Department in their 2004 Report on Human Rights 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.” [1h](p9)

6.7 According to a BBC report date 11 November 2000,

“It is true that local newspapers are now permitted to publish some mild criticisms of [Communist] party policy. But for the most part the old communist rules are still in place.” [7g](p2)

6.8 The Committee to Protect Journalist (CPJ) said in their 2002 report that,

“Writers were detained, harassed, placed under tight surveillance, or arrested for expressing independent viewpoints, while [the] authorities targeted those who use the Internet to distribute independent news or opinions.” [3f](p1)

6.9 According to the US State Department’s Report on Human Rights,

“Both the Constitution and the Criminal Code include broad national security and anti-defamation provisions that the Government used to restrict severely such freedoms.” [1h](9)

However, according to the same source the Vietnamese Press did cover issues such as official corruption. [1h](p10)

6.10 As documented in the annual report (2003) of Reporters without Frontiers, domestic newspapers, television and radio stations remained under Government control in 2002. [3e](p1) According to the same source the Ministry of Culture and Information (MoCI) is the Department most directly responsible for regulation. [3e](p9)

6.11 In their annual report (2003) Human Rights Watch stated that,

“On 18 June 2002, the Prime Minister [Phan Van Khai] signed a decree restricting access to international television programs broadcast by satellite exclusively to Government officials, state media, and foreigners.” [5g](1)

6.12 According to the same source the Government also sought to restrict coverage of the Nam Cam corruption case (See above, [Official Corruption](#)). [5g](1)

6.13 According to the annual report (2003) of Reporters without Borders, Deputy Culture and Information Minister Nguyen Khac Hai issued a Decree on 8 January 2002, ordering police to seize and destroy any publication that had not been checked by the Government. [3e](p2) The same NGO reported that in April 2002 the CPV banned all documents, books, newspapers and other publications containing "bad or inaccurate" news. [3e](p2)

6.14 On 16 July 2003, the BBC reported that the main Student newspaper Sinh Vien had been closed down for an initial 3-month period after ‘multiple grave editorial mistakes.’ [7bb]

6.15 According to a BBC report dated 21 August 2002, Vietnam has one of the fastest growing telecommunications markets in the world with the army a major player. [7ae] According to the report,

“Vietnam’s communist government repeatedly intervened to stop surfers visiting sites it deems ‘subversive’.” [7ae]

6.16 In their annual report for 2003, Human Rights Watch stated that in June 2002, the MoCI began tightening controls at Vietnams 4,000 public cyber cafes to prevent customers from accessing "state secrets," pornography, or "reactionary" documents. [5g](p2) According to the same NGO the MoCI also blocked 2,000 sites in 2002, including those of Vietnamese dissident groups based overseas. [5g](p2)

6.17 According to the annual report (2003) of Reporters without Borders, the MoCI blocked the Internet website TTVNOnline.com on 7 August 2003, for posting news items that violated the press law by "distorting the truth" and not having prior authorisation. [3e](p3)

6.18 In August 2003, the MoCI threatened further restrictions, according to a BBC report from the same month. [7b1] As reported by Amnesty International (AI) on 18 June 2003 and the BBC on 26 August 2003, these 'changes' were announced following the highly publicised case of Dr. Phan Hong Son, who was sentenced to 13 years imprisonment for spying and using the Internet to deliberately undermine the Government. [2j](p1)[7b1]

6.19 On 26 August 2003, the BBC reported that Dr. Son's sentence had been reduced to five years after pressure from the US Government. [7b1]

6.20 On 7 September 2003, the state-run Vietnam News Agency (VNA) reported that over 800 post offices would be equipped with up to five computers each, all with Internet access. [9i]

6.21 In November 2003, Amnesty International (AI) published a report, Rights denied in cyberspace detailing the relative ease with which the authorities in Vietnam could monitor people's online activities and highlighting the long prison sentences give to so-called cyber dissidents. [2m]

Journalists

6.22 According to the annual report (2002) of the Committee to Protect Journalists (CPJ),

"In an effort to contain public dissatisfaction with official corruption and a lack of political reform, Vietnam's Government tightened its already stringent control over the media during 2002. Writers were detained, harassed, placed under tight surveillance, or arrested for expressing independent viewpoints, while [the] authorities targeted those who use the Internet to distribute independent news or opinions." [3f]

6.23 According to the same NGO the Government maintained its stringent control over foreign journalists in the country, with foreign reporters having to seek formal permission before conducting interviews or travelling outside the capital, Hanoi. [3f]

6.24 In a report carried in the Nhan Dan newspaper on 15 May 2003, the Government approved Vietnam Journalists' Association (VJA) vehemently rejected the assessment of press freedom put forward by CPJ. [4by]

6.25 On the 20 June 2003, the General Secretary of the CPV, Nong Duc Manh told reporters from the main state-run Vietnam News Agency (VNA) that,

“VNA’s news and publications are always in line with the political orientation and not influenced by the trend of commercialization.” [4c1]

6.26 On the 18 June 2002, the head of the state-run Voice of Vietnam (VOV) radio station stated that,

“A renewal of press management under the party’s leadership is required. [4ck]

6.27 On the 22 July 2003, the Hanoi Communist Party of Vietnam reported that the Prime Minister, Pham Van Khai had recently signed two new Decrees specifying the position of the VNA and VOV. (See below, [Annex D: Glossary](#)) Essentially these Decrees strengthened the Government’s control of the media still further. [4ch]

Freedom of Religion

6.28 In their December 2003 report (for 2002) on International Religious Freedom the US State Department stated that,

“Both the Constitution and Government decrees provide for freedom of worship; however, the Government continued to restrict significantly those publicly organised activities of religious groups that were not recognized by the Government or that it declared to be at variance with state laws and policies.” [1g](p1)

6.29 As reported by the same source there are six official bodies each representing a (recognised) religion:

- 1) Buddhist - 8 to 40 million adherents
 - 2) Catholic - 6 to 7 million adherents
 - 3) Protestant - 1 million adherents
 - 4) Muslim - 65,000 adherents
 - 5) Hoa Hoa - 1.3 to 3 million adherents
 - 6) Coa Dai - 1.1 millions adherents
- [1g](p2-5)

6.30 As reported in US State Department’s 2003 Report on Religious Freedom, most human rights abuses involve unregistered groups. [1g](p5)

6.31 As documented by the same source and by the Canadian IRB in December 2000, 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, [UBCV](#)) and unofficial Hoa Hao groups (See below, [Hoa Hao](#)). [1g](p7-10) [6p]

6.32 According to the US State Department’s 2003 Report on Religious Freedom, the Government generally permitted individual worship in 2002, while religious activity grew “significantly” during the same period. [1g](p1) According to their 2003 report on human rights, the Penal Code lays down

penalties of up to 3 years in jail for "attempting to undermine national unity" by promoting "division between religious believers and non-believers." [1d](p11)

6.33 As documented in the US State Department's 2003 Report on Religious Freedom, the Office of Religious Affairs is the Government department that oversees the registration process. [1g](p6)

Religious Groups

Buddhists

6.34 According to the US State Department's 2003 Report on Religious Freedom, over half the population of Vietnam, 40 million people are nominally Buddhist, with many of them practising a mixture of traditional faiths of which Buddhism is only one component. According to the same source about 30 per cent of the population are held to be devout Buddhists with official figures much lower, about 10 per cent. [1g](p3) According to the US State Department's 2003 Report on Human Rights, Government Officials / CPV members were increasingly open about their religious affiliations. [1d](p12)

The Unified Buddhist Church of Vietnam (UBCV)

6.35 As documented by the US State Department in their 2003 Report on Religious Freedom, the Unified Buddhist Church of Vietnam (UBCV) is the most vocal unregistered Buddhist group in Vietnam. It is often at odds with the Government sponsored Central Buddhist Church of Vietnam (CBS) over issues such as the protection of temples. [1g](p7-8) According to Reuters, 8 January 1997, the UBCV pre-dates the CBS and was the main Buddhist church in South Vietnam prior to reunification (See above, [History](#)). [4ac]

6.36 In September 1999, Reuters reported that Thich Quang Do deputy head of the UBCV had been denied permission to publish a journal of Buddhist doctrine. [4d] On 4 June 2001, the BBC reported that Thich Quang Do had been placed under house arrest after announcing plans to visit the head of the UBCV (Thich Huyen Quang) in HCMC later that week. [7h] As reported by the BBC on 6 June 2001 and by the Free Vietnam Alliance (FVA) on 8 November 2001, his detention led to criticism of the Vietnamese Government by the US and EU, and culminated in the deportation of a MEP who had attempted to visit. [7i][8k]

6.37 On 2 August 2002, the BBC reported (based on information supplied the IBIB, see below) that dissident monk and UBCV member Thich Tri Luc had disappeared while under UN protection in Cambodia on 25 July 2002. The Article speculated that Vietnamese agents operating inside Cambodia might have abducted him. [7ak]

6.38 On 17 March 2003, the BBC reported that the International Buddhist Information Bureau (IBIB), the official Information service of the UBCV had confirmed that representatives from the European Commission had been permitted to visit Thich Huyen Quang the head of the UBCV. According to the

same source they were the first foreign diplomats permitted to do so in 20 years. [7au]

6.39 On 3 April 2003, the BBC reported that the IBIB had confirmed that the Prime Minister, Phan Van Khai had visited Thich Quang Do and that the two had talked for about an hour. The exact nature of what was discussed was not reported. [7aw]

6.40 On 28 June 2003, the IBIB reported that Thich Quang Do the deputy head of the UBCV had been released from house arrest (officially classified as probationary detention). He was reportedly indignant on his release, refusing to accept the congratulations of local officials who he accused of detaining him illegally. [8m]

6.41 According to a report from by the IBIB dated 22 January 2004, USBV leader Thich Huyen Quang (now in his mid 80's) has been held in total isolation since his arrest along with his deputy, Thich Quang Do on 9 October 2003. [10g] According to the IBIB they two were detained in Binh Dinh along with several other senior USBV leaders. [10g]

Hoa Hao

6.42 As documented by the US State Department in their 2003 Report on Religious Freedom and by Amnesty International (AI) in February 2001, Hoa Hao is a Buddhist offshoot, founded in the south of Vietnam in 1939. It emphasises private acts of worship and as a result has no special places of worship. Banned from 1975 onwards, the Hoa Hao Administrative Committee was organised in 1999 and provided followers with official recognition. [1g](4) [2c](p2-4)

6.43 According to the US State Department's 2003 Report on Religious Freedom there are between 1.3 to 3 million followers. [1g](p4) According to a Canadian IRB report from May 2001, there may be up to 4 million. [6s]

6.44 According to a report by the Canadian IRB dated 28 September 2001, Hoa Hao was founded in 1939 by Prophet Huynh Phu So at Hoa Hao village in An Giang province, in Southern Vietnam. [6v] In their December 2003 report on religious freedom the US State Department stated that,

“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 religious, force before 1975. Elements of Hoa Hao were among the last to surrender to Communist forces in the Mekong Delta in the summer of 1975.” [1g](p4)

6.45 As reported by Amnesty International (AI) in February 2001, in May 1999, a Government appointed conference in An Giang province created a 11-member committee to oversee the administration (registration) of the religion. [2c](p3) According to the same source,

Vietnam, April 2004

“Whilst the committee constitutes the first official recognition by the Vietnamese government of the Hoa Hao religion in 25 years, there have been numerous reports, notably from overseas Hoa Hao groups, that the committee comprises communist party members and local officials rather than accepted representatives of a significant faction within the church itself...” [2c](p3)

6.46 According to a report by the Canadian IRB dated 23 May 2001, many Hoa Hao groups regard this committee (and subsequent groups emanating from it) to be unrepresentative. [6s]

6.47 According the US-based Overseas Hoa Hao Buddhist Association and Amnesty International (AI) Le Quang Liem is the head of the (non-registered) Hoa Hao Buddhist Church of Vietnam. [8o](p2)[2c](p4) Both these reports are from February 2001.

6.48 According to the US State Department’s 2003 Report on Religious Freedom, he is the head of the Hoa Hao Central Buddhist Church (HHCBC). [1g](p16) These two organisations are presumed to be one and the same since all three sources refer to the detention of Liem and a number of his supporters on 7 March 2001.

6.49 According to a report by the Canadian IRB from May 2001, the Government sponsored Hoa Hao Buddhist Representative Board (HHBRB) oversees all official Hoa Hao acts of worship. [6s] This is believed to be the successor to the Hoa Hao Administrative Committee.

6.50 According to the Hoa Hao Buddhist Association Inc. (7 February 2001), the HHBRB also controls access to Hoa Hao village. [8o] According to the US State Department’s 2003 Report on Human Rights,

“Between 100 and 200 visitors worship at the central Hoa Hao Pagoda in An Giang Province on a daily basis.” [1d](p11)

6.51 As documented by the US State Department in their 2003 Report on Religious Freedom, the Canadian IRB on 28 September 2001 and by the Overseas Hoa Hao Buddhist Association on 7 February 2001, police detained HHCBC leader, Le Quang Liem on 17 May 2001. According to these reports he was arrested after meeting with prominent HHCBS member in HCMC and placed under administrative probation the next day. Liem claimed to have been beaten during his arrest. [1g](p16) [6v][8n]

6.52 According to the US State Department’s December 2003 Report on Religious Freedom, Liem is believed to be free, though under close surveillance. [1g](p15-16)

6.53 Two reports from the Canadian IRB dated 23 May and 28 September 2001, document continued instances of police brutality and harassment of Hoa Hao followers protesting about the continued detention of Le Quang Liem (see above). [6s][6v]

6.54 Amnesty International (AI) expressed concern about the trial of 5 Hoa Hao members on 26 September 2000. All five were convicted in closed court of having “abused their right to democratic freedoms, disturbing social order and opposing public authorities” after signing an open letter to the Vietnamese authorities calling for religious freedom. They were all convicted and given sentences ranging from 1 to 3 years in jail. [2c](p4-5) According to the US State Department’s 2003 Report on Religious Freedom, two of them, Truong Van Thuc and Nguyen Chau Lang were arrested again on 28 March 2002 and given 3-year jail sentences for attempting to organise a commemoration to mark the death of Hoa Hao founder Huynh Phu. Tuc was released under an amnesty in September 2002, while six people convicted alongside him were also freed early. At the time of writing Nguyen Chau Lang was still being detained. [1g](p17)

Christians

6.55 US State Department’s 2003 Report on Religious Freedom states that between 7 to 8 million Vietnamese follow Christianity. There are two official bodies, one each for Roman Catholics and [Protestants](#). [1g](p3) According to the same source up to 7 million (85 per cent) of Christians in Vietnam are Roman Catholic. [1g](p3-4)

6.56 On 8 December 2003, ABC Reported that police in Hanoi had detained then released more than seven Christians who were handing out flyers during the South East Asian Games. [7cb]

Catholics

6.57 As documented by the US State Department’s 2003 Report on Religious Freedom, Catholics are a legacy of French colonial rule (See above, [History](#)) and most numerous in the south, particularly around HCMC. [1g](p3) As reported by Reuters on 27 November 1997 and the Canadian IRB on 7 January 1997, many of the land disputes of the mid-late 1990s occurred in Catholic areas / villages, particularly in Dong Nai province. [4ag][6d]

6.58 According to the US State Department’s 2003 Report on Religious Freedom,

“The Roman Catholic Church continues to face significant restrictions on the training and ordination of priests, nuns, and bishops. The Government effectively maintains a veto over the Vatican appointments of bishops; however in practice it has sought to cooperate with the Church in nominations for appointment.” [1g](p8)

6.59 Speaking in response to the appointment of Archbishop Pham Minh Man as Vietnam’s second cardinal (the other being Pham Ding Tung) a Foreign Ministry spokesman welcomed the appointment and stressed relations between the two sides had been “progressing”. [9j]

6.60 Amnesty International (AI) continues to campaign on behalf of father Thadeus Nguyen Van Ly who was jailed for 15 years in October 2001 after criticising the Vietnamese Government's policy on human rights and religious freedom. [2i]

6.61 According to an Amnesty International (AI) report date April 2003, his niece and nephews were later charged with espionage in what AI describes as, a "vindictive" attempt to further punish this family for providing information about their imprisoned uncle to the outside world. [2i] As reported by the Nhan Dan newspapers and the BBC on the 17 July 2003, father Ly's jail sentence was reduced from 15 to 10 years. [4c][7bc]

Protestants

6.62 According to the US State Department's 2003 Report on Religious Freedom,

"Protestantism, particularly the [unregistered] house church movement in ethnic minority areas, is the fastest growing religion in the country." [1g](p4)

6.63 According to the same source two-thirds of Protestants are from ethnic minorities and ethnic Hmong in northern Vietnam were targeted under Programme 184, which is designed to reverse the spread of the religion in areas of rapid advancement. [1g](p9)

6.64 According to the annual report (2003) of Human Rights Watch,

"Ethnic Hmong and Tai Christians in the north, particularly Lai Chau and Lao Cao provinces, were beaten, detained, and pressured by local authorities to renounce their religion and cease Christian gatherings..." "at least twelve Hmong Christians remained in prison for their religious beliefs during the year. [2002]" [5g](p4)

6.65 According to a Reuters, 4 May 2000,

"The WEF [World Evangelical Fellowship] said that persecution stemmed mainly from Hanoi's fear of Christian churches and the role they played in the downfall of communism in Eastern Europe. [4n]

6.66 As documented by Human Rights Watch in their annual report for 2003, a measure of protection was provided after the state approved Evangelical Church of Vietnam (North) admitted several hundred unregistered Churches. [5g](p4) However, in their December 2003 Report on Religious Freedom the US State Department cited two cases of Hmong Protestants dying at the hands of the authorities, who had been attempting to force them to re-cant their beliefs. [1g](p13)

6.67 According to a report by the Canadian IRB dated 5 September 2002, the government had not given the Baptist church registered status but was planning to do so, along with the Mennonite, Adventist and other house

churches. [6ad] The overall conclusion of their report was that such unregistered groups faced no particular threat from the authorities, but, quoting the US State Department Report on Religious Freedom, 2001,

"In practice there are no effective legal remedies for violations of religious freedom caused by the capricious actions of officials." [6ad]

6.68 According to Amnesty International's annual reports for 2003, underground Protestant congregations in the Central Highlands to suffer severe abuses during 2002. [2h](p2) (See below, [Montagnards](#) for more information on the Central Highlands)

Cao Dai

6.69 As documented in the US State Department's 2003 Report on Religious Freedom and a Canadian IRB report dated October 1998, Cao Dai is an indigenous religion comprising elements of many different faiths including Mahayana Buddhism. [1g](4) [6j] According to the first source, estimates as to the number of followers' range from 1.1 (official figures) to 3 million, with activity centred on Tay Ninh province, MCMC and the Mekong Delta. [1g](4)

6.70 According to the US State Department's 2003 Report on Religious Freedom, there are approximately 13 sects within Cao Dai, the largest of which is the Tay Ninh sect, which was given official recognition in 1997. The much smaller Thien Tien sect was given legal recognition in 1995: Like the Hoa Hao (See above, [Hoa Hao](#)) elements of the Cao Dai fought against the Communists prior to 1975. [1g](p4)

6.71 According to the US State Department's 2003 Report on Religious Freedom,

"Since 1975 the Government has prohibited ordination into the Cao Dai priesthood. However, during 2002 at least 18 new priests were ordained and 920 apprentices entered the process leading to priesthood. Other existing priests were promoted to higher ranks."
[1h](p15)

Muslims

6.72 According the US State Department's 2003 Report on Human Rights,

"Muslim Association [of Vietnam] members were able to practice their faith, including daily prayer and fasting during the month of Ramadam."
[1h](p15)

6.73 According to the same source there are approximately 65,000 Muslims in Vietnam [1g](p2-3)

Cults

Ching Hai

6.74 According to Rafer Guzman writing on 28 March 1996, Ching Hai is a Buddhist influenced personality cult popular amongst Vietnamese migrant communities. [8g](p7)

6.75 According to a report by the Canadian IRB dated 8 February 2001 and one by the ICHRD* dated 12 September 2000, a core belief is that all behaviour should be based on the “five noes” - no killing, no stealing, no lewd behaviour, no telling lies and no drinking. Followers are also supposed to be strict vegetarians. [6m][4bc]

*The Information Centre for Human Rights and Democracy

6.76 According to a report in The Sunday Mail dated 30 May 1999, the group takes its name from its founder Ching Hai and is also referred to as the Gaun Yin Method or Thanh Hai Vo Thuong Su (the Vietnamese title for Supreme Master Suma Ching Hai). [4aw]

6.77 According to the same source and a report in the South China Morning Post dated 14 April 2001, there are between 500,000 to 2 million followers worldwide. [4aw][4bd]

6.78 On 7 November 2000, CNN reported that the Vietnamese authorities had seized publications and arrested 17 Ching Hai members. [7e] However, according to a report in LA Weekly dated 28 June 2002, the group is not currently active in Vietnam [14a] and it is not mentioned in the US State Department’s 2003 Report on Religious Freedom. [1g]

Freedom of Assembly & Association

6.79 According to the US State Department’s 2004 Report on Human Rights,

“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 religious groups to gather in worship. The Government tried and sentenced some persons for protests over land use policies and expropriations... In February and March, there were numerous peaceful protests, mostly by students, organized across from a foreign embassy in Hanoi. Police maintained order but did not otherwise interfere or insist on permits.” [1h](p12)

6.80 According to the State Department’s Report for the previous year (2003)

Vietnam, April 2004

“In general the Government did not permit demonstrations that could be seen as having a political purpose. “ [1d](p9) However, according to the same source, “During the year [2002], there were a number of peaceful protests of up to 50 persons, mostly older rural women over land tenure issues. “

6.81 According to the report, these protests took place outside Government buildings including the National Assembly in Hanoi and the Prime Ministers Residence. [1d](p9) However, thousands of ethnic minority demonstrators fought with police and soldiers in the Central Highland towns of Pleiku and Buon Me Thuot towns in February 2001. [1d](p10)

6.82 According to the US State Department’s 2004 Report on Human Rights,

“The Government prohibited the legal establishment of private, independent organizations, insisting that persons work within established, party-controlled mass organizations... Citizens were prohibited from establishing independent political parties, labor unions, and religious or veterans’ organizations; however, some entities, particularly unregistered religious groups, were able to operate outside of this framework with little or no government interference.” [1h](p13)

Political Activists

6.83 As documented is the US State Department’s 2004 Report on Human Rights, several provisions of the Criminal Code outlaw acts against the state and dissidents may be charged under any one of these. [1h](p5)

6.84 In September 2002, the French-based NGO 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 (i.e. make legal) human rights violations. [3k](p2)

6.85 According to a report in the Economists dated 30 August 2003, there has been was a discernible trend towards clamping down on dissidents using the Internet to challenge the position of the CPV in 2003. [3p] As reported by Human Rights Watch on 24 August 2003, in June 2003, Dr Pham Hong Song was given a 13-year jail term for posting essays on the internet with provocative titles such as “What is Democracy” and “Hopeful Signs for Democracy in Vietnam.” [5h]

6.86 On 26 August 2003, Human Right Watch reported than Vietnam’s Supreme Court had cut Pham’s sentence to five years. [5j]

6.87 On 10 September 2003, VNA announced that, Nguyen Vu Viet, his brother Nguyen Truc Cong and their elder sister Nguyen Thi Hoa had been sentenced to 5, 4 and 3 years in prison respectively for “abusing democracy”. [9k] The three siblings are relatives of jailed Catholic Priest father Thadeus Nguyen Van Ly (See above, [Catholics](#)) and according a report by Amnesty

International (AI) dated September 2003, the authorities were angry with them for supplying information to the outside world about their uncle's case. [2k]

6.88 On 28 November 2003, the BBC reported that the three had been release early after "sincerely" confessing their crimes to the authorities. [7bn]

Dissidents

Dissidents within Vietnam

6.89 As reported by Amnesty International (AI) in their annual report for 2000 and Reuters on 6 September and 13 October 1999, Dr Nguyen Dan Qu is one of Vietnam most prominent dissidents, having spent over 20 years in detention at various times since 1978. [2a][4c][4e]

6.90 According to a BBC report dated 20 March 2003, he was arrested again in March 2003. [7av] According to a report by CPJ dated 16 July 2003, the authorities later offered to release him if he would agree to go into exile. According the report he refused. [4c]

Democratic Party (Dang Dan Chu)

6.91 According to a report by the Canadian IRB dated 5 October 1998, the Democratic Party was formed in 1944 and banned in 1975. At its peak in mid-1973 it had a membership of 700,000. [6k]

People's Action Party

6.92 According to Reuters, 9 October 1998, Nguyen Sy Binh, a Vietnamese-American and US citizen founded the People's Action Party (PAP) in 1996. Binh and his supporters were arrested gradually between 17 July 1997 and 9 September 1998 after crossing into Vietnam from Cambodia. The group's leaders were given long prison sentences in late September 1999. [4bm] This is the last report found on the party.

Vietnamese Freedom Association

6.93 The Canadian IRB contacted, in June 2001, the chairman of the International Institute for Vietnam, who in turn had no knowledge of a group by this name operating within Vietnam. [6t]

6.94 Likewise, CIPU has been unable to find any information on the following purported organisations:

- a) The Vietnamese People's Movement
- b) Action in Vietnam
- c) The Vietnamese People's Action movement
- d) Vietnamese People Action Group
- e) National Salvation (Cuu Quox)
- f) Dau Tranh Group

6.95 As reported by Reporters without Border and the CJP in their annual reports for 2003 and 2002 respectively, retired Lt. General turned dissident Tran Do died at the age of 79 in August 2002. A decorated war hero and former head of the MoCI, he was expelled from the CPV in 1999 after openly advocating multiparty democracy. Partially rehabilitated after his death (of natural causes) he was under tight surveillance before he died with his writings banned and requests to start a newspaper denied. [3e][3f]

Dissident groups outside Vietnam

6.96 As reported by Reuters on 30 July 2001 and by the BBC on 30 May 2001, the Government of Free Vietnam is a dissident group based in California (USA) and led by Vietnamese-American Nguyen Huu Chanh, a US citizen. Operating from inside Laos and Cambodia the group has claimed responsibility for a number of attempted bombings throughout Vietnam. [4b][7p]

6.97 According to the same sources, the activities of the group has led to friction between the US and Vietnamese Governments. [4b][7p]

6.98 On 16 May 2001, the BBC reported that 37 members of the group had been put on trial in HCMC on terrorist charges. They were among 50 members of the Government of Free Vietnam arrested in 1999 and 2000. [7o]

6.99 As reported by Reuters on 30 July 2001, Montagnard community leaders in North America have denied claims by the Vietnamese Government that they instigated unrest in the Central Highlands in 2001. (See below, [Montagnards](#)) [4b]

Employment Rights

6.100 According to the US State Department's 2004 Report on Human Rights,

“Workers are not free to join or form trade unions of their choosing. [See above, [Freedom of Assembly & Association](#)] And unions are controlled by the Party and have only nominal independence. All unions must be approved by and must affiliate with the party-controlled Vietnamese General Confederation of Labor (VGCL).” [1h](p18)

6.101 According to the same source there were 79 strikes during 2002, mostly against private or foreign owned firms. The Government generally tolerated strikes even when they failed to follow the legal framework. [1h](p18)

Child Labour

6.102 As documented in the US State Department's 2004 Report on Human Rights, child workers are defined as workers under the age of 18 years. [1h](p25) According to the same source, while child labour is technically illegal exception 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. [1h](p24)

People Trafficking

6.103 According to the US State Department in their 2004 Report on Human Rights,

“The Penal Code prohibits trafficking in women and children; however, trafficking in women and children for the purpose of sexual exploitation and for labor, both domestically and internationally, was a serious problem. While no law specifically prohibits trafficking in men, existing laws could be used to prosecute traffickers who recruit or send men abroad to work for "illegitimate profits" or illegal purposes. While reliable statistics on the numbers of citizens trafficked were not available, there was evidence that the numbers have grown in recent years.” [1h](p27)

6.104 In 2000, the UN Development Program estimates that 10,000 women and 14,000 children from Vietnam had been sold abroad since the early 1990s, mostly to other Asian countries, especially China and Taiwan (marriage) and Cambodia (Prostitution). [4s] According to the same source 40 per cent of the 300,000 sex workers in Cambodia are Vietnamese. [4s]

6.105 According to US State Department 2004 Report on Human Rights,

“Poor women and teenage girls, especially those from rural areas, were most at risk for being trafficked. It appeared that most trafficking victims came from some Mekong Delta provinces, such as Can Tho and An Giang and some northern provinces, such as Quang Ninh.” [1h](p28)

6.106 According to the previous year's report (2003), most of the young women trafficked are initially willing. [1d](p20-21) According Reuters, 14 May 2000, bonded labour is the main means of securing victims; most facilitators are women also ensnared in bonded labour. [4s]

6.107 According to the annual report (2003) of Human Rights Watch,

“Some sentences were handed down during 2002 under Vietnam's law against trafficking in women and children. In May 2002, the People's Court in Hanoi convicted five Vietnamese people for trafficking women to China and sentenced them to up to fourteen years in prison. In September 2002, the court in Ho Chi Minh City sentenced the operator of a prostitution ring to 8 years in prison.” [5g](p6)

6.108 In January 2000, Reuters reported the findings of a survey which indicated sexual abuse, including rape was included in the social background of about 30 percent of teenage prostitutes, with the remaining 70 percent pushed into the sex trade by family poverty. [4aj] According to Reuters, 21 June 2000, 70 per cent of rapists are illiterate or have received no primary school education. Many were not even aware that their actions constituted a crime. [4al]

6.109 On 2 March 2004, the BBC reported that a senior Vietnamese official had been dismissed from his post after being charged with raping a 13 year-old girl in a Hanoi hotel room. [7b0]

The Black Society

6.110 According to a report by the Centre for Criminology at the University of Hong Kong published in 1999, the Black Society Association (Hak She Wui in Chinese) is a common term used to describe Triads (Chinese Gangsters). [3x](p3)

6.111 According to report in The Scotsman dated 23 February 2001,

“The [Chinese] authorities accuse criminal gangs of masterminding millions of cases of murder, extortion, trafficking in drugs and migrants, as well as the sale of women and children.” [14b]

Freedom of Movement

Household Registry (ho khau)

6.112 As reported by the US State Department (Bureau of Consular Affairs, 13 May 2003), every person residing in Vietnam must be listed on a household registry (ho khau). [1f](p6) According to a report by the Canadian IRB dated January 1998, this is necessary for all administrative processes, including education, work and admission to hospital. [6g]

6.113 As documented by the US State Department’s on Human Rights for 2000, the scheme is administered by the MPS (The Ministry of Public Security). [1a] According to a report by the Canadian IRB dated 14 January 1998, the section listing the holders past misdeeds (politics) can be used as a mechanism to deny their dependants certain privileges, such as admission to university. [6g]

6.114 According to a report by the Canadian IRB dated 16 October 2001, an individual may be removed from the household registry (ho khau) if they failed to live permanently at the address listed on it. The source implies that’s each ho khau is only valid for one year at a time. [6x]

Identity Cards

6.115 As reported by the Canadian IRB on 20 December 2000, in addition to the ho khau (see above), every adult Vietnamese citizen is required to carry an Identity Card. If the holder is a practitioner of one of the six registered religious (See above, [Freedom of Religion](#)) then it is recorded on their ID card. [6p]

6.116 A source contacted by the Canadian IRB in December 2000 was of the opinion that “None” on an ID card may indicate that the holder practices some type of ancestor worship. The same source also speculated that members of

unregistered groups for example the UBVC might be given “None” as a designation. [6p]

Passports

6.117 According to the US State Department’s 2004 Report on Human Rights,

“Citizens’ access to passports sometimes was constrained by factors outside the law, such as bribery and corruption. Refugee and immigrant visa applicants sometimes encountered local officials who arbitrarily delayed or denied passports based on personal animosities, on the officials’ perception that an applicant did not meet program criteria, or to extort a bribe.” [1h](p17)

6.118 In September 2001, the Canadian IRB contacted the Vietnamese Embassy in Ottawa and according the Embassy 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
- [6z]

6.119 According to the same source a certificate of police clearance is not required. [6z]

6.120 According to a Vietnamese human rights activist contacted by the Canadian IRB in August 2000 it is relatively easy, even for dissidents to obtain a Vietnamese passport for the purposes leaving Vietnam. However, according to the source dissidents living abroad may experience problems applying for a visa to re-enter Vietnam. The same source knew of cases where people openly opposed to the regime had been allowed to return to Vietnam, though they were kept under surveillance during their visit. [6n][6aa regulations translated and reproduced in full]

6.121 According to the US State Department’s 2004 Report on Human Rights,

“Although the Government no longer required citizens traveling abroad to obtain exit or reentry visas, the Government sometimes prevented persons from traveling by refusing to issue passports. In July 2002, the Government stopped issuing passports stamped Dinh Cu (immigration) to persons intending to emigrate. The Government did not allow some persons who publicly or privately expressed critical opinions on religious or political issues to travel abroad.” [1h](17)

6.122 According to a report by the Canadian IRB dated October 2001, recently expired passports issued in Vietnam 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. [6y]

6.123 According to US State Department (Bureau of Consular Affairs, 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 26 November 1997 abolished exit and entry permits in Vietnamese passports.

2) A laissez-passer (giay thong hanh or giay xuat canh) permitting exit only from Vietnam.

[1f](p7)

6.124 According to the same source,

“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.”

[1f](p7)

Vietnamese Diaspora

6.125 As documented by Europa publications, Regional Surveys of the World, Vietnam's recent history (See above, [History](#)) has been characterised by wars and political change. During the last 50 years many Vietnamese have left the country and settled in America, Australia and Europe. [3j] The last US Census (2000) put the number of enumerated Vietnamese at 1,222,528 [3d]

6.126 As reported in the Saigon Times Daily on 31 March 2004, overseas Vietnamese are known as Viet Kieu and according to this report there are 2.7 million Viet Kieu in 90 different countries. [7c]

6.127 According to Time magazine (Prague edition) circa 2002, the number of Vietnamese in Europe has exploded since 1975 with France (the former colonial ruler) having the largest population, 300,000. Next is Germany with 140,000, Russian with 80,000 and the Czech Republic with between 60-80,000. [3q]

6.128 According to a report in the Asia Times dated 15 June 2000, the Vietnamese government actively encourages emigration as a way of alleviating unemployment and poverty. [7ca] According to this report the Ministry of Labor (sic), War Invalids and Social Affairs (MoLISA) aims to have 1 million Vietnamese working abroad by 2010. [7ca] Concern has been expressed about the use of brokers to recruit would-be migrants in Vietnam and the working conditions they experience abroad. [7ca]

Returnees

6.129 As documented by the Canadian IRB in April 1997, the Vietnamese Government signed a memorandum of understanding with the UNHCR regarding assisted voluntary returns to Vietnam in 1988. From 1988 to 1997, over 106,000 Vietnamese were returned voluntarily under this agreement. According the UNHRC,

“There was no credible evidence to substantiate claims that refugees returning under UNHCR auspices were harassed because of their status as returnees.”
[6f]

6.130 According to the same source, 88 returnees in the same period were reportedly arrested and detained on criminal charges during the same period (1988-97). [6h]

6.131 However, quoting from a USA today article dated 19 May 1997, the report goes on to say that the Vietnamese aid agencies admit, "few returnees are subjected to open persecution... [although] many are dogged by low-level bureaucratic harassment - delays in getting household registration and access to schools, extra fees, needless red tape, added scrutiny from local officials."
[6h]

6.132 According the US State Department's 2004 Report on Human Rights,

“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; however, because citizens who lived overseas were considered both a valuable potential source of foreign exchange and expertise for the country but also a potential security threat, the Government generally encouraged them to visit but sometimes monitored them carefully.” [1h](p18)

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6.B Human Rights - Specific Groups

Ethnic Groups

6.63 As reported by the ethnologue website there are 54 official ethnic communities within Vietnam. [8f] As reported by the (World Directory of Minorities, 1997) there are essentially three main groupings within these 54 groups,

- 1) Indigenous groups living in the Central and other highlands
- 2) Non-indigenous Chinese communities
- 3) Khmer groups of the Mekong delta area

Many of these groups are members of unregistered religious groups (See above, [Religious Groups](#)). [3c](p647-649)

6.134 According to the US State Departments 2004 Report on Human Rights,

“Although the Government officially is opposed to discrimination against ethnic minorities, longstanding societal discrimination against ethnic minorities was widespread. In addition, there continues to be credible reports that local officials sometimes restrict ethnic minority access to some types of employment and educational opportunities.” [1h](p29)

6.135 As reported by Reuters (VNA), in May 2003 and by the US State Department in their 2004 Report on Human Rights, the government sees economic development (especially improvements to infrastructure) as key to improving the living standards of ethnic minorities. However, they are also committed to re-settlement when required. [4bv] [1h](p29)

Chinese (Hoa)

6.136 According to the World Directory of Minorities 1997), the Chinese are known as the Hoa - not to be confused with the Buddhist group Hoa Hao (See above, [Hoa Hao](#)). [3c](p649)

6.137 According to the same source,

"The majority of ethnic Chinese today live in the south and still suffer from low-level discrimination, mainly due to the fear that they might dominate the economy again." [3c](p649)

6.138 As reported in the ethnologue website estimates as to the number of ethnic Chinese in Vietnam vary from 900,000 to 1 million. [8f] Reuters reported in August 1998, that half of Vietnam's ethnic Chinese community lived in HCMC and the suburb of Cholon. The same report also stated that inter-marriage between Vietnamese (the Kinh) and ethnic Chinese is common in Cholon, and it was virtually impossible to tell the two races apart there. [4an]

6.139 As documented by the World Directory of Minorities (1997), approximately half a million ethnic Chinese were expelled over the border and in to Southern China between 1978-79. [3c](p649) However, according to a report by the Canadian IRB dated 26 April 2002, ethnic Chinese are now seen as an important economic bridgehead between the Hanoi Government and overseas Chinese investors. [6ac]

6.140 According to the same source, all restrictions on their participation in the political process were lifted in the mid-1990s. [6ac]

6.141 One expert contacted by the Canadian IRB stated in May 1996 said,

"Ethnic Chinese are second and third generation citizens of Vietnam. They were born in the country, they speak the language and are perfectly integrated into Vietnamese society." [6e](p36-37)

The Hmong

6.142 According to the World Directory of Minorities (1997), The Hmong (known as the Miao in China) inhabit the highlands of northern Vietnam [3c](p647-649) According to a report by the Canadian IRB dated 27 September 2000, they number approximately 300,000 and are predominately Protestant (See above, [Protestants](#)). [6o](p1)

6.143 According to the same source the authorities remain suspicious of the Hmong due in part to their strong Evangelical (Christian) faith and partly due to their role during the Vietnam War where they fought with the South Vietnamese forces against the Communist North. [6o] The issue of Land Disputes (often involving church lands) further complicates relations with the state (See above, [Land Ownership Issues](#)).

The Montagnards

6.144 The US-based Montagnard Foundation (MF) has documented numerous human rights abuses, including force relocation / settlement, disappearances and the erosion of cultural identity. [3r](p1-3)

6.145 According to a report on their website dated 22 December 2003, there are approximately half a million Montagnards in Vietnam today (2003) compared to 3 million at the start of French colonial rule in around 1890. [3o](p3)

6.146 As reported by the World Directory of Minorities (1997), the Montagnards inhabit the Central Highlands of Vietnam (close to the border with Cambodia). [3c](p648) According to a report by the Montagnard Foundation (MF) dated January 2003. [3s] They get their name from the French word for Mountaineers by virtue of the type of terrain they inhabit. [3s]

6.147 As documented by the US State Department in their 2003 Report on Religious Freedom, a large number of Montagnards fled to neighbouring Cambodia to escape harassment in Vietnam in February 2001. This for the most part was related to problems associated with the (religious) registration process. (See above, [Freedom of Religion](#)) [1d](p17)

6.148 As reported by Amnesty International (AI) on 25 January 2002, the Vietnamese and Cambodia governments signed an agreement to facilitate the voluntary return of Montagnard refugees in Cambodia on 21 January 2002. Under this agreement the UNHCR was allowed (limited) access to the Central Highlands. [2e]

6.148 According to a report by the Kyodo news service (Japan) dated 8 April 2004,

Vietnam, April 2004

“About 1,000 Montagnards have fled to Cambodia since 2001 and most of them have been granted refugee status and offered residency in the United States.” [7ce]

6.149 On 26 March 2002, the BBC reported that the United States has so far agreed to take approximately 1,000 Montagnard refugees from Cambodia for settlement in the US. [7x]

6.150 According to the US State Department’s 2004 Report on Human Rights,

“[Vietnamese] Government officials have stated that there were many instances in which local government officials in the Central Highlands acted contrary to stated national policies or failed to uphold national laws [during 2002]” [1h](p29)

6.151 On the 11 April 2004, CNN reported that foreign nationals had been banned from entering the Central Highlands after clashes between ethnic minority demonstrators and the security forces. [7f] According to the report the clashes happened in Bouo Ma Thout City, Daklak province. [7f]

6.152 As reported by Reuters on 13 April 2004, the Government confirmed that protests had taken place in Daklak and Gia Lai provinces over the Easter period but declined to give any figures for the number of people involved. [7cd]

6.153 According to a report by Human Rights Watch dated 14 April 2004,

“The human rights situation for the Montagnards in the Central Highlands had plummeted to a new low. Vietnam’s policy of repression of Montagnard Christians is only fueling the unrest.” [5](p1)

6.154 According to the Montagnard Foundation (MF), 22 December 2003, the Montagnards are also known by the following names - Degar(s), Yards, Moi (savages in Vietnamese) and Nguoi Dan. [3o]

Others

6.155 Information on some of the more obscure ethnic groups can be obtained from Nhan Cam online. Please note this is a state run newspaper. See below, [Annex E](#))

Women

6.156 As reported by Reuters on 14 July 2000, inequality between the sexes is slowly being reduced with the UN Gender Development Index (published July 2000) showing improvements for women in terms of employment and representation in management and government. [4t]

6.157 According to the US State Department’s 2004 Report on Human Rights,

Vietnam, April 2004

“The law addresses the problem of domestic violence; however, the authorities did not enforce the law effectively. Officials increasingly acknowledged domestic violence, which also was discussed more openly in the media. International NGO workers and local contacts reported that domestic violence against women was common. Reportedly approximately two-thirds of divorces 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.” [1h](p29)

6.158 On 22 October 2002, the BBC reported the findings of a UN report published the same month, which stated that violence against women was widespread in Vietnam with 80 per cent of women questioned having experienced some kind of abuse. [7as]

6.159 According to a report by the Canadian IRB dated 18 November 2003, there is no specific law relating to domestic violence, however Article 4 of the 2000 Law on Marriage and Family may be interpreted as such. [6ag] According to the same source there is a clear rural / urban split in the reporting of domestic abuse, with rural women far less likely to report their husbands / partners to the police. [6ag]

6.160 According to the Vietnamese News Agency (VNA) Vietnam has the second highest number of women MPs. [9m] According to the US State Department 2003 Report on Human Rights, the work of the Government controlled Women’s Union is viewed in a favourable light by International NGOs. [1h](p29)

6.161 Female prostitution and trafficking - See above, [People Trafficking](#)

Children

6.162 With regards to family structure generally, the Canadian IRB reported in December 1996 on information supplied by the Paris-based Vietnam Committee on Human Rights. It stated,

“Families that do not conform to the traditional family model, including those headed by a single mother, would thus be seen in an “unfavourable light.” The Vietnamese Committee on Human Rights adds, however, that disapproval would be on purely moral terms, and that it is unlikely that a single mother with an illegitimate child would suffer systematic discrimination or harassment.” [6c]

6.163 The report makes no mention of mixed-race children i.e. those descended from US-soldiers stationed in Vietnam between 1964 to 1973. [6c]

Family Planning

6.164 As reported by the BBC in November 2000, the Vietnamese Government instituted a two-child birth control policy in 1994. This brought the

average birth rate per Vietnamese woman down to 2.3 children in 2001 compared to 3.8 in 1994. [7j]

6.165 According the US State Departments 2004 Report on Human Rights,

“The Government continued to implement a family planning policy that urges all 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. Fines were not permitted under revised family planning regulations adopted during the year; officials claimed that fines were never a formal part of the family planning process.” [1h](p8)

6.166 According to a BBC report dated 18 November 2001, Vietnam has one of the highest abortion rates in the world (on average two per women). [7bp] According the same source this along with the traditional preference for male children has made the Government reluctant to follow China in pursuit of a rigid one-child policy for fear of the resulting gender imbalance. [7bp]

6.167 According to the US State Department’s 2004 Report on Human Rights,

“International organizations and Government agencies report that, despite the Government’s promotion of child protection and welfare, children continue to be at risk of economic exploitation.” [1h](p28)

6.168 In February 2003, the Committee on the Rights of the Child discussed the Vietnamese Government’s January 2003 report on its efforts to implement the Convention on the Rights of the Child. The BBC reported its findings on 20 February 2003, according to their report 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. Rural children are particularly disadvantaged in this respect. [7at]

6.169 Use of child labour and trafficking - See above, [Child Labour](#) and [People Trafficking](#)

Childcare Arrangements

6.170 As reported by Reuters on 6 August 2002, the Vietnamese Government announced the creation of the Ministerial Committee for Population, Family and Children (NCPFC) in place of two existing committees in August 2002. [4bn]

6.171 As reported by the same source on 20 March 200 and 12 May 2002, the committee, and now the ministry, is responsible for the care and provision for all orphans under the age of 15. [4bo][4bs] In the year 2000 its budget was US\$ 33.3 spread over ten-years according to Reuters, 12 December 2001. [4bo]

6.172 According to a Reuters' report dated 26 June 2002, the orphan population of Vietnam as been estimated at 124,000 out of a total population of 27.8 million children in 2002. [4br]

6.173 According to the US State Department in their 2004 Report in Human Rights, the number of street children was estimated at 20,000 in a Vietnamese Government report for 2001. [1h](p29)

6.174 According to Reuters report dated 15 May 2002, the Vietnam Red Cross has 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 15. [4bs]

6.175 According to a report by Reuters dated 12 December 2001, on source between 12,000 to 17,000 children in Vietnam are infected with the HIV virus (figures from 2001). [4bo]

6.176 As documented by Reuters in September 2002 and December 2001, Foreign aid organisations have been permitted to assist in child welfare and care in Vietnam. [4bq][4bu]

Homosexuals

6.177 According to Reuters 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 tactility is accepted as normal in Southeast Asian cultures.” [4cn]

6.178 According a report by Amnesty International (AI) Germany dated 22 November 2003,

“Homosexuals, bisexuals and transsexuals in Vietnam are frequently victims of political persecution or social exclusion.” [2o]

6.179 According to a report by the Canadian IRB dated 30 July 1998, Vietnam's first gay wedding took place in HCMC in April 1997. According to the report embarrassed local officials were powerless to prevent the ceremony. [6i]

6.180 On 20 August 2002, the BBC reported that the author of a gay sex novel won a major literary prize in Vietnam in August 2002. The Peace and Safety Award is co-funded by the Police department of the Ministry of Public Security. [7af]

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6.C Human Rights - Other Issues

Treatment of Former South Vietnamese Combatants

6.181 The Canadian IRB in June 2000 reported that there were no specific reports on the treatment of former officers of the former Republic of Vietnam, or their families. [61]

6.182 The source noted reports which indicated that former internees from re-education camps (See above [Legal Rights / Detention](#)) interned on the basis of their pre-1975 association with the former Government, suffered varying degrees of discrimination. [61] The US State Department concurred with this view its 2000 Report on Human Rights. [1a][p21]

6.183 In May 2009, Human Rights Watch went further, linking such former internees with political and religious dissidents in a general culture of "having fallen out of favour" with the Government, and subject to monitoring and risk of arbitrary detention. [5b]

Boat People and Returnees

6.184 As reported by CNN in September 2000, the UN "Comprehensive Plan of Action" was agreed leading to the screening of "boat people" at their first port of call in 1989. From here they were either re-settled or "voluntary" repatriated depending on whether they fell within the terms of the 1951 Convention. By the late 1990s all the camp set-up to handle the influx had closed, the last camp in Hong Kong closed in 1999, with about 100 involuntary deportations. [7b]

1951 Convention

6. 85 As reported by the US State Department in their 2004 Report on Human Rights, Vietnam is not a signatory to the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol. [1h](p18)

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Annex A: Chronology of Events

Based on Chronology given in BBC Timeline [7u]

1945: The Viet Minh seize power and Ho Chi Minh proclaims Vietnam's independence.

1946, November - 1954: French forces attack Viet Minh at Hai Phong. French Vietnam war(s) begin(s). After defeat at Dien Bien, the French agree to a peace deal in Geneva. Vietnam split into North and South Vietnam at the 17th Parallel.

1950: Democratic Republic of Vietnam (Communist Vietnam) recognised as a state by China (PRC) and the USSR.

Vietnam, April 2004

1954 - 1963: 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 (the ARVN) and President Diem of the South is overthrown.

1964: Start of US offensive against North Vietnam.

1965 - 1968: Height of American involvement in Vietnam War.

1969: The US begins troop withdrawals, final withdrawal in **March 1973**.

1975: The Fall of Saigon (now Ho Chin Minh City) - South Vietnam invaded by North Vietnam.

Unified Vietnam

1976: Socialist Republic of Vietnam proclaimed.

1979: Khmer Rouge regime of Pol Pot in Cambodia ousted by the Vietnamese Army. The Vietnamese invasion prompts the Chinese to invade northern Vietnam. Many people are affected by the fighting, leading to the "Vietnamese Boat People" displacements.

1989: Vietnamese troops withdrew from Cambodia.

1994: US lifts it's 30-year trade embargo and restores full diplomatic relations in **1995**. US relations reinforced in **2000**, with the state visit of President Clinton. By **December 2001**, trade with the US is fully normalised.

2001, February-March: trouble erupts in the Central Highlands involving ethnic minority demonstrators and security forces. Army deployed to quell unrest. **April:** The CPV elects Nong Duc Manh as new Party Chairman and leader.

2002, January: Government crackdown on dissident publications.

2002, July: Vietnamese President Tran Duc Luong is re-appointed for a second term by the National Assembly, which also re-appoints Prime Minister Phan Van Khai for a second five-year term.

2003, March: EU European Commission representatives permitted to meet Thich Huyen Quang, head of the banned United Buddhist Church of Vietnam (UBCV).

Annex B: Political Organisations

Name in English	Name in Vietnamese (if known)	Abbreviation	General notes

Action in Vietnam			Unknown political party
Catholic Patriotic Association			Government sponsored Catholic Group
Communist Party of Vietnam	Dang Cong San Viet Nam	CPV or DCSV	Ruling communist party has exercised a monopoly on power since unification in 1975
Central Buddhist Church of Vietnam		CBS	Government sponsored Buddhist Group [1g](p7-8)
Struggle	Dau Tranh		Unknown political party
The Democracy Party			Unknown political party
Evangelical Church of Vietnam		ECVN	Government sponsored Protestant Group [5g](p4)
Hoa Hao Administrative Committee			Government sponsored Hoa Hao Group [1g](4) [2c](p2-4)
Hoa Hao Buddhist Church of Vietnam also known as the Hoa Hao Central Buddhist Church		HHCBC	Largest non-registered Hoa Hao group Lead by Le Quang Liem (See below, Annex C) [1g](p16)
Hoa Hao Buddhist Representative Board		HHBRB	The Government sponsored Hoa Hao group, believed to be the successor to the Hoa Hao Administrative Committee (See above) [6s]
Ministerial Committee for Population, Family and Children		NCPFC	Government Committee responsible for family planning and childcare [4bn]
Ministry of Culture and Information		MoCI	Government Department responsible for

Vietnam, April 2004

			press regulation [3e](p9)
Muslim Association of Vietnam			Government sponsored Muslim Group [1h](p15)
National Assembly	Quoc Hoi		The main legislative body [3j](p1158-1159)
National Salvation	Cuu Quox		Unknown political party
Office of Religious Affairs			Government Department which registers and monitors religious groups. [1g](p6)
People's Action Party		PAP	Anti-Communist expatriate group founded in 1995 by Binh, Nguyen Sy (See below, Annex C) [4bm]
Tay Ninh sect			Cao Dai sect given based on province of the same name, legal recognition by the government in 1997. [1g](p4)
Thien Tien sect			Small Cao Dai sect given legal recognition by the government in 1995. [1g](p4)
United Buddhist Church of Vietnam		UBCV	Unregistered Buddhist group based in South. Lead by Thich Quang Do (See below, Annex C) [1g](p7-10)
The Vietnamese Freedom Association			Unknown political party
Vietnam Journalists' Association		VJA	Government approved organisation [4by]
Vietnamese General Confederation of		VGCL	Government sponsored Trade Unions

Vietnam, April 2004

Labor			movement [d](p18)
Vietnamese Nationalist Party	Viet Nam Quoc Dan Dang (Viet Quoc)	VNQDD	Established around 1927 to fight for independent from France, later fought against Communists. No known to be active in Vietnam after 1975.
Vietnamese People's Action Group			Unknown political party
Vietnamese People's Action Movement			Unknown political party
Vietnamese Women's Union			Government approved body [1h](p29)

Annex C: Prominent People

Nguyen Sy Binh	Founder of the People's Action Party in 1995, arrested 1999. [4bm]
Nguyen Huu Chanh	American-Vietnamese dissident group leader [4b7][7p]
Thich Quang Do	Deputy head of the Buddhist Church of Vietnam (UBCV) arrested and detained on numerous occasions during the last 20 years. Currently under de facto house arrest. [10g]
Tran Do	Leading Party member turned dissident - expelled from the Party in 1999 after calling for political reform. Died August 2002 and honoured by the Government [3e][3f]
Phan Van Khai	Prime Minister in 1997 - [3j](p1158-1159)
Pham Minh Man	Cardinal of HCMC (Vatican appointed) [9j]
Dr Nguyen Dan Qu	One of Vietnam's most prominent dissidents. Has spent over 20 years in detention at various times since 1978. [2a][4c][4e]
Ngo Xuan Loc	Deputy Prime Minister - temporarily disgraced in 1999 [7s]
Tran Doc Luong	President 1997 - [3j](p1158-1159)
Le Quang Liem	Elderly head of the Hoa Hao Buddhist Church of Vietnam [1g](p15-16)
Father Thadeus Nguyen Van Ly	Vietnamese Catholic priest and

	activist [2i]
Nong Duc Manh	General Secretary of the CPV [3j](p1158-1159)
Ho Chi Minh	Founder of the Indochina Communist Party, which became the CPV. Died in 1969 [3j](p1122-1123)
Pham Ding Tung	Cardinal of Hanoi (Vatican appointed) [9j]
Thich Huyen Quang	Elderly head of the Buddhist Church of Vietnam (UBCV) Currently under de facto house arrest

Annex D: Glossary

Vietnamese	English
Cao Dai	Indigenous Vietnamese faith [1g](p4)
Ching Hai	Cult group [8g](p7)
Dang Cong San Viet Nam	Communist Party of Vietnam [3j](p1122-1123)
dua tranh chinh tri	Political struggle [3x](p2)
dua tranh vu trang	Armed struggle [3x](p2)
Doi Moi	Renovation - refers to opening up of the economy
giay thong hanh (or giay xuat canh)	Vietnamese passport permitting exit only from Vietnam [1f](p7)
Hmong	Ethnic group, known as the Miao in China [3c](p647-649)
Hoa Hao	Buddhist offshoot [1g](4) [2c](p2-4)
ho chieu (or giay ho chieu)	Standard Socialist Republic of Vietnam (SRV) passport [1f](p7)
Ho khai	Household registration document [1f](p6)
International Buddhist Information Bureau (IBIB)	The Official Information Service of the UBCV (See above, Annex B) [10g]
Nhan Dan	National Communist Party daily newspaper [7be]
Quoc Hoi	National Assembly [3j](p1122-1123)
Tinh	Administrative province [3a][3j]
Viet Kieu	Overseas Vietnamese [7c]
Vietnam News Agency (VNA)	State-run news agency [7be]
Voice of Vietnam (VOV)	State-run radio station [7be]

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http://www.vietnamtourism.com/eng/pages/vietnam/province/province.htm	Breakdown of the different regions

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