



COUNTRY OF ORIGIN INFORMATION REPORT

VIETNAM

19 MAY 2010

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Preface

- i This Country of Origin Information Report (COI Report) has been produced by COI Service, United Kingdom Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 19 May 2010. The report was issued on 19 May 2010.
- ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a compilation of extracts of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- vi As noted above, the Report is a compilation of extracts produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

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

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Website: http://www.homeoffice.gov.uk/rds/country_reports.html

INDEPENDENT ADVISORY GROUP ON COUNTRY INFORMATION

- xi The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Chief Inspector of the UK Border Agency to make recommendations to him about the content of the UKBA's country of origin information material. The IAGCI welcomes feedback on UKBA's COI Reports, COI Key Documents and other country of origin information material. Information about the IAGCI's work can be found on the Chief Inspector's website at <http://www.ociukba.homeoffice.gov.uk>
- xii In the course of its work, the IAGCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. A list of the COI Reports and other documents which have been reviewed by the IAGCI or the Advisory Panel on Country Information (the independent organisation which monitored UKBA's COI material from September 2003 to October 2008) is available at <http://www.ociukba.homeoffice.gov.uk/>
- xiii Please note: it is not the function of the IAGCI to endorse any UKBA material or procedures. Some of the material examined by the Group relates to

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

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Background information

GEOGRAPHY

- 1.01 The Socialist Republic of Vietnam is situated in South-East Asia, bordered to the north by the People's Republic of China, to the west by Laos and Cambodia, and to the east by the South China Sea. The capital is Hanoi. (Europa World, accessed on 17 March 2010) [1]
- 1.02 Vietnam covers an area of 329,247 sq km (127,123 sq miles). A United Nations (UN) estimate in 2009 put the total population of Vietnam at 88.1 million, with life expectancy of 72 years for men and 76 years for women. (BBC News, Country Profile: Vietnam, 21 January 2010) [14a]
- 1.03 Vietnam is divided into 63 administrative units, comprised of provinces and cities. (Website of the Vietnam National Administration of Tourism, accessed on 7 April 2010) [17d]
- 1.04 While the official language of the country is Vietnamese, there are another 105 languages in use. (Ethnologue.com, accessed on 23 April 2010) [24]

[See also Section 17: Religious groups](#)

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

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MAP



Viet Nam Atlas Map
As of May 2005

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



For further maps of Vietnam see [Reliefweb's Map Centre](#).

ECONOMY

2.01 The CIA World Factbook, updated on 18 March 2010, recorded:

“Vietnam is a densely-populated developing country that in the last 30 years has had to recover from the ravages of war, the loss of financial support from the old Soviet Bloc, and the rigidities of a centrally-planned economy. Vietnamese authorities have reaffirmed their commitment to economic liberalization and international integration. They have moved to implement the structural reforms needed to modernize the economy and to produce more competitive export-driven industries. Vietnam joined the WTO [World Trade Organisation] in January 2007 following more than a decade-long negotiation process. WTO membership has provided Vietnam an anchor to the global market and reinforced the domestic economic reform process.” [4]

2.02 The same source stated further:

“Deep poverty has declined significantly and Vietnam is working to create jobs to meet the challenge of a labor force that is growing by more than one million people every year. The global recession has hurt Vietnam's export-oriented economy with GDP [Gross Domestic Product] growing less than the 7% per annum average achieved during the last decade. In 2009 exports fell nearly 10% year-on-year, prompting the government to consider adjustments to tariffs to limit the trade deficit. The government has used stimulus spending, including a subsidized lending program, to help the economy through the global financial crisis, and foreign donors have pledged \$8 billion in new development assistance for 2010. Domestic investment grew 16% while committed foreign direct investment fell 70%, a steep reduction after 5 years of growth. Nevertheless, the weaker economy, current account deficit, and subdued foreign investment environment means Vietnam's managed currency, the dong, faced downward pressure through 2009, leading the government to devalue it by more than 5% in December.” [4]

2.03 In its Country Profile on Vietnam, updated on 18 December 2009, the Foreign & Commonwealth Office (FCO) noted:

“Vietnam is now among the fastest-growing economies in Asia. However, 2008 was a challenging year, with inflation hitting 26% in the first half: a result of both domestic macroeconomic policies, and global economic turbulence. 2009 has seen the economy affected by reduced overseas demand for Vietnamese goods but Vietnam has still seen GDP growth of 6%. The impact of the economic stimulus package will need to be managed carefully to avoid a repeat of the problems in 2008. Inefficient state-owned enterprises and poor domestic investment remains a concern. ... Vietnam is among the poorest countries in the world with GDP per head of around US\$1040 and 12 million poor people as of 2008. Its economy is still largely agricultural, with about two thirds of the population dependent upon agriculture for a living. However, Vietnam is a development success story. The Government has made poverty reduction a central development goal since introducing its 'doi moi' (renovation) economic policy in 1986. The proportion of people Vietnam living in poverty decreased from 58% in 1993 to 13% in 2008. Poverty has fallen across Vietnam, although less so in the mountainous ethnic minority areas in the Central and North West Highlands.” [8a]

- 2.04 The currency of Vietnam is the Dong (D), and the exchange rate in 2009 was Dong (VND) 17,740.8 per US dollar. [4]

HISTORY

- 3.01 In 1954 Vietnam was divided into the communist-controlled north (Democratic Republic of Vietnam) and the western-backed south (Republic of Vietnam). As the North Vietnamese began to use their forces to strengthen the communist movement in the south in order to achieve national reunification, the south became increasingly dependent on the USA, which increased its military commitment as war escalated in the 1960s. (FCO Country Profile, 18 December 2009) [8a] 1957 marked the beginning of the communist insurgency in the south and the US entered the war in 1964. (BBC News, 20 January 2010) [14b]
- 3.02 The numbers of US troops in Vietnam rose to over half a million by 1968, but a withdrawal began thereafter because of the growing domestic unpopularity of the war in the USA and a lack of military success. (FCO Country Profile, 18 December 2009) [8a] The troop withdrawal was completed in March 1973. (BBC News, 20 January 2010) [14b] Although the USA and North Vietnamese reached a peace agreement in 1973, the war continued and in 1975 the southern forces were defeated. Subsequently, the country was formally reunified as the Socialist Republic of Vietnam (SRV) in 1976 and Vietnam was admitted to the UN in 1977. (FCO Country Profile, 18 December 2009) [8a]
- 3.03 National reunification did not lead to peace and stability. Relations with the Khmer Rouge government in Cambodia and with their main supporters, the Chinese, soon deteriorated; after a number of border incidents Vietnam invaded Cambodia in 1978 and subsequently installed a friendly government there. As conflict ensued in Cambodia with resistance groups fighting the Vietnamese and their Cambodian allies during the 1980s, Vietnam experienced a period of international isolation, receiving support only from the USSR and its allies. The conflict further sapped an economy weakened by unpopular socialist reforms, which in turn helped precipitate the exodus of hundreds of thousands of refugees in the late 1970s and early 1980s. (FCO Country Profile, 18 December 2009) [8a]
- 3.04 Following a formal settlement of the conflict in 1991, Vietnam began to normalise its relations with the rest of the world, including the USA in 1995, the same year that Vietnam became a member of ASEAN (Association of Southeast Asian Nations). (FCO Country Profile, 18 December 2009) [8a]

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RECENT DEVELOPMENTS

- 4.01 In December 2009 pro-democracy activist, Tran Anh Kim, received a five-and-a-half-year jail sentence for subversion after allegedly publishing pro-democracy articles on the internet. The former army officer was a member of the Democratic Party of Vietnam and the pro-democracy Bloc 8406, both of which are banned. (BBC News, 20 January 2010) [14b]

- 4.02 In January 2010 four activists, including prominent human rights lawyer, Le Cong Dinh, were jailed on charges of trying to overthrow the government. Internet entrepreneur, Tran Huynh Duy Thuc, received the longest sentence of 16 years. Rights groups abroad said it signalled an increasing clampdown on freedom of expression. (BBC News, 20 January 2010) [14b]

USEFUL SOURCES FOR FURTHER INFORMATION

- 4.03 A list of sources with weblinks is provided below, which may be useful if additional up to date information is required to supplement that provided in this report. The full list of sources used in this report can be found in Annex C: References to source material.

Amnesty International (*Report 2010*, due in May 2010, and regular news/reports)
<http://www.amnesty.org/>

BBC News (regular news/reports)
<http://news.bbc.co.uk/1/hi/world/asia-pacific/default.stm>

Canadian Immigration and Refugee Board (regular reports)
<http://www.irb-cisr.gc.ca/Eng/Pages/index.aspx>

European Country of Origin Information Network (regular news/reports)
<http://www.ecoi.net/>

Freedom House (*Freedom in the World 2010*, due in late spring 2010)
<http://www.freedomhouse.org/template.cfm?page=15>

Human Rights Watch (regular news/reports)
<http://www.hrw.org/asia/vietnam>

Reporters Without Borders (*World Report 2010*, due in May 2010)
<http://www.rsf.org/>

UNHCR Refworld (regular news/reports)
<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&skip=0&coi=VNM&x=10&y=12>

US State Department (*Trafficking in Persons Report 2010*, due in June 2010)
<http://www.state.gov/q/tip/rls/tiprpt/index.htm>

US State Department (*2010 Report on International Religious Freedom*, due in September/October 2010)
<http://www.state.gov/q/drl/rls/irf/index.htm>

US State Department (*2010 Country Reports on Human Rights Practices*, due in February/March 2011)
<http://www.state.gov/q/drl/rls/hrrpt/index.htm>

CONSTITUTION

- 5.01 According to Article 4 of the 1992 Constitution, “The Communist Party of Vietnam, the vanguard of the Vietnamese working class, the faithful representative of the rights and interests of the working class, the toiling people, and the whole nation, acting upon the Marxist-Leninist doctrine and Ho Chi Minh’s thought, is the force leading the State and society.” [17a] (Chapter 1)
- 5.02 A citizen’s rights and duties are defined under Articles 50 to 80 of the 1992 Constitution. Regarding the fundamental rights of the citizen, Article 50 claims, “In the Socialist Republic of Vietnam human rights in the political, civic, economic, cultural and social fields are respected. They are embodied in the citizen’s rights and are determined by the Constitution and the law.” [17a] (Chapter 5)

POLITICAL SYSTEM

- 6.01 In its Country Profile on Vietnam, updated on 18 December 2009, the Foreign & Commonwealth Office (FCO) noted:
- “Vietnam is a one-party state in which the Communist Party of Vietnam (CPV) decides all major policy issues, which are then implemented by the government. The country is led by a triumvirate of CPV General Secretary [Nong Duc Manh], State President [Nguyen Minh Triet] and Prime Minister [Nguyen Tan Dung]. Although the National Assembly is increasingly powerful, it remains firmly subordinate to the CPV. No legal opposition to the regime is permitted in Vietnam, but neither is there much sign of widespread popular opposition. The CPV still enjoys popular support following its success in defeating the French colonialist rulers, resisting American intervention, re-unifying the country, opposing Chinese encroachment and - most importantly - creating and maintaining peace and stability.” [8a]
- 6.02 The FCO also stated:
- “There are no free elections in Vietnam. Candidates for election to the National Assembly and local People’s Councils must in practice be approved by the CPV. There is, however, an increasing minority of elected representatives who are not CPV members. Vietnam’s main legislative body is the National Assembly, which convenes twice per year. It has developed, in recent years, from little more than a ‘rubber stamp’ body to one increasingly able to scrutinise legislation and hold government to account. It has, on paper at least, wide powers over the state budget and its Members, 25% of whom are full time, are increasingly professional. Ultimately, however, the National Assembly remains firmly under the control of the CPV and thus is still far from being a proper democratic legislature. Elections to the 500-Member National Assembly are held every five years. The last election was in May 2007 and the next will be in 2012.” [8a]
- 6.03 The US State Department’s *2009 Country Report on Human Rights Practices* (USSD Report 2009), published on 11 March 2010, noted, “The most recent National Assembly elections, held in 2007, were neither free nor fair, since all candidates were vetted by the CPV’s Vietnam Fatherland Front (VFF), an

umbrella group that monitored the country's mass organizations." [2a]
(Introduction to Vietnam)

6.04 The same source stated:

"The National Assembly, although subject to the control of the CPV (all of its senior leaders and more than 90 percent of its members were party members), continued to take incremental steps to assert itself as a legislative body. The National Assembly publicly criticized socioeconomic policies, corruption, the government's handling of inflation, and the plan to mine bauxite in the Central Highlands. Assembly sessions were televised live countrywide. Some legislators also indirectly criticized the CPV's preeminent position in society. All authority and political power is vested in the CPV, and the constitution recognizes the leadership of the CPV." [2a] (Section 3)

[See also Section 14: Political affiliation](#)

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Human Rights

INTRODUCTION

- 7.01 The US State Department's *2009 Country Reports on Human Rights Practices* (USSD Report 2009), published on 11 March 2010, noted:

"The government's human rights record remained a problem. Citizens could not change their government, and political opposition movements were prohibited. During the year the government increased its suppression of dissent, arresting several political activists and convicting others arrested in 2008. Several editors and reporters from prominent newspapers were fired for reporting on official corruption and outside blogging on political topics, and bloggers were detained and arrested for criticizing the government. Police commonly mistreated suspects during arrest or detention. Prison conditions were often austere. Although professionalism in the police force improved, corruption remained a significant problem, and members of the police sometimes acted with impunity. Individuals were arbitrarily detained for political activities and denied the right to fair and expeditious trials. The government continued to limit citizens' privacy rights and tightened controls over the press and freedom of speech, assembly, movement, and association. The government maintained its prohibition of independent human rights organizations. Violence and discrimination against women as well as trafficking in persons continued to be significant problems, despite laws and government efforts to combat such practice. Some ethnic minority groups suffered societal discrimination. The government limited workers' rights to form and join independent unions." [2a] (Introduction to Vietnam)

- 7.02 The USSD Report 2009 also noted:

"The government does not permit private, local human rights organizations to form or operate. The government did not tolerate attempts by organizations or individuals to comment publicly on its human rights practices, and it used a wide variety of methods to suppress domestic criticism of its human rights policies, including surveillance, limits on freedom of the press and assembly, interference with personal communications, and detention... The government criticized almost all public statements on human rights and religious matters by international NGOs [Non-Governmental Organisations] and foreign governments." [2a] (Section 5)

- 7.03 As recorded by Amnesty International's *Report 2009* (covering events in 2008), published in May 2009:

"A crackdown on dissidents continued with severe restrictions on freedom of expression, association and assembly. Political activists were arrested and detained; others remained in prison after being sentenced under national security legislation. Religious groups were discriminated against, including attacks against Catholics peacefully protesting over a land dispute with the state. More than 200 ethnic minority Montagnards fled to neighbouring Cambodia seeking asylum from persecution. The National Assembly rejected Government proposals to limit the scope of the death penalty." [3a]

- 7.04 Human Rights Watch, in its *World Report 2010* (covering events in 2009), stated:

“Vietnam intensified its suppression of dissent in 2009 in an effort to bolster the authority of the Communist Party. Authorities arrested dozens of peaceful democracy advocates, independent religious activists, human rights defenders, and online critics, using vaguely-worded national security laws such as spreading ‘anti-government propaganda’ or ‘abusing democratic freedoms.’ The courts convicted at least 20 political or religious prisoners in 2009, including five people sentenced in October whom the previous month the United Nations Working Group on Arbitrary Detention had determined to be arbitrarily detained. People imprisoned in Vietnam for the exercise of fundamental rights number more than 400. The government tightened its controls on internet use, blogging, and independent research, and banned dissemination and publication of content critical of the government. Religious freedom continued to deteriorate, with the government targeting religious leaders-and their followers-who advocated for civil rights, religious freedom, and equitable resolution of land disputes... During the UN [United Nations] Human Rights Council’s Universal Periodic Review of Vietnam’s rights record in 2009, Vietnam rejected 45 key recommendations from a broad range of member states, such as lifting its restrictions on the internet, authorizing independent media, taking steps to end the practices of torture, arbitrary detention, and capital punishment, and recognizing the rights of individuals to promote human rights, conduct peaceful public protests, and express their opinions.” [5a]

- 7.05 In its Country Profile on Vietnam, updated on 18 December 2009, the FCO also stated:

“Human rights in Vietnam are an issue which have attracted considerable public attention from NGOs and Parliament in recent times... Overall, the great majority of Vietnamese people enjoy greater security, prosperity and personal liberty than previously in their history. Vietnam has also made great strides in terms of economic and social rights over recent decades. However, notwithstanding gradual improvements over recent years, Vietnam’s record on civil and political rights remains poor. Restrictions on freedom of expression, freedom of the media, freedom of religion and the continued application of the death penalty are particular causes for concern.” [8a]

- 7.06 The Foreign & Commonwealth Office (FCO), in its *Annual Report on Human Rights 2009*, published on 17 March 2010, recorded:

“Until recently, the trajectory of change on human rights in Vietnam was positive. But there have been worrying developments during 2009 and there remain significant areas of concern, most notably freedom of expression, media freedoms and the death penalty... The relationship between the Vietnamese government and civil society deteriorated in 2009. In July, the government imposed further restrictions on the activities of civil society organisations with Decision 97. This forces organisations to register with the authorities and prevents them from publishing their research independently.” [8b] (p164-166)

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SECURITY FORCES

8.01 The US State Department's *2009 Country Reports on Human Rights Practices* (USSD Report 2009), published on 11 March 2010, recorded, "Internal security is the responsibility of the MPS [Ministry of Public Security]; however, in some remote areas, the military is the primary government agency and provides public safety functions, including maintaining public order in the event of civil unrest." [2a] (Section 1d)

8.02 The same report continued:

"The MPS controls the police, a special national security investigative agency, and other internal security units. It also maintains a system of household registration and block wardens to monitor the population. While this system has generally become less intrusive, it continued to be used to monitor those suspected of engaging, or likely to engage, in unauthorized political activities. Credible reports suggested that local police forces used 'contract thugs' and 'citizen brigades' to harass and beat political activists and others, including religious worshippers, perceived as 'undesirable' or a 'threat' to public security." [2a] (Section 1d)

POLICE

8.03 The USSD Report 2009 noted:

"Police organizations exist at the provincial, district, and local levels and are subject to the authority of people's committees at each level. The police were generally effective at maintaining political stability and public order, but police capabilities, especially investigative, were generally very low. Police training and resources were inadequate. Corruption among police remained a significant problem at all levels, and members of the police sometimes acted with impunity. Internal police oversight structures existed but were subject to political influence." [2a] (Section 1d)

8.04 The same source reported, "The law prohibits physical abuse; however, police commonly mistreated suspects physically during arrest or detention." [2a] (Section 1c) A report by the Canadian Immigration and Refugee Board (IRB) on 13 December 2006 recorded:

"...traffic police were considered to be the third most corrupt institution in the country... The government has reportedly set up a hot-line for citizens to confidentially report corrupt traffic police... Without explicitly referring to the police, a report authored by the ADB's [Asian Development Bank] principal regional cooperation specialist... states that Vietnam has yet to develop a 'respect of the law' and that 'those responsible for law enforcement also often violate the law in their adjudication practices'... A news report on the Vietnamese government's 10th National Party Congress states that corruption has affected 'any branches and sectors, including law enforcement agencies'." [6f]

[See also Section 11: Arrest and detention – legal rights](#)

[See also Section 16: Corruption](#)

AVENUES OF COMPLAINT

8.05 The USSD Report 2009 noted:

“There is no clear or effective mechanism for pursuing a civil action to redress or remedy abuses committed by authorities. Civil suits are heard by administrative courts, civil courts, and criminal courts, all of which follow the same procedures as in criminal cases and are adjudicated by members of the same body of judges and lay assessors. All three levels were subject to the same problems of corruption, lack of independence, and inexperience. By law a citizen seeking to press a complaint regarding a human rights violation by a civil servant is required first to petition the officer accused of committing the violation for permission to refer the complaint to the administrative courts. If a petition is refused, the citizen may refer it to the officer's superior. If the officer or his superior agrees to allow the complaint to be heard, the matter is taken up by the administrative courts. If the administrative courts agree that the case should be pursued, it is referred either to the civil courts for suits involving physical injury seeking redress of less than 20 percent of health-care costs resulting from the alleged abuse, or to the criminal courts for redress of more than 20 percent of such costs. In practice this elaborate system of referral and permission ensured that citizens had little effective recourse to civil or criminal judicial procedures to remedy human rights abuses, and few legal experts had experience with the system.” [2a] (Section 1e)

8.06 The report stated further:

“The anticorruption law allows citizens to complain openly about inefficient government, administrative procedures, corruption, and economic policy. In regular Internet chats with high-level government leaders, citizens asked pointed questions about anticorruption efforts. However, the government continued to consider public political criticism a crime unless the criticism was controlled by authorities. Attempts to organize those with complaints to facilitate action are considered proscribed political activities and subject to arrest. Senior government and party leaders traveled to many provinces, reportedly to try to resolve citizen complaints. Corruption related to land use was widely publicized in the press, apparently in an officially orchestrated effort to bring pressure on local officials to reduce abuses.” [2a] (Section 4)

[See also Section 10: Judiciary](#)

[See also Section 16: Corruption](#)

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MILITARY SERVICE

9.01 See the following sources:

Penal Code (Chapter XXIII (Articles 315-344): Crimes of Infringing upon the Duties and Responsibilities of Army Personnel), 21 December 1999
<http://www.worldlii.org/vn/legis/pc66.txt> [17e]

Law Amending and Supplementing a Number of Articles of the Law on Military Service Duty, 22 June 1994
<http://www.unhcr.org/refworld/country,LEGAL,,LEGISLATION,VNM,,3ae6b5374.0.html> [17f]

War Resisters International (WRI), *Refusing to Bear Arms: A worldwide survey of conscription and conscientious objection to military service*, 19 March 1998
<http://www.wri-irg.org/co/rtba/vietnam.htm> [19]

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JUDICIARY

ORGANISATION

- 10.01 The US State Department's *2009 Country Reports on Human Rights Practices* (USSD Report 2009), published on 11 March 2010, recorded:

"The judiciary consists of the Supreme People's Court (SPC); provincial and district people's courts; military tribunals; administrative, economic, and labor courts; and other tribunals established by law. Each district has a people's court, which serves as the court of first instance for most domestic, civil, and criminal cases. Each province also has a people's court, which serves as the appellate forum for district court cases. The SPC, which reports to the National Assembly, is the highest court of appeal and review. Administrative courts adjudicate complaints by citizens about official abuse and corruption. There are also special committees to help resolve local disputes... There was a shortage of trained lawyers and judges. Low judicial salaries hindered efforts to develop a trained judiciary. The few judges who had formal legal training often had studied abroad only in countries with communist legal traditions. The government continued to participate in training programs to address the problem of inadequately trained judges and other court officials." [2a] (Section 1e)

- 10.02 The website of the Asia Foundation, accessed on 6 April 2010, stated, "Activities over the years have helped to enhance the skills of Vietnam's lawmakers and create more opportunities for citizens to participate in the lawmaking process. A web application allowing the National Assembly to solicit citizen opinions about draft legal documents via the Internet has been up and running since 2006." [9]

INDEPENDENCE

- 10.03 The USSD Report 2009 recorded:

"The law provides for the independence of judges and lay assessors; however, in practice the CPV controlled the courts at all levels through its effective control over judicial appointments and other mechanisms. In many cases the CPV determined verdicts. Most, if not all, judges were members of the CPV and were chosen at least in part for their political views. As in past years, the judicial system was strongly distorted by political influence, endemic corruption, and inefficiency. CPV influence was particularly notable in high-

profile cases and other instances in which a person was charged with challenging or harming the CPV or the state.” [2a] (Section 1e)

- 10.04 In its 2008 Country Profile on Vietnam, the Economist Intelligence Unit (EIU) stated, “The judiciary is relatively weak and is not independent of the Communist Party. The country has only about 3,000 lawyers, and trial procedures are rudimentary. There is a growing backlog of unsettled civil lawsuits, and the country is in need of at least 900 more judges.” [15] (p5) In its report, *Freedom in the World 2009*, published on 16 July 2009, Freedom House noted, “Vietnam’s judiciary is subservient to the CPV, which controls courts at all levels.” [29]

FAIR TRIAL

- 10.05 The USSD Report 2009 recorded:

“The constitution provides that citizens are innocent until proven guilty; however, many lawyers complained that judges generally presumed guilt. Trials generally were open to the public, but in sensitive cases judges closed trials or strictly limited attendance. Juries are not used. Defendants have the right to be present and have a lawyer at trial, although not necessarily the lawyer of their choice, and this right was generally upheld in practice. Defendants unable to afford a lawyer generally were provided one only in cases of involvement of a juvenile offender or of possible sentences of life imprisonment or capital punishment. The defendant or the defense lawyer has the right to cross-examine witnesses; however, there were cases in which neither defendants nor their lawyers were allowed to have access to government evidence in advance of the trial, cross-examine witnesses, or challenge statements. Defense lawyers commonly had little time before trials to examine evidence against their clients. Convicted persons have the right to appeal. District and provincial courts did not publish their proceedings. The SPC continued to publish the proceedings of all cases it reviewed. There continued to be credible reports that authorities pressured defense lawyers not to take as clients any religious or democracy activists facing trial, and several lawyers who took these cases faced harassment and arrest...” [2a] (Section 1e)

- 10.06 The report continued, “The public prosecutor brings charges against an accused person and serves as prosecutor during trials. Earlier reforms to the criminal procedures code were intended to move courtroom procedures towards an ‘adversarial’ system, in which prosecutors and defense lawyers advocate for their respective sides. Implementation differed from one province to another.” [2a] (Section 1e)

[See also Section 8: Avenues of Complaint](#)

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ARREST AND DETENTION – LEGAL RIGHTS

- 11.01 The US State Department’s *2009 Country Reports on Human Rights Practices* (USSD Report 2009), published on 11 March 2010, noted:

“The criminal code [penal code] allows the government to detain persons without charges indefinitely under vague ‘national security’ provisions such as articles 84, 88, and 258. The government also arrested and detained indefinitely individuals under other legal provisions. Authorities subjected several dissidents throughout the country to administrative detention or house arrest... Arbitrary detentions, particularly for political activists, remained a problem. The government used decrees, ordinances, and other measures to detain activists for the peaceful expression of opposing political views. During the year authorities arrested several individuals for violating article 88, which prohibits the ‘distribution of propaganda against the state.’ Those charged with violating article 88 typically received sentences of up to five years in prison. While several activists received reduced prison sentences after they appealed, others had their original sentences reaffirmed during appeals. There were continued reports that government officials in the Central and Northwest Highlands temporarily detained ethnic minority individuals for communicating with the ethnic minority community abroad during the year. As in 2008, peaceful land rights protests in Ho Chi Minh City and Hanoi resulted in the temporary detention and surveillance of several organizers, although the government handled the dispersal of these protests without significant violence. Religious and political activists also were subject to varying degrees of informal detention in their residences. In Ho Chi Minh City, prominent activists Nguyen Dan Que and Do Nam Hai remained under house arrest.”

[2a] (Section 1d)

11.02 Human Rights Watch, in its *World Report 2010* (covering events in 2009), stated, “Vietnamese law authorizes arbitrary ‘administrative detention’ without trial. Under Ordinance 44, dissidents and others deemed national security threats can be involuntarily committed to mental institutions or detained in state-run ‘rehabilitation’ centers.” **[5a]** In a report dated 3 November 2008, Amnesty International stated, “Decree CP-31, which was abolished in March 2007, was frequently used to detain dissidents under house arrest without bringing them before a court. However, other administrative detention provisions remain in place. Dissidents sentenced to prison terms under the national security section of the Penal Code are usually further restricted on release by the imposition of up to five years’ house arrest under Article 38 (Probation) of the Penal Code.” **[3b]**

11.03 Regarding arrest warrants, the British Embassy in Hanoi stated in March 2004, “No documentation is left with the accused or their family. The warrant is read out before the accused who may inspect it but not keep it or retain copies.” **[8c]** A report by the Canadian Immigration and Refugee Board (IRB) dated 22 February 2007 recorded:

“An international human rights lawyer specializing in Southeast Asia who is also the Deputy Director of Human Rights Advocates International, an international public service law group, states in correspondence that the public prosecutor must sign off on Vietnamese arrest warrants... adding that these warrants can be initiated by the police, a representative of the court, or the public prosecutor... However, Human Rights Watch (HRW) reports that suspects are ‘routinely’ arrested and detained by police without written warrants (12 July 2006).” **[6h]**

11.04 The same source noted:

“Among the sources consulted by the Research Directorate, information was limited on the process by which an arrest warrant is issued when the person sought is out of the country. In a telephone interview, the Advocacy Director for Asia and the Pacific at the United States (US) branch of Amnesty International commented that Vietnam does not cross borders in order to arrest people... However, according to Time Asia, in April 2006 Nguyen Huu Chanh, a US resident and Vietnamese citizen, was recently arrested in South Korea by Korean authorities on behalf of the Vietnamese government, when he was there on business (17 April 2006). Chanh's supporters describe him as a 'prominent pro-democracy activist,'... but the government of Vietnam regards him as a terrorist and issued a warrant for his arrest for weapons trafficking and terrorism (Vietnam 19 May 2006). In addition, the government of Vietnam indicates that Interpol also transmitted 'an international arrest warrant' for Chanh. Chanh was released from a Korean jail in July [2006] because the Seoul High Court had not found sufficient proof to warrant his extradition to Vietnam.” [6h]

See also Section 14: Opposition groups and political activists

11.05 The USSD Report 2009 noted:

“The criminal code outlines the process by which individuals are taken into custody and treated until they are brought before a court or other tribunal for judgment. The Supreme People's Procuracy (the public prosecutor's office) issues arrest warrants, generally at the request of police. However, police may make an arrest without a warrant on the basis of a complaint filed by any person. The procuracy issues retroactive warrants in such cases. The procuracy must issue a decision to initiate a formal criminal investigation of a detainee within nine days; otherwise, police must release the suspect. In practice the nine-day regulation was often circumvented. The investigative period typically lasted from three months for less serious offenses (punishable by up to three years' imprisonment) to 16 months for exceptionally serious offenses (punishable by more than 15 years' imprisonment or capital punishment) to more than two years for national security cases. However, at times investigations could be prolonged indefinitely. The criminal code further permits the procuracy to request additional two-month periods of detention after an investigation to consider whether to prosecute a detainee or ask the police to investigate further. Investigators sometimes used physical isolation, excessively lengthy interrogation sessions, and sleep deprivation to compel detainees to confess. By law detainees are permitted access to lawyers from the time of their detention; however, authorities used bureaucratic delays to deny access to legal counsel. In cases investigated under broad national security laws, authorities often delayed defense lawyers' access to clients until an investigation had ended and the suspect had been formally charged with a crime. Under the regulations, investigations can be continued and access to counsel denied for more than two years. In addition, a scarcity of trained lawyers and insufficient protection of defendant rights made prompt detainee access to an attorney rare. In practice only juveniles and persons formally charged with capital crimes were assigned lawyers. Attorneys must be informed of and allowed to attend interrogations of their clients. However, a defendant first must request the presence of a lawyer, and it was unclear whether authorities always informed defendants of this right. Attorneys also must be given access to case files and be permitted to make copies of

documents. Attorneys were sometimes able to exercise these rights.”
[2a] (Section 1d)

11.06 The report continued:

“Police generally informed families of detainees' whereabouts, but family members could visit a detainee only with the permission of the investigator, and this permission was not regularly granted. During the investigative period, authorities frequently did not allow detainees access to family members, especially in national security cases. Prior to a formal indictment, detainees also have the right to notify family members. However, a number of detainees suspected of national security violations were held incommunicado. At year's end some persons arrested for more than a year had not been seen by family members or a lawyer, nor had they been formally charged with crimes. There is no functioning bail system or equivalent system of conditional release. Time spent in pretrial detention counts toward time served upon conviction and sentencing. Courts may sentence persons to administrative detention of up to five years after completion of a sentence. In addition police or mass organizations can propose that one of five 'administrative measures' be imposed by people's committee chairpersons at district and provincial levels without a trial. The measures include terms ranging from six to 24 months in either juvenile reformatories or adult detention centers and generally were applied to repeat offenders with a record of minor offenses, such as committing petty theft or 'humiliating other persons.' Chairpersons may also impose terms of 'administrative probation,' which generally was some form of restriction on movement and travel. Authorities continued to punish some individuals using vaguely worded national security provisions in the criminal code.” [2a] (Section 1d)

11.07 In its report, *Freedom in the World 2009*, published on 16 July 2009, Freedom House noted, “Defendants have a constitutional right to counsel, but lawyers are scarce and many are reluctant to take on human rights and other sensitive cases for fear of harassment and retribution by the state. Defense attorneys cannot call or question witnesses and are only infrequently permitted to request leniency for their clients.” [29]

[See also Section 8: Police](#)

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PRISON CONDITIONS

12.01 In its report, *Freedom in the World 2009*, published on 16 July 2009, Freedom House noted, “The police are known to abuse suspects and prisoners, and prison conditions are poor.” [29] The US State Department's *2009 Country Reports on Human Rights Practices* (USSD Report 2009), published on 11 March 2010, recorded:

“Prison conditions could be austere but generally did not threaten the lives of prisoners. Overcrowding, insufficient diet, lack of clean drinking water, and poor sanitation remained serious problems. Prisoners generally were required to work but received no wages. Foreign diplomats observed Spartan but clean living areas and generally acceptable labor conditions during a May [2009]

visit to Nam Ha Prison in Ha Nam Province. Prisoners sometimes were moved to solitary confinement, where they were deprived of reading and writing materials for periods of up to several months. Family members made credible claims that prisoners received better benefits by paying bribes to prison officials. Prisoners had access to basic health care, with additional medical services available at district or provincial hospitals. However, in many cases officials obstructed family members from providing medication to prisoners. Family members of one activist who experienced eye problems while in a prison in Thanh Hoa Province and family members of another activist who had a stroke while in prison in Ha Nam Province both claimed that medical treatment was inadequate, resulting in greater long-term health complications.” [2a] (Section 1c)

- 12.02 The same source stated, “Authorities allowed foreign diplomats and a foreign delegation to make limited prison visits and meet with prisoners in various prisons.” [2a] (Section 1c)
- 12.03 In its *2010 World Report* (covering events in 2009), Human Rights Watch noted, “People imprisoned in Vietnam for the exercise of fundamental rights number more than 400... Prison conditions are harsh and even life threatening. During pretrial detention-which can last more than a year-prisoners are often placed in solitary confinement in dark, cramped, unsanitary cells, with no bedding or mosquito nets. Convicted prisoners must perform hard labor, sometimes under hazardous conditions.” [5a]

See also Section 14: Political affiliation

- 12.04 The USSD Report 2009 recorded, “In advance of the Tet holiday and in honor of National Day, the central government amnestied approximately 20,000 prisoners, the overwhelming majority of whom had ordinary criminal convictions.” [2a] (Section 1d) In January 2009 more than 15,000 prisoners were released before the end of their prison terms in the Lunar New Year amnesty, one of Vietnam's largest. (BBC News, 20 January 2010) [14b]

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DEATH PENALTY

- 13.01 In a report dated 3 November 2008, Amnesty International stated:
- “Twenty-nine offences in Viet Nam’s Penal Code carry the death penalty as an optional punishment. These are economic crimes, such as fraud, embezzlement, smuggling, counterfeiting and offering bribes; manufacturing, concealing and trafficking narcotic substances; murder, rape, robbery; and crimes against national security, including treason, espionage, taking action to overthrow the government, rebellion, banditry, terrorism, sabotage, hijacking, destruction of national security projects, undermining peace, war crimes and crimes against humanity. The majority of death sentences are imposed for drug trafficking offenses... According to the July 2004 Criminal Procedure Code, once a death sentence has been imposed by a municipal or provincial court, the defendant is allowed 14 days to appeal against the sentence... Executions are carried out by a firing squad of five people, sometimes in

public. Families of prisoners are not informed beforehand... In January 2004, a government decree prohibited the reporting of statistics on death sentences and executions as a 'state secret', and the total numbers are therefore not made public... From January 2004 to the end of September 2008, Amnesty International documented from media monitoring that 300 death sentences were imposed and 102 executions carried out. The exact numbers are believed to be much higher." [3b]

- 13.02 In its report, *Freedom in the World 2009*, published on 16 July 2009, Freedom House noted, "The death penalty is applied mainly for violent crimes, but it has been handed down in cases involving economic or drug-related offenses." [29] Amnesty International's *Report 2009* (covering events in 2008), published in May 2009, recorded:

"In November, the Ministry of Justice proposed amendments to the Penal Code to reduce the number of capital offences from 29 to 12. However, the National Assembly rejected the proposal, insisting that the death penalty was necessary to combat serious widespread crime. According to media sources, at least 19 executions were carried out, and 59 people were sentenced to death. The actual numbers were believed to be much higher... In December, Viet Nam abstained on a UN General Assembly resolution calling for a worldwide moratorium on executions." [3a]

- 13.03 In its Country Profile on Vietnam, updated on 18 December 2009, the Foreign & Commonwealth Office (FCO) stated:

"Vietnam is thought to have among the highest execution rates per capita in the world. Death penalty statistics are officially secret, but – until recently - executions were thought to number around 80-100 per year. It is unknown whether recent falls in the number of executions reported in the state-controlled media reflect a real fall or just greater under-reporting. Most executions are for drug offences, but economic crimes (eg, corruption) may also attract the death penalty. There are concerns that Vietnam's legal system does not offer fair trials in many cases. In a positive move, application of the death penalty was reduced from 29 to 21 offences in June 2009 although there is no immediate prospect of abolition." [8a]

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POLITICAL AFFILIATION

FREEDOM OF POLITICAL EXPRESSION

- 14.01 As documented by the US State Department's *2009 Country Reports on Human Rights Practices* (USSD Report 2009), published on 11 March 2010:

"The constitution does not provide for the right of citizens to change their government peacefully, and citizens could not freely choose and change the laws and officials that govern them... Political opposition movements and other political parties are illegal. The CPV [Communist Party of Vietnam] Politburo functioned as the supreme decision-making body in the country, although technically it reports to the CPV Central Committee. The government continued to restrict public debate and criticism severely. No public challenge

to the legitimacy of the one-party state was permitted; however, there were instances of unsanctioned letters critical of government policy from private citizens, including some former senior party members... The government continued to crack down on the small opposition political groupings established in 2006, and members of these groups faced arrests and arbitrary detentions.” [2a] (Section 3)

- 14.02 The same report noted, “There were no precise estimates of the number of political prisoners. The government held at least 60 political detainees at year's end, although some international observers claimed the number ranged into the hundreds. The government claimed it held no political prisoners, only lawbreakers.” [2a] (Section 1e)

See also Section 12: Prison conditions

- 14.03 As noted by Freedom House in its report, *Freedom in the World 2009*, published on 16 July 2009, “Vietnam is not an electoral democracy... The CPV [Communist Party of Vietnam] is the sole legal political party, and no opposition parties are permitted.” [29] The Economist Intelligence Unit's 2008 Democracy Index ranked Vietnam 149th out of 167 countries, putting it among the 55 countries considered "authoritarian regimes". (EIU 2008 Country Profile: Vietnam) [15] (p3)

See also Section 6: Political system

FREEDOM OF ASSEMBLY AND ASSOCIATION

- 14.04 The USSD Report 2009 recorded:

“The freedom of assembly is limited by law, and the government restricted and monitored all forms of public protest or gathering. Persons wishing to gather in a group are required by law and regulation to apply for a permit, which local authorities can issue or deny arbitrarily. In practice only those arranging publicized gatherings to discuss sensitive matters appeared to require permits, and persons routinely gathered in informal groups without government interference. The government generally did not permit demonstrations that could be seen as having a political purpose. The government also restricted the right of several unregistered religious groups to gather in worship.” [2a] (Section 2b)

- 14.05 The same report noted:

“The government severely restricted freedom of association. Opposition political parties were neither permitted nor tolerated. The government prohibited the legal establishment of private, independent organizations, insisting that persons work within established, party-controlled mass organizations, usually under the aegis of the VFF [Vietnam Fatherland Front]. However, some entities, including unregistered religious groups, were able to operate outside of this framework with little or no government interference.” [2a] (Section 2b)

- 14.06 In its *2010 World Report* (covering events in 2009), Human Rights Watch stated:

“While government officials often tolerate farmers gathering in Hanoi and Ho Chi Minh City to file complaints about land confiscation or local corruption, political protests are generally banned. Police crackdowns on protests—especially those in the countryside—often take place away from the public spotlight. In May, for example, police dispersed demonstrations in the Mekong delta by ethnic Khmer farmers protesting land grabbing, and arrested Huynh Ba on charges of organizing the protests. Since his arrest, he has been held incommunicado in Soc Trang prison.” [5a]

OPPOSITION GROUPS AND POLITICAL ACTIVISTS

14.07 The CIA World Factbook, updated on 18 March 2010, named the following as groups that advocate democracy but are illegal and not recognised by the government: 8406 Bloc; Democratic Party of Vietnam (DPV); People's Democratic Party Vietnam (PDP-VN); Alliance for Democracy. There are no officially-recognised opposition parties or groups in Vietnam. [4]

14.08 In its *2010 World Report* (covering events in 2009), Human Rights Watch stated:

“In an effort to eliminate challenges to the Communist Party and curb social unrest in advance of a key June 2009 party plenum, in May the government launched a wave of arrests, detaining 27 people for alleged links to the banned Democratic Party of Vietnam (DPV). At least five were prosecuted on national security charges, including prominent lawyer Le Cong Dinh... The arrests of at least eight other dissidents, bloggers, and political activists followed.” [5a]

14.09 Amnesty International's *Report 2009* (covering events in 2008), published in May 2009, recorded:

“At least 11 peaceful activists received prison sentences, bringing the number of dissidents imprisoned to 30 since a crackdown began in November 2006. Most were supporters of Bloc 8406, an internet-based pro-democracy movement, or other unauthorized groups calling for democracy and human rights. The majority were charged with offences under the national security section of the 1999 Penal Code which carried lengthy prison terms, with additional sentences of up to five years of house arrest on release. An unknown number of dissidents remained in pre-trial detention.” [3a]

14.10 As reported by *Asia Times* on 14 September 2006:

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

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

14.11 In a report dated 6 April 2007, Human Rights Watch stated:

“On the eve of Bloc 8406’s first anniversary, members of the group, which calls for greater political freedom in Vietnam, still face harassment and abuse, including imprisonment... The group’s name, Bloc 8406, derives from the 8th of April 2006, when it published its ‘Manifesto for Freedom and Democracy.’ Two days earlier, it had also issued an ‘Appeal for Freedom of Political Association.’ These documents, which were initially signed by more than 100 people, challenged the Vietnamese government to uphold individuals’ rights to free expression, association, and participation in political affairs. By August 2006, an additional 2,000 people had signed the statements. Among the Bloc’s founders are Father Nguyen Van Ly, an outspoken supporter of religious freedom, writer Do Nam Hai, and professor Nguyen Chinh Ket. ‘Several key organizers of Bloc 8406 and their families have been harassed and imprisoned, showing that the Vietnamese government is still trying to silence its critics,’ said Sophie Richardson, deputy Asia director at Human Rights Watch. ‘Targeting the most vocal, visible activists sends a message to the others: don’t speak out, or you’ll suffer the same fate.’ Five 8406 members have in the past year been sentenced to actual or suspended jail terms.” [5d]

14.12 The USSD Report 2009 noted:

“Members of Bloc 8406, a political activist group that calls for the creation of a multiparty state, continued to face harassment and imprisonment. At least 25 members of the group were in detention at year’s end [2009]. Numerous members of several other activist groups, including the DPV, the People’s Democratic Party of Vietnam, and a related group, the UWFO [United Workers and Farmers Organization], remained in prison at year’s end. In July several DPV leaders, including Tran Anh Kim and Nguyen Tien Trung, were arrested for their political activities.” [2a] (Section 2b)

14.13 The same report stated:

“In four separate trials on October 6-9 [2009], nine dissidents affiliated with Bloc 8406 and detained in August-September 2008, were sentenced to jail terms ranging from two to six years for violating article 88. Seven of the nine had displayed banners in Hanoi, Haiphong, and Hai Duong that criticized the Communist Party and advocated multiparty democracy. The remaining two were convicted for their blogging, which the prosecution claimed slandered the government and the CPV... Several of approximately 30 activists arrested in 2006-07 remained under investigation and under administrative detention without being formally charged. Several political dissidents affiliated with outlawed political organizations, including Bloc 8406, the People’s Democratic Party, People’s Action Party, Free Vietnam Organization, DPV [Democratic Party of Vietnam], the United Workers and Farmers Organization (UWFO), and others, remained in prison or under house arrest in various locations.” [2a] (Section 1e)

14.14 The report also noted:

“Political activists and family members of prisoners were regularly and physically prevented from meeting with foreign diplomatic representatives. Tactics included setting up barriers or guards outside their residences or calling them into the local police station for random and repetitive questioning. One political activist reported that her home was defiled by animal excrement and motor oil to intimidate her from speaking out against the government... Several political dissidents, amnestied with probation or under house arrest, were subject to official restrictions on their movements, but police allowed them to venture from their homes under surveillance. Although their probation ended during the year, authorities prohibited dissidents Nguyen Khac Toan and Tran Khai Thanh Thuy from receiving a passport and traveling overseas. Attorney Le Quoc Quan and journalist Nguyen Vu Binh were allowed to travel within the country but continued to face restrictions on their ability to travel overseas. In July authorities prevented a member of the Democracy Writers of Dalat from leaving the country due to national security provisions.”
[2a] (Sections 2a and 2d)

[See also Section 11: Arrest and detention – legal rights](#)

[See also Section 12: Prison conditions](#)

[See also Section 15: Freedom of speech and media](#)

[See also Section 25: Exit and return](#)

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FREEDOM OF SPEECH AND MEDIA

15.01 See the following sources:

US State Department, *2009 Country Reports on Human Rights Practices* (USSD Report 2009), 11 March 2010 (Section 2a: Freedom of Speech and Press)
<http://www.state.gov/q/drl/rls/hrrpt/2009/eap/136015.htm> [2a]

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<http://www.amnesty.org/en/library/asset/ASA41/007/2008/en/fd699efd-ab4a-11dd-a4cd-bfa0fdea9647/asa410072008en.html> [3b]

Human Rights Watch, *World Report 2010* (Events of 2009), 20 January 2010
<http://www.hrw.org/en/node/87404> [5a]

Human Rights Watch, *Vietnam: Stop Muzzling the Messengers: Journalists and Bloggers Jailed, Fired, and Harassed*, 8 January 2009
<http://www.hrw.org/en/news/2009/01/08/vietnam-stop-muzzling-messengers>
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Reporters Without Borders, *World Report 2009*
http://www.unhcr.org/refworld/country_COI,,,VNM,,49fea98f28,0.html [7a]

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<http://www.rsf.org/en-classement1001-2009.html> [7b]

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[14a]

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<http://cpj.org/2010/02/attacks-on-the-press-2009-vietnam.php> [22]

Freedom House, *Freedom in the World 2009*, 16 July 2009
<http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7734> [29]

[See also Section 14: Opposition groups and political activists](#)

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CORRUPTION

16.01 See the following sources:

US State Department, *2009 Country Reports on Human Rights Practices* (USSD Report 2009), 11 March 2010 (Section 4: Official Corruption and Government Transparency)
<http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136015.htm> [2a]

Foreign & Commonwealth Office (FCO), *Country Profiles: Vietnam*, updated 18 December 2009 (Recent Political Developments)
<http://www.fco.gov.uk/en/about-the-fco/country-profiles/asia-oceania/vietnam>
[8a]

Transparency International (TI), *Corruption Perceptions Index 2009*
http://www.transparency.org/policy_research/surveys_indices/cpi/2009/cpi_2009_table [26]

Freedom House, *Freedom in the World 2009*, 16 July 2009
<http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7734> [29]

[See also Section 8: Police and Avenues of Complaint](#)

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FREEDOM OF RELIGION

17.01 In its *Annual Report 2010*, dated May 2010, the US Commission on International Religious Freedom (USCIRF) included Vietnam on its list of 13 “countries of particular concern” (CPC). The report stated, “The government of

Vietnam continues to impose major restrictions on, and commit egregious abuses of, religious freedom.” [34] (p12) In its *International Religious Freedom Report 2009* (IRFR 2009), published on 26 October 2009, the US State Department (USSD) noted:

“The Constitution provides for freedom of worship; however, government restrictions remained on the organized activities of many religious groups. Respect for religious freedom and practice continued to improve in some regards during the reporting period, though significant problems remained. The Government took further steps to implement its 2004 Ordinance on Religion and Belief and supplemental decrees on religious policy issued in 2005 (collectively, the Government’s ‘legal framework on religion’). The Government also facilitated construction of new training facilities, thus furthering the education of thousands of monks, priests, nuns, and pastors. New congregations were registered in many of the 64 provinces, a number of new religious groups were both recognized and registered at the national level, and the Government generally allowed citizens to practice religion more freely... Despite progress during the reporting period, significant problems remained with the implementation of the legal framework on religion, especially at the provincial and village levels. These included the slow pace, in some cases inaction, of registration of Protestant congregations in the north and the Northwest and Central Highlands; inconsistent application of procedures for the registration of congregations; and other cumbersome legal requirements and restrictions on religious recruitment... Some provincial authorities were proactive in implementation of the legal framework on religion, some appeared not to consider consistent implementation of the legal framework as a priority, and others, particularly in the Northwest Highlands, refused to implement it... The Government maintained a prominent role overseeing officially recognized religions. Religious groups encountered the greatest restrictions when they engaged in activities the Government perceived as a challenge to its rule or to the authority of the Communist Party... Government policy does not permit persons who belong to unofficial religious groups to speak publicly about their beliefs, but some continued to conduct religious training and services without harassment. Members of registered religious organizations are permitted to speak about their beliefs and may persuade others to adopt their religions in registered places of worship, but they are generally prohibited from doing so elsewhere. The Government controls and monitors all forms of public assembly, including assembly for religious activities; however, during the reporting period, large religious gatherings were allowed.” [2b] (Introduction to Vietnam and Section II)

17.02 On 18 June 2004 the government issued an ordinance on religion. [17c] The USSD’s IRFR 2009 recorded:

“The 2004 Ordinance on Religion and Belief serves as the primary document governing religious practice. It reiterates citizens’ rights to freedom of belief, freedom of religion, and freedom not to follow a religion, and it affirms that violations of these freedoms are prohibited. It states, however, that the ‘abuse’ of freedom of belief or religion ‘to undermine the country’s peace, independence, and unity’ is illegal and also warns that religious activities must be suspended if they negatively affect the cultural traditions of the nation. The ordinance continues the practice of Government control and oversight of religious organizations. Under its provisions, religious denominations must be officially recognized or registered, and the activities and leadership of

individual religious congregations must be approved by 'appropriate' lower-level authorities. 'Appropriate' authorities must also approve the establishment of seminaries and the organization of and enrollment in religious classes. The naming of priests or other religious officials requires authorities' approval only when a foreign 'element,' such as the Vatican, is involved. The Ordinance explicitly bans forced renunciations of faith. The Ordinance also relaxes government oversight of religion. For example, religious organizations are required only to inform appropriate authorities of their annual activities or the investiture and transfer of clerics, whereas in the past this required explicit official approval. Further, the Ordinance encourages religious groups to carry out charitable activities in health care and education, which were limited in the past." [2b] (Section II)

17.03 The same source reported further:

"Implementing Decree 22, also issued in 2005, provides further guidance on the Ordinance on Religion and Belief. It delineates specific procedures by which an unrecognized religious organization may register its places of worship, its clerics, and its activities and thus operate openly. It provides procedures for these groups to apply for official recognition from the Government to gain additional rights. The decree specifies that a religious organization must have 20 years of 'stable religious operation' in the country to be recognized by the Government and states that past operation in the country can be counted toward this requirement. The decree further defines specific time periods for the Government to consider requests from religious organizations and requires officials to give an organization an explanation in writing for any rejected application. Decree 22 also clarifies the procedures for religious organizations and individual congregations to seek official recognition. In principle, recognized religious denominations are allowed to open, operate, and refurbish places of worship, train religious leaders, and obtain permission for publication of materials. To obtain official recognition, a denomination must receive national-level registration, which according to the legal framework involves several legal stages... Decree 22 further specifies that appropriate authorities must provide a written response to requests for official recognition within 30, 45, 60, or 90 days, depending on the scope of the request. In the case of a refusal, a specific reason must be included in the written response, although this requirement also does not appear to be consistently followed. There is no specific mechanism for appeal in the Ordinance, nor are the reasons for denying a request restricted in any way... The national-level CRA [Committee for Religious Affairs] is charged with disseminating information about the new legal framework to authorities at the provincial, district, commune, and village levels and assuring uniform compliance. Implementation of the legal framework at lower levels of the Government continued to be mixed... Government practices and bureaucratic impediments restricted religious freedom. The constitutional right to freedom of belief and religion continued to be subject to uneven interpretation and protection. Because of the lack of due process and inconsistent oversight, religious activities can be subject to the discretion of local officials. In some cases local officials reportedly told religious leaders that national laws do not apply to their jurisdictions. In other cases different provinces applied the same laws differently." [2b] (Section II)

17.04 The report also noted:

“Some estimates suggest more than half of the population is at least nominally Buddhist. The Roman Catholic Church constitutes 8 to 10 percent. Several Cao Dai organizations constitute 1.5 to 3 percent, the primary Hoa Hao organization 1.5 to 4 percent, Protestant denominations 0.5 to 2 percent, and one Muslim organization less than 0.1 percent of the population. Most other citizens consider themselves nonreligious, although some practice traditional beliefs such as veneration of ancestors and national heroes... The Government officially recognizes the Buddhist, Catholic, Protestant, Hoa Hao, Cao Dai, Baha'i, Muslim, Pure Land Buddhist Home Practice, Threefold Southern Tradition, and Threefold Enlightened Truth Path faiths as religious organizations. Individual congregations within each registered or recognized organization established after the legal framework took effect must also be registered. Practitioners of alternative Buddhist, Protestant, Hoa Hao, and Cao Dai groups do not participate in government-recognized/registered religious organizations.” [2b] (Sections I and II)

17.05 In a report dated March 2007, Christian Solidarity Worldwide noted:

“On 1 February 2007, the Vietnamese government announced the release of a white paper on religion, entitled, ‘Religion and Policies Regarding Religion in Vietnam’ (2006), published by the Central Bureau of Religious Affairs (CBRA), the main government body for the regulation of religion, and designed to present the government’s policies on religion and religious freedom. As such, it indicates Vietnam’s concern to address her much-vaunted religious freedom record. However, given the concurrent release of an internal training manual by the CBRA, which was leaked by CSW in November 2006 and which ultimately aims to manage, limit and reverse the growth of Protestantism in the north-western highland region, it appears that a gap remains between Vietnam’s public and internal policies on religion.” [20a] (p3)

17.06 The report stated further:

“Even as a propaganda document, couched in terms of respect for religious freedom, this paper is highly ambiguous. It contains several promising signs, particularly an acknowledgment of the social and humanitarian contributions of religious organisations, but the underlying approach to religious freedom which it enshrines is wrought with problems [sic]. Religious organisations are envisaged as being subordinate to the national interest, and their value is seen in contributing to the enterprise of nation-building. The foreign relations of religious organisations, and particularly human rights defenders within such organisations, are the focus of particular suspicion. Furthermore, significant loopholes still remain within Vietnam’s legislative framework for religion, which allow the arbitrary treatment of different religious groups by local officials in different areas; although a new Law on Belief and Religion is promised, it is not clear that this would address the problem. There is need for Vietnam to invest further in developing an internally coherent framework for religious freedom, which is fully consistent with international standards. The paper must be read in the context of Vietnam’s recent record on religious freedom, including the development and gradual implementation of the cumbersome provisions for registration of religious groups, the slowly-growing acknowledgment of the need for religious freedom and the highly concerning continued crackdown on religiously-affiliated human rights defenders in some parts of the country. Although the positive developments cited in the paper are

not evidence of full religious freedom, they nevertheless represent steps in the right direction.” [20a] (p3)

- 17.07 In its report, *Freedom in the World 2009*, published on 16 July 2009, Freedom House noted:

“Religious freedom is still restricted, but the situation has improved in recent years due to international pressure and greater integration with the global economy. All religious groups and most individual clergy members must join a party-controlled supervisory body. One such body exists for each religion that the state officially recognizes: Buddhism; Roman Catholicism; Protestantism; Islam; Cao Daiism, a synthesis of several religions; and the Hoa Hao faith, a reformist Buddhist church. Religious groups must obtain permission for most activities, including personnel decisions and building renovations. A small number of religious leaders and adherents remain in prison or face other forms of government harassment.” [29]

RELIGIOUS GROUPS:

Buddhists

- 17.08 The USSD’s IRFR 2009 recorded:

“Many Buddhists practice an amalgam of Mahayana Buddhism, Taoism, and Confucianism that is sometimes called the ‘triple religion.’ The Government Committee for Religious Affairs (CRA) cites an estimate of 10 million (12 percent of the population) practicing Mahayana Buddhists, most of whom are members of the ethnic Kinh community (the country’s majority group, also referred to as Viet) and found throughout the country, although many consider this a low estimate. There are proportionally fewer Buddhists in certain highland areas, although migration of Kinh to these areas is changing the distribution. In Ho Chi Minh City alone, there are more than 1,000 active Buddhist pagodas. A Khmer ethnic minority in the south practices Theravada Buddhism and has more than 570 pagodas. Numbering more than 1 million, they live almost exclusively in the Mekong Delta.” [2b] (Section I)

- 17.09 The report continued:

“In 1981 the officially sanctioned Vietnam Buddhist Sangha (VBS) was established incorporating all Mahayana, Theravada, and Bhikshu Buddhism under its umbrella. All Buddhist groups within the VBS are proportionally represented throughout the leadership structure and organization. In practice Theravada monks meet separately to determine issues such as doctrine, education, and other community needs to raise within the VBS. The Government requires all Buddhist monks, including Khmer Krom monks who practice the Theravada tradition, to be approved by and work under the government-sponsored, officially recognized Buddhist organization, the VBS. The CRA in theory regulates the number of Buddhist student monks, although the number of Buddhist academies at the local and provincial levels, in addition to four university-equivalent academies, has greatly increased in recent years. Since the Government’s merger of all Buddhist organizations into the VBS, the Government does not recognize the legitimacy of the UBCV [Unified Buddhist Church of Vietnam]. There are several newly recognized religious organizations that have Buddhist influences, although they are

separate and distinct from the VBS. Of these, the Pure-Land Buddhist Home Practice faith has the largest membership with more than 1.3 million followers.” [2b] (Section I)

- 17.10 On 21 January 2009 Human Rights Watch published a report entitled, *On the Margins: Rights Abuses of Ethnic Khmer in Vietnam's Mekong Delta*, documenting ongoing violations of the rights of the Khmer Krom in southern Vietnam and also abuses in Cambodia against Khmer Krom who have fled there for refuge. [5g] On the same day Human Rights Watch stated:

“The Vietnamese government should immediately free Khmer Krom Buddhist monks and land rights activists in prison or under house arrest for the peaceful expression of their political and religious beliefs...The Khmer Krom is a large ethnic group in the Mekong Delta that is central to Vietnam-Cambodia relations. Wary about possible Khmer Krom nationalist aspirations, Vietnam has suppressed peaceful expressions of dissent and banned Khmer Krom human rights publications. It also tightly controls the Theravada Buddhism practiced by the Khmer Krom, who see this form of Buddhism as the foundation of their distinct culture and ethnic identity.” [5f]

- 17.11 The USSD’s IRFR 2009 noted, “Protestant Khmers (also) reported harassment, intimidation and, in some cases, property damage and beatings by Khmer Krom Buddhists in certain districts of Tra Vinh Province. They reported that authorities did little to prevent the incidents, and in some cases may have participated in or instigated the actions.” [2b] (Section III)

See also Section 17: Protestants

- 17.12 The same report recorded that the government continued “to restrict and actively discourage participation in certain unrecognized religious groups, including the UBCV.” [2b] (Section II) The report also noted:

“As in previous years, the Government opposed efforts by the UBCV to operate charitable activities and continued to restrict the movement of some UBCV leaders, although the UBCV operate many pagodas without restriction. As in previous reporting periods, UBCV leaders reported they were urged to restrict their movements but were able to receive visits from foreign diplomats, see other UBCV members on occasion, and maintain contact with associates overseas; however, these activities were still closely scrutinized. Provincial leaders of the UBCV throughout the southern region reported routine surveillance by local authorities and limited ability to travel and meet with each other because of restrictions. UBCV Supreme Patriarch Thich Quang Do stated he is allowed to leave his pagoda to visit his doctor once or twice a month and can meet with others outside the pagoda.” [2b] (Section II)

- 17.13 In its *2010 World Report* (covering events in 2009), Human Rights Watch stated:

“Authorities continued to persecute members of the banned Unified Buddhist Church of Vietnam, whose supreme patriarch remained under pagoda arrest for his public criticism of government policies... In September authorities forcefully expelled more than 300 Buddhist monks and nuns from a meditation center in Lam Dong established in 2005 with government approval. At least two monks were placed under house arrest after authorities forced them to

return to their home provinces. Authorities took steps to close the center after its founder, peace activist Thich Nhat Hanh, proposed in 2007 that the government ease religious freedom restrictions.” [5a]

Hoa Hao

17.14 The USSD’s IRFR 2009 noted:

“According to the Government, there are 1.3 million Hoa Hao followers; affiliated expatriate groups estimate as many as 3 million adherents. Hoa Hao followers are concentrated in the Mekong Delta, particularly in provinces such as An Giang and Dong Thap, where the Hoa Hao were dominant as a social, political, and military force before 1975. The government-recognized Hoa Hao Administrative Committee (HHAC) was organized in 1999. Some Hoa Hao belong to other sects that oppose the HHAC.” [2b] (Section I)

17.15 The report also recorded:

“The Government continued not to register and to discourage participation in one unrecognized faction of the Hoa Hao Buddhists... The Government formed and recognized the official Hoa Hao body, the Hoa Hao Administrative Council, in 1999. Several leaders of the Hoa Hao community, including several pre-1975 leaders, openly criticized the committee, claiming it was subservient to the Government. Hoa Hao who did not join the Administrative Council have faced some restrictions on their religious and political activities since 1975, in part because of lingering Communist Party suspicions stemming from the Hoa Hao’s armed opposition to communist forces dating back to French colonial rule.” [2b] (Introduction to Vietnam and Section II)

Catholics

17.16 As noted by the USSD’s IRFR 2009:

“There are an estimated 8 million Catholics, although government statistics place the number at 6.15 million. Catholics live throughout the country, with the largest concentrations in the southern provinces around Ho Chi Minh City, in parts of the Central Highlands, and in the provinces southeast of Hanoi. Catholicism has revived in many areas in recent years, with newly rebuilt or renovated churches and growing numbers of people who want to be religious workers.” [2b] (Section I)

17.17 The report noted further:

“The Government does not permit religious instruction in public schools; however, it permits clergy to teach at universities in subjects in which they are qualified... Several Catholic nuns and at least one Catholic priest teach at Ho Chi Minh City universities. They are not allowed to wear religious dress when they teach or to identify themselves as clergy... Catholic religious education, on weekends or evenings, is permitted in most areas and has increased in recent years in churches throughout the country... Religious groups are not permitted to operate independent schools beyond preschool and kindergarten... In some areas, especially in the south, Catholic priests and nuns operated kindergartens, orphanages, vocational training centers, and clinics and engaged in a variety of other humanitarian projects. Operating

without a legal basis, however, has created some difficulties for the Church. One shelter was unable to obtain legal birth records and public school enrollment for the children under its care. Charitable activities religious groups undertook in northern Vietnam were more restricted, despite some northern provinces reportedly becoming more permissive during the reporting period.” [2b] (Section II)

17.18 The same report stated:

“The Catholic Church operated seven seminaries, with some 1,500 students enrolled, as well as a new special training program for ‘older’ students. All students must be approved by local authorities to enroll in a seminary and must be registered prior to their ordination as priests, although the Church reported none of those who completed training were prohibited from ordination. Church authorities acknowledged that while the number of students being ordained remained insufficient to support the growing Catholic population, the Church lacked the internal capacity to open additional seminaries and enroll new students.” [2b] (Section II)

17.19 The report also noted:

“Despite protests surrounding land disputes, the relationship between the Catholic Church and the Government continued to improve during the reporting period... The Government also continued to cooperate with the Catholic Church in nominations for bishops' appointments... After a 32-year hiatus, in October 2008 the Government reregistered Caritas Vietnam, a Catholic-affiliated nongovernmental organization whose operations focus on the needs of the disabled, orphans, ethnic minority and poor children; women, especially those living in poverty and victims of violence and of human trafficking; drug users; and persons living with and affected by HIV and AIDS. Catholic Relief Services also celebrated 15 years of operation in Vietnam in March 2009... The Church also operated a shelter for HIV-positive mothers and HIV-infected children. During the second half of 2008, training courses to instruct Catholic priests, nuns, and lay people in the care of HIV/AIDS patients were launched in several Mekong Delta provinces. The Ho Chi Minh City government and the Catholic Church continued to discuss how to officially approve new social work initiatives, such as official legal status to carry out its HIV/AIDS activities and management of an orphanage, while allowing the Church to pursue these initiatives quietly. Similarly, Thai Binh Province continued to encourage Catholic efforts on HIV/AIDS and the treatment of the sick and disabled. Haiphong authorities also continued working with the Catholic Church on drug addiction treatment and HIV/AIDS programs, and the Catholic Diocese of Nam Dinh operated an orphanage.” [2b] (Section II)

17.20 Amnesty International's *Report 2009* (covering events in 2008), published in May 2009, recorded:

“Since December 2007, members of the Catholic Church in Ha Noi have protested in unprecedented numbers in support of the church's ownership of two pieces of land which the government claimed to be state-owned. In September [2008], police violently broke up the mass peaceful protests. Several people were injured with batons and 20 people were hospitalized after tear gas was used. Intimidation and harassment of Catholics by security forces and state-sponsored gangs increased in the aftermath.” [3a]

17.21 In a report dated 3 November 2008, Amnesty International stated:

“In September 2008 police carried out a violent crackdown on peaceful mass protests in Ha Noi [Hanoi]. Since December 2007, members of the Catholic Church there engaged in peaceful mass protests and prayer vigils to support the church’s claims to ownership of two pieces of land. During the crackdown police injured several people with their batons, and 20 people were hospitalised after teargas was used against protesters. At least eight people were arrested in the last wave of protests which began in mid-August; two of them remain in detention. Others, including senior church officials, remain at risk of arrest. Following the crackdown, the authorities continued to threaten and otherwise intimidate Catholics who supported the church’s claims. The government also failed to protect them against attacks, acts of intimidation and harassment by others, including state-sponsored gangs, even when police were present at the site. Reports of intimidation against Catholics increased in Ha Noi following the crackdown on Catholics and the public campaign against the protesters in the state-controlled mass media.” [3b]

17.22 On 1 October 2008 Amnesty International released a report documenting “intimidation and harassment against Catholics in Hanoi,” in which it also noted that “State-sponsored gangs have attacked at least one Catholic church outside Ha Noi, and discrimination against Catholics is growing.” The report stated further:

“Amnesty International believes that more people may have been arrested and that others are at risk of arrest, particularly priests at Thai Ha parish, the Archbishop of Ha Noi, and hundreds of Catholic protesters from rural areas, who travelled to join the mass protests in August and September [2008]. According to reports received by Amnesty International, police are searching for additional protesters... An unknown number of parishioners have also been called in for questioning, where police have tried to establish who organized the mass protests... the authorities have ordered school teachers to monitor Catholic students’ activities and cautioned that teachers will be held accountable if their students are found to take part in any prayer vigils or demonstrations... Others perceived by the authorities as organisers of the protests have received threats of violence... Media, which by and large is a government mouthpiece and under its strict control, have published numerous articles in an intensifying campaign to discredit Catholic leaders in Ha Noi... Amnesty International believes that this media campaign may fuel further violent attacks by individuals against church leaders and parishioners, and that it is partly perpetuating discrimination and intimidation against parishioners and the Catholic community at large in Viet Nam. Reports are increasingly emerging about attacks and acts of discrimination against Catholics in Ha Noi... Students are increasingly worried to speak about their faith at school or at university, where reports are emerging about bullying and expulsions.” [3c]

17.23 In a report dated 6 October 2008, Human Rights Watch stated:

“This is the harshest crackdown on Catholics in Vietnam in decades... Vietnam has not seen such large numbers of Catholics participating in mass public protests since the 1950s, nor has the government responded to Catholics so violently in recent decades... Hundreds of unidentified thugs,

some in the blue shirts of the Communist Youth League, have harassed, cursed, and spit at parishioners and destroyed church statues [sic]... Hanoi authorities targeted for harassment Archbishop Kiet after he publicly defended the prayer vigils... The archbishop has limited his activities outside his residence due to security concerns. The government is also carrying out an intense smear campaign against Archbishop Kiet in the state-controlled media... ” [5b]

17.24 On 30 July 2009 Christian Solidarity Worldwide reported:

“Catholics have carried out mass demonstrations in Vietnam this week, against a violent police clampdown on a protest over a disputed site. Among the casualties was a priest, now in a coma, who was beaten and thrown from the second floor of a hospital by gangs allegedly acting on police instructions. The Catholic News Agency reported that armed police attacked a group of priests and lay people, arresting seven, on 20 July as they tried to erect a cross and altar at the ruins of Tam Toa Church in the coastal city of Dong Hoi. Police reportedly used stun guns, tear gas and batons... The Vietnamese government plans to build a war memorial on the site of Tam Toa church. In response to the violent police clampdowns, Catholics all over Vietnam have protested and called for the release of those arrested. These protests have reportedly triggered further violence against Catholics by police and gangs acting on police orders. According to the Catholic News Agency, the authorities in Dong Hoi are openly trying to create a ‘No Catholic Zone’ in the city. Hundreds of Catholic families have now fled due to growing anti-Catholic sentiment.” [20c]

17.25 In its *2010 World Report* (covering events in 2009), Human Rights Watch noted:

“In July as many as 200,000 Catholics peacefully protested in Quang Binh after police destroyed a temporary church structure erected near the ruins of an historic church. Police used teargas and electric batons to beat parishioners, arresting 19, of whom seven were charged with disturbing public order... In February 2009 police raided the office of Le Tran Luat, a lawyer defending Catholics arrested during 2008 prayer vigils in Hanoi. Authorities confiscated his computer and documents, blocked him from meeting his clients, and detained and interrogated him to pressure him to drop the case.” [5a]

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

Protestants

17.26 The USSD’s IRFR 2009 noted that the government continued to restrict and actively discourage participation in certain unrecognized religious groups, including some Protestant ones. [2b] (Section II) As recorded by the same report:

“The two largest officially recognized Protestant churches are the Southern Evangelical Church of Vietnam (SECV) and the smaller Evangelical Church of Vietnam North (ECVN). The Grace Baptist Church, United World Mission Church, Vietnam Mennonite Church, Vietnam Presbyterian Church, Vietnam Baptist Society (Southern Baptist), and Vietnam Seventh-day Adventist

Church also are recognized officially. Other Protestant denominations also are present, including the Vietnam Christian Fellowship (officially registered), as well as others registered locally but not registered on the national level. Estimates of the number of Protestants ranged from government figures of 900,000 to claims by churches of up to 2 million. The strongest growth in Protestant believers occurred from 1996 to 2000. Some new converts belong to unregistered evangelical house churches. Based on adherents' estimates, two-thirds of Protestants are members of ethnic minorities, including minority groups in the Northwest Highlands (H'mong, Dzao, Thai, and others) and in the Central Highlands (Ede, Jarai, and Mnong, among others)... There are approximately 1,000 members of The Church of Jesus Christ of Latter-day Saints (Mormons) throughout the country. The Church has two locally recognized congregations in Ho Chi Minh City and Hanoi. At least 50 active congregations of Jehovah's Witnesses operate. A few are registered locally, each reportedly with several hundred members. Many of the congregations are in the south, with at least 10 in Ho Chi Minh City." [2b] (Section I)

17.27 The report also stated:

"The 2005 Prime Minister's 'Instruction on Some Tasks Regarding Protestantism' calls on authorities to facilitate the requests of recognized Protestant denominations to construct churches and to train and appoint pastors. The Instruction directs authorities to help unrecognized denominations register their congregations so they can worship openly and move toward fulfilling the criteria for full recognition. The Instruction directs authorities in the Central and Northwest Highlands to help groups of Protestants register their religious activities and practice in homes or 'suitable locations,' even if they do not meet the criteria to establish an official congregation. The Instruction also directs local officials to allow unregistered 'house churches' to operate so long as they are 'committed to follow regulations' and are not affiliated with separatist political movements." [2b] (Section II)

17.28 As reported by the same source:

"In certain cases recognized and unrecognized Protestant groups were able to overcome local harassment or to overturn negative local decisions after they appealed to higher-level authorities. Several hundred ECVN congregations continued to await action on their applications to register... There were reports that local officials in rural communities continued to discourage conversion to Protestantism by threatening converts with difficulties in applying for identity-related documents or losing education and social welfare allowances... Contacts between some unregistered Protestant groups and their foreign supporters are sometimes discouraged but occur regularly, including training, and provision of financial support and religious materials... Some ethnic minority worshippers in the Central Highlands--particularly in areas suspected to be affiliated with the 'Dega Church'--continued to be prevented from gathering to worship. The number of reported incidents was significantly lower than in previous reporting periods and appeared to reflect individual local bias rather than central government policy. In some instances the local officials involved apologized and were reprimanded or fired. As in previous years, there were indications that provincial officials rebuked local authorities for harassing house churches in contravention of the Prime Minister's Instruction on Protestantism... Religious contacts from the Central and Northwest

Highlands reported attempted forced renunciations continued to decrease. A few incidents were reported during the period covered by this report in central Kontum Province, Southern Tra Vinh Province, and Northern Dien Bien and Lao Cai Provinces... Many recognized and unrecognized religious groups, especially Protestant groups in the Central and Northwest Highlands, reported that the situation for their practitioners continued to improve overall.”

[2b] (Section II)

17.29 The report also stated:

“Many pastors of Protestant denominations such as the Seventh-day Adventists, Mennonites, Baptists, UGOC [United Gospel Outreach Church], and Assemblies of God preferred not to join the SECV or ECVN because of doctrinal differences. In many parts of the country, particularly in urban areas, these and other Protestant denominations reported they were able to practice openly and with the knowledge of local officials. While there were exceptions, the level of official harassment of unrecognized house churches belonging to non-SECV and ECVN denominations continued to decline across the country. The Government held discussions about registration and recognition with leaders of a number of Protestant denominations, the Church of Jesus Christ of Latter-day Saints, and the Jehovah's Witnesses.” [2b] (Section II)

17.30 The same source also noted:

“The Government remained concerned that some ethnic minorities in the Central Highlands were operating a self-styled ‘Dega Church,’ which reportedly mixes religious practice with political activism and calls for ethnic minority separatism. This complicated the registration process for other churches in the area... The practice of Protestantism in the Central Highlands is complicated by the presence of ‘Dega’ separatists, who advocate an autonomous or independent homeland for indigenous persons in the area, particularly in Gia Lai, Dak Nong, and Dak Lak Provinces. The relationship between the Dega movement and Protestant believers belonging to the SECV is tense in some parts of the Central Highlands. Dega activists reportedly have threatened that SECV pastors would not be allowed to serve in a ‘Dega State’ unless they abandoned their ties to the SECV. Other Protestant pastors have accused the Dega movement of manipulating religion for political purposes.” [2b] (Sections II and III)

17.31 In a report dated June 2009, Christian Solidarity Worldwide stated:

“Since 2006 the Vietnamese Government’s Committee on Religious Affairs (CRA) has produced three substantive editions of an internal training manual outlining guidelines for dealing with religious affairs in the northern highland provinces. The first document (2006) was the subject of widespread criticism due to its attempt to subdue the rapid expansion of the Protestant religion in the region. In response to this criticism, the revised 2007 version softened the inflammatory language, but retained the core objection of ‘solving the Protestant problem’ by subduing its development. Following a recent evaluation of the results of religious policy to date, the CRA produced a new manual in 2008 entitled ‘Training Manual for the Task Concerning the Protestant Religion’, which seems to be intended to supersede the previous manuals (2006 and 2007) and to apply to the whole of Vietnam. While the 2008 manual is less critical of Protestantism in its rhetoric and addresses

some of the criticisms of the earlier editions, strong concerns remain. Of primary concern is the retention of an underlying suspicion of the Protestant religion and its perceived potential to be abused by ‘hostile forces’ to cause political instability. Also, although the manual expressly states that forced renunciations of faith are not permitted, it still encourages local officials to ‘create the conditions’ for new converts to Protestantism to return to their traditional beliefs if they have a ‘need’ to do so, allowing for arbitrary implementation. Another major shortcoming concerns deficiency in the process of registration of congregations – local authorities are encouraged to begin with ‘pilot projects’ before undertaking widespread registrations, and additional stringent requirements are imposed on ethnic minorities in the northern highlands seeking to register Protestant meeting places. Finally, the 2008 manual adds an entirely new section to make clear the government’s intent in ongoing regulation and tight control of all levels of religious activities of registered groups, individual congregations and meeting places.” [20b] (p3)

See also Section 17: Buddhists

See also Section 18: Ethnic groups, Hmong and Montagnards

Cao Dai

- 17.32 As noted by the USSD’s IRFR 2009, several Cao Dai organisations comprise 1.5 to 3 per cent of the population. [2b] (Section I) The same report noted that the government continued to restrict and actively discourage participation in certain unrecognised religious groups, including some Cao Dai ones. [2b] (Section II) The report also stated:

“Government statistics put the number of Cao Dai at 2.3 million, although Cao Dai officials routinely claim as many as 5 million adherents. Cao Dai groups are most active in Tay Ninh Province, where the Cao Dai ‘Holy See’ is located; in Ho Chi Minh City; and throughout the Mekong Delta. There are separate groups within the Cao Dai religion; the largest is the Tay Ninh sect, which represents more than half of all Cao Dai believers and more than 40 percent of the population of the province. Cao Dai is syncretic, combining elements of many faiths.” [2b] (Section I)

Muslims

- 17.33 Muslims make up less than 0.1 per cent of the population and the government officially recognises one Muslim organisation. (USSD IRFR 2009) [2b] (Section I) The USSD’s IRFR 2009 also recorded:

“Mosques serving the small Muslim population, estimated at 60,000 to 80,000 persons, operate in Ho Chi Minh City, Hanoi, western An Giang Province, and provinces in the southern coastal area. The Government estimates there are nearly 73,000 Muslim believers. The Muslim community is composed mainly of ethnic Cham, although in Ho Chi Minh City and An Giang Province it includes some ethnic Kinh and migrants originally from Malaysia, Indonesia, and India. Approximately 40 percent of Muslims are Sunnis; the remaining 60 percent practice Bani Islam, a type of Islam unique to the ethnic Cham who live on the south-central coast.” [2b] (Section I)

- 17.34 Muslim groups are allowed to provide religious education to children. Cham Muslims regularly hold religious and language classes outside of normal classroom hours in their mosques, but, like other religious groups, are not permitted to operate independent schools beyond preschool and kindergarten. (USSD IRFR 2009) [2b] (Section II)

Ching Hai

- 17.35 Ching Hai is a Buddhist-influenced personality cult, founded by, named after, and led by a Vietnamese-born woman, now living outside the country. The group is also referred to as the Quan Yin Method (the form of meditation that it advocates) or Thanh Hai Vo Thuong Su (the Vietnamese title for Supreme Master Suma Ching Hai, a title by which its leader is known). (Ching Hai website, accessed on 23 April 2010) [23]
- 17.36 The Quan Yin Method requires two and a half hours of meditation per day and refraining from killing, lying, stealing, sexual misconduct, and the use of intoxicants. Followers are also expected to be strict vegetarians. The website of Ching Hai lists representatives of the cult around the world. No representatives are listed for Vietnam. (Ching Hai website, accessed on 23 April 2010) [23]

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ETHNIC GROUPS

- 18.01 As recorded by the Economist Intelligence Unit's (EIU) Country Profile for Vietnam in 2008, "The populations of the Red River and Mekong deltas are almost entirely ethnic Vietnamese (kinh), but one-sixth of the population belongs to one of the 53 ethnic minorities." [15] (p9)
- 18.02 Ethnologue.com, a website specialising in languages of the world, accessed on 23 April 2010, stated that there are 54 official ethnic communities within Vietnam. [24] The website of the Vietnam National Administration of Tourism, accessed on 7 April 2010, also provides information on these ethnic communities. [17d]
- 18.03 The US State Department's *2009 Country Reports on Human Rights Practices* (USSD Report 2009), published on 11 March 2010, recorded, "Although the government officially prohibits discrimination against ethnic minorities, longstanding societal discrimination against ethnic minorities persisted. Despite the country's significant economic growth, some ethnic minority communities benefited little from improved economic conditions." [2a] (Section 6)
- 18.04 The report noted further, "The government continued to address the causes of ethnic minority discontent through special programs to improve education and health facilities and expand road access and electrification of rural communities and villages." [2a] (Section 6)
- 18.05 The same report stated:

“The government maintained a program to conduct classes in some local ethnic minority languages in elementary and secondary schools. The government worked with local officials to develop local language curricula, but it appeared to implement this program more comprehensively in the Central Highlands and the Mekong Delta than in the mountainous northern and northwestern provinces. Ethnic minorities were not required to pay regular school fees, and the government operated special schools for ethnic minorities in many provinces, including subsidized boarding schools at the middle- and high-school levels. The government offered special admission and preparatory programs as well as scholarships and preferential admissions at the university level. There were also a few government-subsidized technical and vocational schools for ethnic minorities. Nonetheless, there were credible cases of discrimination against Christian ethnic minorities, although the law provides for universal education for children regardless of religion or ethnicity.” [2a] (Section 6)

See also Section 17: Catholics and Protestants

18.06 The USSD Report 2009 also noted:

“The government broadcast radio and television programs in ethnic minority languages in some areas. The government also instructed ethnic-majority Kinh officials to learn the language of the locality in which they worked. Provincial governments continued initiatives designed to increase employment, reduce the income gap between ethnic minorities and ethnic Kinh, and make officials sensitive and receptive to ethnic minority culture and traditions... The government also maintained infrastructure development programs that targeted poor, largely ethnic minority areas and established agricultural extension programs for remote rural areas.” [2a] (Section 6)

CHINESE (HOA)

18.07 A report by the Minorities at Risk Project, dated 31 December 2006, stated:

“The Chinese are well integrated into Vietnamese society. There is no history of persistent protest or rebellion; there is little support from kindred elsewhere for such activities. Furthermore, the government of Vietnam does not actively discriminate against or repress the group. More than 400,000 Chinese fled the country in the late 1970s but they are unlikely to return as they have settled in China and other Southeast Asian and Western countries. The Chinese remain economically advantaged in relation to the Kinh. This situation will likely continue unless there are reversals in Vietnam's economic and political liberalization programs. Links between the Hoa [Chinese] and the overseas Chinese community have helped to promote Vietnam's economic growth and could help assuage any potential economic downturn... The Chinese are reportedly dispersed across the country, although they are concentrated in the southern region of Vietnam, with many residing in and round Ho Chi Minh City... They speak Mandarin and other Chinese dialects, but many are also likely to speak Vietnamese... Referred to as the Hoa in Vietnamese, the Chinese are Buddhists and they are physically distinguishable from the Vietnamese, who are referred to as the Kinh... There is limited information available about the cultural characteristics of the Chinese Vietnamese. However, they are likely to share similar cultural characteristics with the Kinh,

because of the long period of Chinese Han dynasty domination of Vietnam.” [28]

18.08 The same source stated:

“The 1975 victory of the communist North Vietnam adversely affected the status of the Chinese... Some prosperous Chinese chose to leave Saigon prior to the fall of South Vietnam, but the major outflow occurred between 1979 and 1981. Many Hoa were among the thousands of Vietnamese boat people who were fleeing the economic and political reconstruction under the Orderly Departure Program. More than 200,000 Chinese left Vietnam for Hong Kong and other Southeast Asian countries during 1979. By 1981, some 227,000 Chinese refugees had been accepted by the PRC alone. Hundreds of thousands of other Hoa and Kinh boat people were to reside in refugee camps in Hong Kong and other South East states for up to two decades after fleeing Vietnam in the late 1970s. The relationship between the Chinese and state authorities has vastly improved since the late 1970s. Since the early 1980s, political, economic, and cultural restrictions against the Chinese have slowly been lessened. In 1982, for instance, a law was passed which recognized the Hoa as Vietnamese citizens that possess the rights of all other citizens. Restrictions were still maintained on Chinese employment in the security sphere (e.g., armed forces). All employment restrictions were removed in 1986. The Chinese were able to expand their economic influence after Vietnam launched an economic liberalization program late in the decade. Reports indicate that the economically advantaged Chinese control up to 50% of local commercial activities in Ho Chi Minh City. In the mid-1990s, all official policies that limited the participation of the Chinese in the political sphere were lifted. They possess the same rights as the country's other citizens. The improvement in the status of the Chinese has also been mirrored in the China-Vietnam relationship. Bilateral trade is an important source of revenue for Vietnam; in 1999, trade between the two countries was valued at \$1.5 billion, up from \$1 billion the previous year. The Hoa have also been critical in helping to draw in foreign investment from other Southeast Asian countries. There is no evidence of political or economic discrimination against the Chinese... The Chinese actively participate in the Communist Party, which in turn advocates for their interests... There have been no reports of tense relations between the Hoa and the Kinh from 1998-2006. There have been no reported instances of protest or rebellion against the government in recent years.” [28]

18.09 In its World Refugee Survey 2008, the US Committee for Refugees and Immigrants reported:

“Vietnam hosted some 9,500 ethnic Chinese Cambodians who arrived in 1975. The Office of the UN High Commissioner for Refugees (UNHCR) considered them stateless as Cambodia no longer recognized them and most had lost any documentation proving their nationality. About 2,300 lived in four camps in Binh Duong and Binh Phuoc Provinces and Ho Chi Minh City since the 1980s. The rest lived mostly in and around Ho Chi Minh City. The Prime Minister promised to begin naturalizing them in 2007 and, in November, the Government agreed to waive all fees (about \$200 per person) but postponed the process until 2008... Refugees did not have the right to work legally in Vietnam. It was difficult for refugees to work for companies or the Government because they lacked legal status and identity documents. They worked for fellow ethnic Chinese in Ho Chi Minh City, however, or in the areas

surrounding the camps without work permits. This consigned them to low-paying jobs without the protection of labor legislation or insurance.” [21]

See also Section 26: Foreign refugees

H'MONG

- 18.10 As noted by the US State Department's *International Religious Freedom Report 2009* (IRFR 2009):

“Based on adherents' estimates, two-thirds of Protestants are members of ethnic minorities, including minority groups in the Northwest Highlands (H'mong, Dzao, Thai, and others)... Increasing numbers of H'mong, Dao, and Jarai in the Northwest and Central Highlands are converting to Protestantism... The Religious Publishing House has not yet acted on a longstanding request to allowing printing of the Bible in the H'mong language due to the fact that the Government recognizes an archaic form of the H'mong language that is not in regular use today and cannot be read by the average H'mong... Local officials in several northwestern villages continued to attempt to convince or force H'mong Protestants to recant their faith. Local authorities encouraged clan elders to pressure members of their extended families to cease practicing Christianity and to return to traditional practices... the ECVN also held numerous training activities for hundreds of ethnic minority lay pastors (H'mong and Dzao).” [2b] (Sections I and II)

See also Section 17: Protestants

MONTAGNARDS

- 18.11 The Montagnards is the collective term used for a number of ethnic minorities that inhabit the Central Highlands of Vietnam. In a report dated 3 November 2008, Amnesty International stated:

“Human rights violations against ethnic minority Montagnards in the Central Highlands continue. These include restrictions on movement and forcing Christians belonging to unauthorized ‘house churches’ to renounce their religion. An unknown number of Montagnards from among the more than 250 who were sentenced to lengthy prison terms in connection with the large-scale protests in 2001 and 2004 around land ownership and religious freedom are believed to remain in prison. Many of them were sentenced to between five and 12 years’ imprisonment under Articles 87 (Undermining the unity policy), 88 (Conducting propaganda against the Socialist Republic of Viet Nam), 89 (Disrupting security) and 91 (Fleeing abroad or defecting to stay overseas with a view to opposing the people’s administration) of the national security section of the Penal Code.” [3b]

- 18.12 The report continued:

“In April 2004, thousands of Montagnard people protested against government policies in three provinces of the Central Highlands. Most of the protesters were Christians who had planned five days of peaceful protests against government policies on long-standing land disputes, restrictions on religious practice and restrictions on freedom of movement and expression imposed since the last major protests in 2001. The authorities used disproportionate

force to break up the demonstrations. At least eight people were unlawfully killed and many hundreds injured in the ensuing crackdown. During the period under review, hundreds of Montagnards have attempted to seek asylum in neighbouring Cambodia, where their situation has been precarious, with lack of protection by the Cambodian authorities. A Memorandum of Understanding (MOU) between Viet Nam, Cambodia and UNHCR, signed in January 2005 to resolve the situation of asylum-seekers, remains in place. It appears to have been violated by the Vietnamese authorities, with reports that in some cases people who had returned from Cambodia to Viet Nam under the MOU were detained, interrogated and ill-treated.” [3b]

18.13 The USSD Report 2009 noted:

“The government continued to honor a tripartite memorandum of understanding signed with the government of Cambodia and the UNHCR to facilitate the return from Cambodia of all ethnic Vietnamese who did not qualify for third-country resettlement. Local government authorities observed but did not hinder fact-finding and monitoring visits by UNHCR and foreign diplomatic representatives to the Central Highlands. The UNHCR reported that it was able to meet with returnees in private. Foreign diplomats experienced some resistance from lower-level officials in permitting private interviews of returnees. As in previous years, local police officials sometimes were present during foreign diplomat interviews with returnees but left when asked. Provincial governments generally continued to honor their obligations to reintegrate peacefully ethnic minority returnees from Cambodia. The UNHCR, which conducted several monitoring trips throughout the year, reported that conditions for ethnic minorities in the Central Highlands had improved markedly since the 2001 and 2004 crackdowns, stating that there was ‘no perceptible evidence of mistreatment’ of any of the ethnic minority individuals it monitored in the Central Highlands.” [2a] (Section 2d)

18.14 The same source recorded:

“Some members of ethnic minority groups continued to leave for Cambodia and Thailand, reportedly to seek greater economic opportunity or shortcuts to immigration to other countries. Government officials monitored certain highland minorities closely, particularly several ethnic groups in the Central Highlands, because of concern that the religion they practiced encouraged ethnic minority separatism. The government continued to impose security measures in the Central Highlands in response to concerns over possible ethnic minority separatist activity. There were reports that ethnic minority individuals telephoning the ethnic minority community abroad were a special target of police attention. There were a few reports that members of ethnic minorities seeking to enter Cambodia were returned by Vietnamese police operating on both sides of the border, sometimes followed by police beatings and detentions. The government continued to address the causes of ethnic minority discontent through special programs to improve education and health facilities and expand road access and electrification of rural communities and villages. The government allocated land to ethnic minorities in the Central Highlands through a special program, but there were complaints that implementation of these special programs was uneven.” [2a] (Section 6)

- 18.15 The USSD Report 2009 also noted, “There were no developments reported in the case of the April 2008 detention and arrest of individuals suspected of organizing demonstrations by ethnic minority groups protesting local land use policies in the Central Highlands... International nongovernmental organizations (NGOs) estimated that several hundred ethnic minority demonstrators associated with the 2004 Central Highlands protests remained in prison.” [2a] (Section 1e)
- 18.16 In its report, *Freedom in the World 2009*, published on 16 July 2009, Freedom House stated, “Human rights groups have accused the government of arresting more than 350 Montagnards (‘mountain dwellers’ in French) since 2001, and many are given long prison terms for protesting against land seizures and demanding greater religious freedom (many are Catholic).” [29] In its *2010 World Report* (covering events in 2009), Human Rights Watch recorded:

“In the Central Highlands, authorities in 2009 arrested dozens of Montagnard Christians accused of belonging to unregistered house churches considered subversive by the government, planning land rights protests, or conveying information about rights abuses to activists abroad. A focus of the crackdown was Gia Lai province, where more than 50 Montagnards were arrested and at least nine sentenced to prison during the year. On several occasions police beat and shocked Montagnards with electric batons when they refused to sign pledges to join the government sanctioned church.” [5a]

[See also Section 12: Prison conditions](#)

[See also Section 17: Catholics and Protestants](#)

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LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

- 19.01 See the following sources:

US State Department, *2009 Country Reports on Human Rights Practices* (USSD Report 2009), 11 March 2010 (Section 6: Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity)

<http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136015.htm> [2a]

Canadian Immigration and Refugee Board, VNM103323.E, 8 January 2010, Treatment of homosexuals, including legislation, availability of state protection and support services

<http://www.unhcr.org/refworld/country,COI,..,VNM,..,4b7cee8e37,0.html> [6j]

GlobalGayz, Gay Vietnam News & Reports, 1997-2010

<http://www.globalgayz.com/vietnam-news.html> [18]

Gay Times, Gay Guide: Vietnam

<http://www.gaytimes.co.uk/Hotspots/GayGuide-action-Country-countryid-1016.html> [31]

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DISABILITY

20.01 See the following source:

US State Department, *2009 Country Reports on Human Rights Practices* (USSD Report 2009), 11 March 2010 (Section 6: Persons with Disabilities)
<http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136015.htm> [2a]

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WOMEN

LEGAL RIGHTS

21.01 Article 63 of the Vietnamese Constitution states, "Male and female citizens have equal rights... All acts of discrimination against women and all acts damaging women's dignity are strictly banned." [17a] Vietnam is a signatory to the UN Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). In a report dated 2 February 2007, the UN Committee on the Elimination of Discrimination against Women stated:

"While welcoming the adoption of the new Law on Gender Equality as an improvement of the legal regime and the implementation of the Convention as well as other legal and policy measures that have been put in place in different areas in recent years to eliminate discrimination against women and girls and to promote gender equality, the Committee regrets that the State party did not provide sufficient information or data on the actual impact of these laws and measures and the extent to which they have resulted in accelerating the advancement of women and girls and their enjoyment of their human rights in all areas covered by the Convention." [32] (p2)

21.02 The US State Department's *2009 Country Reports on Human Rights Practices* (USSD Report 2009), published on 11 March 2010, noted, "Despite the large body of legislation and regulations devoted to the protection of women's rights in marriage and in the workplace, as well as labor code provisions that call for preferential treatment of women, women did not always receive equal treatment." [2a] (Section 6)

POLITICAL RIGHTS

21.03 The USSD Report 2009 stated, "The law provides the opportunity for equal participation in politics by women and minority groups. There were 127 women in the National Assembly, or 26 percent, a slightly lower percentage than in the previous assembly." [2a] (Section 3)

21.04 The same report also noted:

"The CPV-affiliated Women's Union and the government's National Committee for the Advancement of Women (NCFAW) continued to promote women's rights, including political, economic, and legal equality and protection from

spousal abuse. The Women's Union also operated microcredit consumer finance programs and other programs to promote the advancement of women. The NCFAW continued implementing the government's national strategy on the advancement of women. Key areas of this strategy focused on placing more women in senior ministry positions and in the National Assembly. The strategy also focused on increasing literacy rates, access to education, and health care." [2a] (Section 6)

SOCIAL AND ECONOMIC RIGHTS

- 21.05 As recorded by Freedom House in its report, *Freedom in the World 2009*, published on 16 July 2009, "Economic opportunities have grown for women, but they continue to face discrimination in wages and promotion." [29] The USSD Report 2009 noted, "Women continued to face societal discrimination." [2a] (Section 6)
- 21.06 As recorded by the website of the US State Department's Bureau of Consular Affairs, accessed on 1 April 2010, "Vietnamese law does not recognize common-law marriages. Authorities do issue certificates verifying cohabitation but these do not constitute legal marriages. Vietnamese law prohibits marriage between blood siblings, half siblings, first cousins or any two persons related closer than three degrees of separation. The legal age for marriage is 20 for men, 18 for women... Divorce records are maintained by the courts where they were issued." [2d]

VIOLENCE AGAINST WOMEN

- 21.07 In its report, *Freedom in the World 2009*, published on 16 July 2009, Freedom House noted, "Many are victims of domestic violence, and thousands of women each year are trafficked internally and externally and forced into prostitution." [29]
- 21.08 The USSD Report 2009 stated:
- "Domestic violence against women was considered common, although there were no firm statistics measuring the extent of the problem. Officials increasingly acknowledged it as a significant social concern, and it was discussed more openly in the media. The law prescribes punishment ranging from warnings to a maximum of two years' imprisonment for 'those who cruelly treat persons dependent on them.' The Law on Domestic Violence Prevention and Control specifies acts constituting domestic violence, assigns specific portfolio responsibilities to different government agencies and ministries, and stipulates punishments for perpetrators of domestic violence; however, NGO [Non-Governmental Organisation] and victim advocates considered many of the provisions to be weak. While the police and legal system generally remained unequipped to deal with cases of domestic violence, the government, with the help of international and domestic NGOs, continued to train police, lawyers, and legal system officials in the law." [2a] (Section 6)
- 21.09 The report also noted:
- "The act of sexual harassment and its punishment is clearly defined in the law; however, its prevention is not specified in legal documents. Publications and training on ethical regulations for government and other public servants do not

mention the problem, although it existed. Victims of sexual harassment may contact social associations such as the Women's Union to request their involvement. In serious cases victims may sue offenders under article 121 of the penal code, which deals with 'humiliating other persons' and specifies punishments that include a warning, noncustodial reform for up to two years, or a prison term ranging from three months to two years. However, in reality sexual harassment lawsuits were unheard of, and most victims were unwilling to denounce the offenders publicly." [2a] (Section 6)

21.10 The same source stated:

"The law prohibits using or threatening violence, taking advantage of a person who cannot act in self-defense, or resorting to trickery to have sexual intercourse with a person against that person's will. This appears to criminalize rape, spousal rape, and in some instances sexual harassment; however, there were no known instances of prosecution for spousal rape or sexual harassment. Other rape cases were prosecuted to the full extent of the law. No reliable data were available on the extent of the problem." [2a] (Section 6)

21.11 A report by the Canadian Immigration and Refugee Board (IRB), dated 8 January 2010, noted:

"Domestic violence directed at women in Viet Nam is 'a serious problem'... Domestic violence is reportedly present in all areas of the country and across the social spectrum... According to human rights observers, some within Vietnamese society believe that husbands can discipline their wives, including through physical punishment, because it is a husband's responsibility to educate his wife... Sources report that victims are often reluctant to report cases of domestic violence... Many Vietnamese believe domestic violence to be a private, family-related matter... On 21 November 2007, the government of Viet Nam passed the Law on Domestic Violence Prevention and Control, which came into force on 1 July 2008... The law legislates the duties of the state, individuals, families, organizations and institutions in regards to preventing and controlling domestic violence and supporting of its victims... The law also defines what constitutes domestic violence... and states that those who perpetrate domestic violence 'shall either be fined as a civil violation, disciplined or charged for criminal penalty and have to compensate for any damages caused'... The law also prescribes 're-education' measures for repeat offenders... punishment ranging from warnings to two years' imprisonment can be imposed by the law... Concerns have been raised over the law's effectiveness... The Ho Chi Minh City-based newspaper Than Nien reports that according to government and non-governmental officials at a conference on domestic violence in September 2008, 'it takes six to nine months to prepare documents required by the law before sending a person committing domestic violence to education centers' during which time the victim 'would continue to suffer'... According to the article, many of the officials also 'expressed the opinion that domestic violence should be considered a crime under the Vietnam Criminal Codes,' indicating that domestic violence is not criminalized... According to a 3 December 2009 article from the Hanoi-based newspaper Viet Nam News (VNS), a report from the Viet Nam Domestic Violence Prevention Network detailing the implementation of the law in the provinces of Yen Bai, Hoa Binh, Dien Bien, Lai Chau and Hung Yen reports that the legislation against domestic violence is being implemented 'at

a snail's pace'... The report also indicates that many Vietnamese, including government officials, are not aware of the law or choose to ignore it." [6d]

Assistance available

21.12 The USSD Report 2009 stated:

"Several domestic and international NGOs worked on the problem of domestic violence. Hotlines for victims operated by domestic NGOs existed in major cities. The Center for Women and Development, supported by the Vietnam Women's Union, also operated a nationwide hotline, although it was not widely advertised in rural areas. While rural areas often lacked the financial resources to provide crisis centers and domestic hotlines, the 2007 law established 'reliable residences' allowing women to turn to another family while local authorities and community leaders attempt to confront the abuser and resolve complaints. Government statistics reported that approximately half of all divorces were due in part to domestic violence. The divorce rate continued to rise, but many women remained in abusive marriages rather than confront social and family stigma as well as economic uncertainty. The government, with the help of international NGOs, supported workshops and seminars aimed at educating women and men about domestic violence and women's rights in general and also highlighted the problem through public awareness campaigns. Domestic NGOs were increasingly engaged in women's issues, particularly violence against women and trafficking of women and children." [2a] (Section 6)

21.13 A report by the Canadian IRB, dated 8 January 2010, stated:

"In 2008, the government put in place an 'anti-violence pilot model' at the grassroots level throughout the country involving local authorities, law enforcement and health professionals in dealing with domestic violence... As well, a 'National Program of Action' against domestic violence will begin in 2010 and continue until 2020... Vietnamese authorities, foreign governments, domestic and international non-governmental organizations (NGOs) and several UN agencies have collaborated on domestic violence awareness campaigns in recent years... Those involved in law enforcement and the justice system have also reportedly begun to receive training in dealing with domestic violence issues... Several domestic and international NGOs offering support to victims of domestic violence operate in Viet Nam... They include the National Committee for the Advancement of Women (NCFAW), which provides policy advice to the Prime Minister and relevant government agencies on issues relating to women... As well, the Vietnam Women's Union, founded in 1930, works to protect women's rights and promote gender equality... The Center for Women and Development (CWD), established in 2002 by the Vietnam Women's Union, offers counselling and raises awareness on domestic violence related issues... It also operates at least one shelter for victims of domestic violence... other shelters for domestic violence survivors are also being built by the CWD... According to a media report, Hanoi has a shelter for victims of domestic violence called the Peaceful House which reportedly assisted more than 1,200 people during the first ten months of 2009, an increase of 130 percent from 2008." [6d]

[See also Section 22: Children](#)

[See also Section 23: Trafficking](#)

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CHILDREN

GENERAL INFORMATION

22.01 In a letter dated 12 May 2008, the British Embassy in Hanoi stated:

“According to article 18 of the Civil Code [17g], persons who are full eighteen years old or older are adults. Persons who are not yet full eighteen years old are minors. Also according to the Civil Code (article 20 about the civil act capacity of minors who are between full six years old and under full eighteen years old):

1. Persons who are between full six years old and under full eighteen years old must have the consents of their representatives at law when establishing and performing civil transactions, except those transactions to meet their daily life needs suitable to their age group or otherwise provided for by law.
2. In cases where a person who is between full fifteen years old and under full eighteen years old has his/her own property to ensure the performance of obligations, such person may establish and perform civil transactions by him/herself without the consent of his/her representative at law, unless otherwise provided for by law.” [8d]

22.02 In its Concluding Observations on Vietnam dated 17 October 2006, the UN Committee on the Rights of the Child (CRC) expressed concern that “some provisions in the Penal Code (including articles 254 to 256 related to child prostitution) refer to children as to those below the age of 16 only.” [13] (p3) A report by Human Rights Watch, dated November 2006, stated, “Vietnam’s Penal Code establishes the age of criminal responsibility at 14 for criminal offenses and 12 for administrative offenses. It provides for certain exemptions for juvenile offenders under the age of 16, and allows early release of juvenile offenders who have shown progress and served half their sentence.” [5c] (p15)

22.03 The report stated further:

“The Penal Code calls on courts to consider sanctions that are ‘educative and preventive’ when dealing with juvenile cases. Locally-based ‘education measures’ aim to ‘create conditions for such persons to labor and study in the community and prove their repentance right in the normal social environment under the supervision and with the assistance of the [local] People’s Committees, social organizations, and families.’ Vietnam’s Law on Child Protection, Care and Education (Law on Child Protection), promulgated in January 2005, calls for law enforcement institutions to work with families, schools, and society to educate children who have violated laws: ‘The handling of children committing acts of law violation is aimed mainly to educate and help those children to realize their wrong-doings, redress such wrong-doings and make progress.’” [5c] (p15-16)

22.04 The USSD Report 2009 noted:

“The law prohibits most child labor but allows exceptions for certain types of work. However, child labor remained a problem, particularly in rural areas, where two-thirds of the population resided. The law sets the minimum age for employment at 18, but enterprises may hire children between 15 and 18 if the firm obtains permission from parents and MOLISA [Ministry of Labor, Invalids, and Social Affairs]. In 2006 MOLISA reported that approximately 30 percent of children between the ages of six and 17 participated in some economic activity, usually on family farms or in family businesses not within the scope of the law.” [2a] (Section 7d)

- 22.05 In its report, *Freedom in the World 2009*, published on 16 July 2009, Freedom House noted, “In November [2008], the government announced strict enforcement of its two-child rule in an effort to control population growth.” [29] The USSD Report 2009 stated:

“The law restricts the number of children per couple to two. The government primarily implemented the policy through media campaigns that strongly encouraged individuals to practice family planning. However, the government also enforced the policy by denying promotions and salary increases to public sector employees with more than two children, albeit in an inconsistent manner... Not all births were registered immediately, but this was sometimes the result of an uneducated populace. A birth certificate is required for public services, such as education and health care, and the choice by some parents, especially ethnic minorities, to not register their children affected the ability to enroll them in school and receive government-sponsored care.” [2a] (Section 6)

EDUCATION

- 22.06 As noted by Europa World, accessed on 17 March 2010:

“Primary education, which is compulsory, begins at six years of age and lasts for five years. Secondary education, beginning at the age of 11, lasts for seven years, comprising a first cycle of four years and a second cycle of three years. In 2004/05 total pre-primary enrolment included 61% of children in the relevant age-group. In the same year enrolment within primary education included 93% of children in the relevant age-group (males 96%; females 90%), while secondary enrolment included 75% of the relevant age-group (males 76%, females 94%). In 2007/08 there were 10,822 pre-primary institutions, 15,441 primary schools and 12,098 secondary schools, as well as 322 higher education institutions at which over 1.5m. students were enrolled.” [1]

- 22.07 The USSD Report 2009 recorded, “Education is compulsory, free, and universal through the age of 14; however, authorities did not always enforce the requirement, especially in rural areas, where government and family budgets for education were strained and children's contribution as agricultural laborers was valued.” [2a] (Section 6)
- 22.08 The Economist Intelligence Unit's (EIU) Country Profile for Vietnam in 2008 stated, “Vietnam has high literacy rates. Although access to higher levels of education has historically been limited, the introduction of near-universal primary education has produced high literacy rates. The Viet Nam Living Standards Survey 2002 found that 92% of the population aged ten years and

older were literate – 89% of females and 95% of males.” [15] (p9)

- 22.09 The same report stated further, “Vietnam’s school enrolment rates have risen to record levels, with particularly rapid growth at the tertiary level. The number of university students rose from 974,000 in 2001 to 1.9m in 2007; the share of students in private institutions rose from 12% to 17% over this period, reaching 265,000 by 2007.” [15] (p9)

CHILD CARE

- 22.10 A report by the United Nations Children’s Fund (UNICEF), accessed on 7 April 2010, stated:

“Child protection concerns are increasing in Viet Nam. More than 2.6 million children in Viet Nam are reported to be in need of special protection. Among their ranks are children who are abused, sexually exploited and trafficked; street children; children with disabilities; children in conflict with the law; orphans, abandoned children, and children affected by HIV and AIDS; and children living in poverty. Their circumstances are almost uniformly grim. Few children in Viet Nam live in institutions. Many more struggle to survive on their own. Some are forced to work. And others live on the streets – a scenario that places them at high risk of contracting HIV, using drugs and falling prey to crime and sex work. There are many complex reasons why children are trapped in these difficult situations. Economic factors such as poverty, income disparities and the shift to a market economy have made more children vulnerable. Social trends such as, migration, disintegrating family values and gender discrimination also harm children. Systemic issues such as the lack of a comprehensive legal framework, poor law enforcement and limited understanding of child protection threaten children as well. Accelerating HIV infections also place children at higher risk.” [10a]

- 22.11 The report continued:

“Compounding the problem is the fact that Viet Nam does not have a comprehensive child protection system or formal child protection services. Their absence thwarts efforts to reach out to and care for children in need of special protection. The Government of Viet Nam is starting to tackle these issues. With direct support from UNICEF, the Government is developing a National Child Protection Strategy that creates a protective structure and system for children for the period 2006-2015.” [10a]

- 22.12 The USSD Report 2009 noted:

“There were fewer reports that parents coerced daughters into prostitution or made extreme financial demands that compelled them to engage in prostitution... Anecdotal evidence suggested that child abuse occurred, but there was no information on the extent of such abuse. Child prostitution, particularly of girls but also of boys, existed in major cities. Many prostitutes in Ho Chi Minh City were under 18 years of age. Some minors entered into prostitution for economic reasons. The penal code, issued in 1999 and updated during the year, criminalizes all acts of sale, fraudulent exchange, or control of children as well as all acts related to child prostitution and forced child labor... According to the Ministry of Labor, Invalids, and Social Affairs (MOLISA), there were an estimated 23,000 street children, who were

sometimes abused or harassed by police. MOLISA managed two centers to provide support for children in needy situations. Youth unions also launched awareness campaigns.” [2a] (Section 6)

- 22.13 The report also stated, “Children were trafficked for the purpose of prostitution, both within the country and to foreign destinations. An NGO advocate estimated that the average age of trafficked girls was between 15 and 17. Some reports indicated that the ages of girls trafficked to Cambodia typically were lower.” [2a] (Section 6)

See also Section 23: Trafficking

- 22.14 In its Concluding Observations on Vietnam dated 17 October 2006, the UN Committee on the Rights of the Child (CRC) noted:

“The Committee expresses concern at the information that child prostitution and sex tourism are an increasing problem in the country and that at least 10 per cent of sex workers in Viet Nam are believed to be children... While the Committee notes that the official institutions, including the Ministry of Labour, Invalids and Social Affairs (MOLISA), the Women’s Union, the Youth Union and the Committee for the Population, Family and Children, have active programmes aimed at victims’ protection, it is concerned that many of these efforts lack adequate financial resources... the Committee is concerned that: (a) Recovery and reintegration services are limited in coverage and there is a lack of adequately trained professionals; (b) Measures to assist families in the process of reunification with child victims are insufficient; (c) With regard to articles 254 to 256 of the Penal Code, victims of prostitution aged between 16-18 may not always be treated as victims under the law and can be administratively sanctioned; and (d) There is a lack of specialized teams of police, prosecutors or judges to deal with criminal activities...” [13] (p4-5)

- 22.15 A report by Human Rights Watch, dated November 2006, stated:

“The Committee for Population, Family and Children (CPFC) is the ministerial-level state agency with national responsibility for child protection, care, and education of children in need of special protection, including those who have been separated from or unable to live with their parents or guardians. It is also responsible for monitoring the operation of all ‘child support establishments,’ which presumably include Social Protection Centers, to ensure that their operation is consistent with their purposes and legal requirements. Together with the Ministry of Public Security, the CPFC is responsible for overseeing the protection of children’s rights... Human Rights Watch’s research indicates that none of these systems or governmental bodies is fully meeting its obligations to protect and care for street children and to ensure their rights are protected... Vietnam’s social protection system, put in place after de-collectivization in 1988, is responsible for the care of vulnerable people, including homeless children, orphans, children with disabilities, and street children. Social relief policies are developed centrally but implemented at the local level... People’s Committees manage ‘social relief beneficiaries,’ who are sent to local Social Protection Centers (as already noted, these are also called Social Charity Establishments or Social Relief Centers), when they face exceptional difficulties or are unable to support or house themselves. The ‘regular social relief regime’ covers the needs of orphans, ‘lonely elderly,’ seriously disabled persons, and chronically-ill mental patients. The ‘irregular

social relief regimes' covers people who fall into hardship because of natural calamities or death of a family member, as well as 'wandering beggars'— which includes street children." [5c] (p13-15)

22.16 Regarding 'social protection centres', the same report stated:

"A Vietnamese researcher explained how Social Protection Centers work in reality: '[They] are places for the temporary custody of those who have been picked up by the district authorities during their campaigns. These centers are for people who have not committed any serious crimes, but whose behavior and lifestyle may pose a threat to social order and security. They are, therefore, gathered or arrested without any order from the court or from any judiciary bodies.'... According to the Implementation Decree of the Law on Child Protection, 'child support establishments,' which include Social Protection Centers, are required to provide: 'Distinct ... education for [disabled] children; education and re-education for children in conflict with the law; detoxification for drug-addicted children; management, nurturing and education for children of social sponsor groups [i.e. children who are social relief beneficiaries]; provision of accommodation, meals and other services for ... children in special circumstances.' According to Decree 25, which regulates Social Protection Centers, the government is responsible for examining and inspecting the institutions' adherence to the law, handling violations, and settling 'complaints and denunciations about violations of policies and regimes related to operations' of the centers. Organizations and individuals found to have violated laws regulating Social Protection Centers are to be disciplined, administratively sanctioned, or examined for penal liability, depending on the nature and seriousness of their violations." [5c] (p17-18)

22.17 The report stated further:

"Despite the establishment of CPFC drop-in counseling centers, it is clear that the government never fully abandoned the approach of involuntary institutionalization or detention of street children. In theory, police who pick up street children who have not committed any crime are supposed to take them to drop-in centers, where staff is supposed to try to find out where the children are from and if possible, reunite them with their families. In practice, this rarely happens. (Footnote: Social workers in Hanoi say the drop-in centers are not able to fully investigate the family's situation and whether it is in the child's best interest to return home.) Police often bypass the drop-in centers and send street children directly to a Social Protection Center, especially during official round-up campaigns. 'The CPFC is supposed to manage the problem, but in fact police often send street children to Social Protection Centers,' said a staff person from an international organization in Hanoi. 'There's no coordination, and no support or supervision once they're in the [centers]... A Vietnamese researcher based in Hanoi told Human Rights Watch in August 2006: 'It's still a huge problem [homeless children]. There are millions of poor farmers in Vietnam who can't afford to feed their children. Those children go to Hanoi. The government has campaigns to clear the cities of street children and beggars. After 2003, some returned to their families, but after a while, many ended up back in the city again. The government was supposed to give the families some incentive to keep those children at home, but the incentive is not enough. So the children return to the city, but to other areas, where they can avoid the police.'" [5c] (p28-29 and 33)

22.18 In conclusion, the report stated:

“On paper, many Vietnamese laws, decrees, and directives are consistent with the Convention on the Rights of the Child and demonstrate the government’s stated commitment to care, protect, and educate children. Policies regarding street children largely call for a humanitarian approach that prohibits abuse and promotes rehabilitation and family reunification. In practice, however, the government regularly authorizes campaigns in which street children are arbitrarily rounded up and institutionalized. Government officials turn a blind eye towards the abysmal conditions in the Social Protection Centers, particularly at Dong Dau, and the physical and emotional abuse street children suffer there. Social Protection Centers in their current form are inappropriate institutions for children and run contrary to policy objectives of protecting and rehabilitating street children and helping to reunite them with their families.”
[5c] (p66)

22.19 As recorded on 25 April 2008 by the website of the US Embassy in Hanoi:

“The definition of an adoptable orphan is provided in Decree 68/2002 Article 44, which states that a child cannot be released for adoption without ‘the written voluntary agreement of the father and/or mother of that child.’ The decree lists only three exceptions to this rule. The first is if both parents are deceased; the second is if the child ‘has been abandoned or left at a medical establishment;’ and the third is if ‘the child’s parents have lost their civil act capacity’ [sic]. Decree 69/2006 clarifies that the orphanage or People’s Committee must prove that a child is covered by one of these exceptions. Otherwise, a child is still considered to be under his parents’ custody, whose consent is required prior to any adoption being authorized. Decree 68/2002 and Decree 69/2006 also establish that in the case of a child who has been abandoned or left at a medical facility, a 30 day search must be made for the birth parents, and in all cases a separate 30 day search must be made for domestic adoptive parents. These searches are conducted by the orphanage or local People’s Committee.” **[2e] (Adoption Legislation and Administrative Structure)**

22.20 The orphan population of Vietnam was estimated at 1.5 million out of a total population of 28.6 million children. (UNICEF, 2007/2008) **[10b]** In a letter dated 12 May 2008, the British Embassy in Hanoi replied to questions submitted by the COI Service:

“1. Claims have been made in the past that some children’s homes in Vietnam are essentially recruiting centres for trafficking, mainly for prostitution. Is there any evidence that this is the case?”

There were informal rumours about this in Vietnam. UNICEF and several Embassies have raised this issue. However, people in Vietnam are now worried that some orphanages do not have the right protection in place (or worse, decide not to put the protection in place) to ensure that all adoptions are legitimate (eg that the baby has not been bought). Child adoption from orphanages is not always a tool of trafficking of children. However, recently the Vietnamese TV has raised the issue of adoption system being abused by traffickers (esp in a far-reaching/ remote localities). The police has [sic] just detected some cases. The latest news about this is a trafficking case detected by the police of Quang Ninh (a province borders with China). The news was

highlighted on 'Cong an Nhan dan' (the People's Police) Newspaper on 12 May 2008.

2. What is the general standard of care and conditions in Vietnam's orphanages/children's homes?

According to UNICEF, the standard of care and conditions in Vietnam orphanages are very basic. Actually, children do not stay in a separate area but they have to stay with other group of people, eg elderly people. Almost all of the institutional care programmes in Vietnam provide the children with basic accommodation including food, clothing and education. It is indicated that in almost all of the centres, the focus is exclusively on the education; other aspects of the child's holistic development are largely neglected. About the life of the children in Vietnam's child care centres, it is said that there are very limited leisure time and/or few cultural activities for the children. Although many centres arrange between 2-3 excursions a year, and although in some centres the children have access to a library, TV and some sport facilities, the quality and quantity of leisure time and cultural activities are very poor. Often it is a staff of the centre who switch on and off the TV-set and decide which programmes the children may watch. In many cases, they choose programmes that are more suitable for very young children although the audience consists of teenagers as well. Additionally, very few toys are available for the younger children. Staffs are recruited without any security checks to ensure they have never had a record of child abuse (sexual, physical, and emotional) before. Staffs are selected mainly basing on their education certificates. A deputy head of a childcare centre in Ha Tay province said that they rely on the education background of a person to employ her/him to work in the centre. He also said the recruitment procedures did not involve any of the local police. [sic]

3. Are there any other institutions that care for children without families? If so, what are these and what is the general standard of care and conditions?

According to official statistics, there are 373 social institutions in the country. 138 (40%) are run by the government and the rest are run by NGOs/INGOs, religious organisations and private entities. However, a study by UNICEF shows that there are a total of 372 centres providing care for children; 76 of these centres accommodate both children and elderly people, abandoned persons or persons with disabilities. Of the 372 institutions out of the 61 provinces, 252 are governmental (both national and local) or joint governmental and non-governmental programmes. Conditions of these centres are about the same. [sic]

4. Are Vietnam's Social Protection Centres one and the same as government orphanages? If not, please explain the differences, including in conditions.

Vietnam's Social Protection Centres are government orphanages. This type of centre is a mixed social protection centre where children and elderly people (aged 60 and above) live together. UNICEF studied the condition of one centre. There were about 80 elderly persons and 34 children living in the centre. The centre has 36 staffs. They are poorly paid and are not provided with proper training before they started their jobs. Of 61 provinces, 21 (34.4%) have minimum standards for the selection and employment of staff. In most cases, the standards concern the degree of enthusiasm, love of children, high

moral standards and education/training. Around 53% of the centres had offered their staff in-service training [sic]...

7. Is it a crime for parents to abandon their children? What are the likely consequences or punishments where a parent/family is known to have abandoned their child?

In theory, it is a crime for parents/guardians to abandon their children. Decree No 114 of the Government issued on 03/10/2006 stipulated:

An administrative fine of VND 5,000,000 to VND 10,000,000 will be imposed on parents/guardians who:

1. Abandon their children right after their children were born;
2. Leave their children with other people without contributing any care/financial support to bring them up even though they are capable of doing this for their children, except adoption cases as stipulated by laws;
3. Force their children to live on themselves without giving them any care/support which make them then become disadvantaged children as defined in Article 40 of the 'Law on Child Protection, Care and Education' [17h] (Article 40.- Disadvantaged children include orphans having no one to rely on, abandoned children; defective and disabled children; children being victims of toxic chemicals; children infected with HIV/AIDS; children doing hard or hazardous jobs or contacting noxious substances; children working far from their families; street children; sexually-abused children; children addicted to narcotics and juvenile offenders).

So, it is against the law for parent/guardians to abandon their children. In theory those people would be imposed with administrative fine for their behaviour. However, there are some cases in which parents/guardians are not punished for this. For example, there are cases where a HIV/AIDS parent, a young and unmarried mother abandon their children. [sic]

8. Is there a legal duty for the family to care for a child? If so, how does this work if the family are simply unable to care for their child (for example, in the case of a single parent with a severe illness and no other relatives).

Yes it is. [sic] Article 24 of the 'Law on Child Protection, Care and Education' says: 'Parents and guardians are the first persons responsible for the care and nurture of children, giving them the best conditions for development; when meeting with difficulties which cannot be overcome by themselves, they may ask for help from concerned agencies and/or organisations in order to fulfil their child-care and -nurture responsibility.' Article 25 of the same law also says:

- '1. Parents have the responsibility to ensure conditions for their children to live with them.
3. In cases where children whose mothers and/or fathers are serving imprisonment sentences and who have no one to rely on, the People's Committees at all levels shall organise the care and nurture of those children at surrogate families or child-support establishments.'

9. Is there a legal guardianship/custody system in place? For example, if it is not safe to return a child to the parents (eg back to an abusive situation), is there any legal framework in place for the child to reside with other family members?

There is guardianship system in Vietnam. There are both natural guardians and appointed ones. The natural guardians are determined as follows:

1. In cases where there is no agreement to the contrary amongst the biological siblings, the eldest brother or sister who has attained adulthood and who meets all the requirements must be the guardian for his/her younger siblings who are minors; if the eldest brother or sister does not meet all the requirements to be a guardian, the next eldest sibling who has attained adulthood and who meets all the requirements must be the guardian.
2. In cases where there are no biological siblings or where the biological siblings do not meet all the requirements to be a guardian, the paternal grandparents or the maternal grandparents who meet all the requirements must be the guardians (the Civil Code, Article 70)
3. If the child does not have a natural guardian, then the next closest relatives must appoint one person amongst themselves, or the People's Committee of the commune/ward or township together with the local social organisations, shall have the responsibility to appoint a guardian or propose a charitable to assume the guardianship. [sic]
4. The appointment of a guardian must have the consent of the appointed person and be recognised by the relevant People's Committee in accordance with the requirements for guardianship: being fully eighteen years of age; having full capacity for civil acts; and having necessary conditions to ensure the performance of the guardianship." [8d]

HEALTH ISSUES

22.21 The website of One World, accessed on 27 April 2010, stated:

"To fulfil its commitment to child protection, the government introduced a new regulation in 2005 under which children up to six years old should receive primary healthcare, medical check-ups and treatment free of charge. However there are signs that the necessary funding has not yet materialised at the level of individual health centres. In 2005 27% of young children were underweight for their age and a more concerted effort will be needed to address malnutrition and child health problems – a contributory factor is the slow progress in improving access to adequate sanitation, in part a failure of donor coordination." [27]

22.22 The World Health Organisation's (WHO) *Country Cooperation Strategy for Vietnam, 2007-2011*, recorded:

"Despite the steep decline in the under-five and infant mortality rates, neonatal mortality has hardly changed, and Viet Nam remains one of the 42 countries in the world estimated to account for 90% of all under-five deaths. Every fourth child (25.2%) is undernourished and anaemia persists in women of child-bearing age and young children. There are also considerable variations throughout the country, depending on geographical area, ethnicity and overall socioeconomic status." [11a] (p35)

[See also Section 21: Women](#)

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TRAFFICKING

23.01 The website of the United Nations Inter-Agency Project on Human Trafficking (UNIAP), accessed on 27 April 2010, stated, "Human trafficking affects women, men and children in Vietnam. Trafficked persons experience various difficulties ranging from physical and mental health issues, to economic and social reintegration issues." [30]

23.02 The US State Department's *2009 Country Reports on Human Rights Practices* (USSD Report 2009), published on 11 March 2010, noted:

"The law prohibits most forms of trafficking in persons; however, labor and the recruiting and harboring of trafficking victims is not adequately covered. Trafficking, particularly for sexual exploitation but also for forced labor overseas, remained a significant problem. Reliable statistics on the number of citizens who were victims of sex related trafficking were not available; nevertheless, there was evidence that the number was growing. Documentation of known trafficking cases as well as the level of case adjudications and prosecutions increased, although government statistics also included other crimes, such as the selling of infants. The government was generally increasingly open in identifying and prosecuting trafficking cases, and public awareness increased. As the country's economy continued to grow, international and domestic criminal organizations involved in human trafficking sought to take advantage of increased exposure to international markets, expanded use of the Internet, and a growing gap between rich and poor to exploit persons at risk and develop trafficking networks." [2a] (Section 6)

23.03 The USSD Report 2009 continued:

"Women were trafficked primarily to Cambodia, Malaysia, China, Taiwan, and South Korea for sexual exploitation. Women also were trafficked to Hong Kong, Macau, Thailand, Indonesia, the United Kingdom, Eastern Europe, and the United States. There were reports that some women going to Taiwan, Hong Kong, Macau, South Korea, and China for arranged marriages became victims of trafficking. Women and children also were trafficked within the country, usually from rural to urban areas. Victims of labor trafficking (primarily men but also women and children) were trafficked to work in construction, agriculture, fishing, manufacturing, and other commercial enterprises." [2a] (Section 6)

23.04 The report stated further:

"Poor women and teenage girls, especially those from rural areas, were most at risk for being trafficked. Research by the MPS [Ministry of Public Security] and the UN Children's Fund indicated that trafficking victims could come from any part of the country but were concentrated in certain northern and southern border provinces, especially in the Mekong Delta. Some were sold by their families as domestic workers or for sexual exploitation. In some cases traffickers paid families several hundred dollars in exchange for allowing their daughters to go to Cambodia for an 'employment offer.' Many victims faced strong pressure to make significant contributions to the family income; others were offered lucrative jobs by acquaintances. False advertising, debt bondage, confiscation of documents, and threats of deportation were other methods commonly used by the traffickers, family members, and employers.

Individual opportunists, informal networks, and some organized groups lured poor, often rural, women with promises of jobs or marriage and forced them to work as prostitutes. Relatives were often involved in trafficking cases. The government stated that in some cases organized criminal groups were involved in recruitment, transit, and other trafficking related activities.

The majority of traffickers were prosecuted under articles 119 and 120 of the penal code, which provides for prison sentences of two to 20 years for persons found guilty of trafficking women, and between three years and life in prison for persons found guilty of trafficking children. These provisions can be used against some forms of trafficking for sexual and labor exploitation and also a variety of related crimes, including the selling of infants. Labor laws do not provide criminal penalties for labor trafficking, and the government did not report any investigations, prosecutions, or convictions of offenders of labor trafficking under other statutes. The government continued to increase efforts to prosecute traffickers.” [2a] (Section 6)

- 23.05 As noted by the US State Department’s *Trafficking in Persons Report 2009*, published on 16 June 2009:

“Vietnam is a source and destination country for men, women, and children trafficked for forced labor and commercial sexual exploitation... There are reports of Vietnamese children trafficked to the UK by Vietnamese organized crime gangs for forced labor on cannabis farms, and Vietnamese boys trafficked to China for forced labor in agriculture and factory settings. Traffickers are often residents or former residents of the victims’ communities... Vietnamese and Cambodian children from rural areas are trafficked to Ho Chi Minh City and Hanoi for forced begging or the selling of flowers and lottery tickets, often part of organized crime rings. Vietnam has a significant internal trafficking problem with women and children from rural areas trafficked to urban centers for commercial sexual exploitation and forced labor. Vietnam is increasingly a destination for child sex tourism, with perpetrators from Japan, the Republic of Korea, the PRC, Taiwan, the UK, Australia, Europe, and the United States... The Government of Vietnam does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. While the government continued to prosecute sex trafficking offenders and made some efforts to protect victims of trafficking, it did not make sufficient efforts to criminally prosecute offenders of labor trafficking, or to protect victims of labor trafficking... Although it took steps to combat cross-border sex trafficking by expanding investigations and prosecutions of traffickers, the Vietnamese government has not yet focused adequately on internal trafficking and needs to make more progress in the areas of law enforcement, victim protection, and prevention of labor trafficking and internal trafficking.” [2c]

- 23.06 The report stated further:

“The Vietnamese government demonstrated increased law enforcement efforts to combat trafficking in persons for transnational sex trafficking, though it did not take adequate steps to combat labor trafficking. While statutes in the Penal Code prohibit trafficking, existing laws do not adequately cover all forms of trafficking, including labor trafficking and the recruiting and harboring of trafficking victims. The majority of traffickers are prosecuted under Articles 119 and 120 of the Penal Code, which can be used against some forms of trafficking for sexual and labor exploitation, but can also be used to prosecute

a variety of related crimes. In October 2008, the government submitted proposed amendments to Articles 119 and 120 of the Penal Code to include the trafficking of men over the age of 16. Labor laws do not provide criminal penalties for labor trafficking. Contract disputes between workers and the Vietnam-based export labor recruiting company or the employing company overseas are left almost entirely to the export labor recruiting company. Workers must bring their cases to court if they feel they have been unjustly treated by the export labor recruiting company, though in practice, few have the resources to do so. Despite several reported cases of forced labor and debt bondage of Vietnamese workers abroad, the government did not report any investigations, prosecutions, or convictions of offenders of labor trafficking during the reporting period. The Ministry of Labor, War Invalids, and Social Affairs (MOLISA) reported that while some labor recruitment companies were fined or had activities restricted due to various violations, none had their licenses revoked for violations of the law. Vietnam's National Steering Committee on trafficking in persons reported that in 2008, police investigated 330 cases and convicted 424 individuals for violations of Articles 119 and 120 of the Vietnamese Penal Code, which includes some forms of trafficking for sexual and labor exploitation, as well as a variety of related crimes. Trafficking-related corruption occurred at the local level, where officials at border crossings and checkpoints take bribes to look the other way, though the government did not report any investigations or prosecutions of officials for trafficking-related complicity." [2c]

23.07 The same report recorded:

"The Vietnamese government demonstrated some efforts at protecting cross-border sex trafficking victims in 2008. While the government took action to further protect workers by implementing the labor export assistance fund and providing stricter regulations on brokerage fees for labor export it does not provide adequate legal protection or assistance to the estimated 500,000 Vietnamese workers abroad from conditions of forced labor and debt bondage... The Vietnam Women's Union (VWU), with the assistance of NGOs, continued to run four shelters which provide psycho-social counseling and vocational training for female victims of sex trafficking. There are no shelters designated specifically for victims of labor trafficking; however, these victims have access to the same 'social protection centers' that many female sex trafficking victims can turn to for assistance. Sex trafficking victims were encouraged to assist in the investigation and prosecution process, but there was no data on the number of victims involved in prosecutions during the reporting period. Repatriated Vietnamese trafficking victims were not penalized for unlawful acts committed as a direct result of being trafficked... The government established some procedures to identify cross-border sex trafficking victims and trained 150 officials on the procedures with assistance from an international organization, but has not yet developed a comprehensive system to identify victims of internal trafficking or labor trafficking from among vulnerable groups... In May 2008, the government, with NGO assistance, established procedures for referring victims to appropriate care, and began to implement the referral system for women and girls identified as trafficking victims. The government does not exhibit adequate efforts to identify trafficking victims among women arrested for prostitution; as a result, sex trafficking victims may be vulnerable to being penalized for acts committed as a direct result of being trafficked... The Vietnamese government continued efforts to prevent trafficking through public awareness. The VWU and the

Vietnam Youth Union continued to conduct nationwide anti-trafficking public awareness campaigns... Despite Vietnam's efforts to engage in dialogue and enhance law enforcement cooperation with Malaysia and other Asian destination countries for Vietnamese trafficking victims, regional cooperation remains a challenge. The government recognizes that Vietnam is becoming an increasingly attractive destination for international child sex tourism... Vietnam has not ratified the 2000 UN TIP Protocol." [2c]

- 23.08 In its *2010 World Report* (covering events in 2009), Human Rights Watch noted, "Sex workers, trafficking victims, street children, people who use drugs, and street peddlers are routinely rounded up and detained without warrants in state rehabilitation centers. They are subject to beatings, sexual abuse, insufficient food, and little, if any, access to healthcare, including drug dependency treatment for an estimated 50,000 people who use drugs who are held in such centers." [5a]

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MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

- 24.01 The World Health Organisation's (WHO) *Country Cooperation Strategy for Vietnam, 2007-2011*, recorded:

"Until the end of the 1980s, the Government of Viet Nam financed and provided free health care services to the population. The economic crisis of 1986 caused the launch the doi moi (reforms) in an attempt to transform the country from a state-controlled to a market economy. In the health sector, wide-ranging reforms were introduced in 1989. A number of market-oriented measures, including user charges, private sector provision and liberalization of the production and sale of pharmaceuticals, were implemented. The impacts of these reforms are still affecting the health system today. The doi moi renewal process is generally recognized as having helped to improve the well-being of Viet Nam's population by substantially reducing poverty and increasing per capita GDP growth to an average of more than 7% per annum in the past decade. Nonetheless, Viet Nam remains among Asia's low-income countries, with many inequalities, including growing health disparities between urban and rural, rich and poor, and different geographical areas... Viet Nam's health indices have improved substantially in recent years, although it has had to face a host of relatively new health problems, such as avian influenza, which remains a serious public health threat to the country. Other new challenges to the health sector include: rising incidences of noncommunicable and lifestyle-related diseases, such as tobacco-related diseases and road accidents; the escalating HIV/AIDS epidemic, coupled with the simultaneous rise in tuberculosis; and the emergence of diseases such as dengue and lymphatic filariasis. These new challenges require a less fragmented health system with better strategies and more resources that can be mobilized to cope effectively and efficiently with current demands." [11a] (p6 and 7)

24.02 The same source noted:

“Viet Nam’s health system retains its socialist basis, with the state health system playing a key role in health service provision. Services are delivered by both private providers and an extensive public network of village health workers, commune health stations, intercommunal polyclinics, district hospitals, district preventive health centres, provincial hospitals, and regional, central and specialist hospitals. Planning and management of the public network involves the national Ministry of Health, provincial departments of health and district health offices, which are responsible for village health workers and commune health stations. The 1056 public hospitals provide 17.24 beds per 10 000 residents and deliver most inpatient care; the 49 private hospitals provide only 0.48 beds per 10 000 residents. Central-level public hospitals are overcrowded, with an occupancy rate of 116% in 2002, compared with 98% for provincial hospitals and 85% for district hospitals. This is largely due to patients bypassing lower levels of care (when they have the resources to do so) as there is a degree of distrust in the quality of services, particularly at district level. Evidence on quality standards is limited, but widely acknowledged to need improvement. In 2004, only 75% of cases referred to central hospitals by district and provincial clinics and only 59% of patients referred to clinics at the provincial level were diagnosed correctly.¹⁰ Inequities are evident in the inpatient admission rate and the average length of hospital stay, both of which are nearly twice as high for the highest quintile compared with the lowest... A significant volume of outpatient services are provided by private hospitals and the 30 000 private general practitioner clinics. There is a serious imbalance in the distribution of private practitioners, with a higher concentration in areas with higher living standards.” [11a] (p14)

24.03 According to the website of the Vietnamese Embassy in the United States, accessed on 7 April 2010, “In the face of economic difficulties, the Vietnamese Government has decided to increase the number of the beneficiaries of free medical charges for poor households and those in mountainous areas, to enhance malaria control, to extend the aid to purchase medical insurance for poor families, war invalids and soldiers. The State has attached great importance to primary health care for the community.” [17b]

24.04 The website of One World, accessed on 27 April 2010, stated:

“Despite a dramatic fall in cases of malaria since 1995 and control over polio and tuberculosis, healthcare at local level - especially in remote areas - is still very poor in terms of quantity and quality. Health insurance for the poor was adopted several years ago but access to free healthcare for those groups has remained modest. UNDP [United Nations Development Programme] is recommending that the government increases the relatively small share of national income devoted to health.” [27]

HIV/AIDS

24.05 The World Health Organisation’s (WHO) *Country Cooperation Strategy for Vietnam, 2007-2011*, recorded:

“In 2005, an estimated 260 000 people were living with HIV, a 12-fold increase since 1995, although the annual incidence of HIV notifications in 2005 was 13

731, somewhat less than the peak of 16 980 in 2003. The estimated HIV prevalence among injecting drug users and female sex workers is 33% and 3.5%, respectively. The average prevalence among pregnant women increased twelve-fold from 0.03% in 1994 to 0.37% in 2005, exceeding 1% in a number of provinces. The need for care and treatment of HIV/AIDS patients has already become a challenge and is set to increase in the coming years. Approximately 42 000 people living with HIV in 2006 were in need of antiretroviral treatment, but only 8500 had access to it, and it is projected that the number in need of the treatment will increase rapidly in the next few years. Widespread stigma and discrimination against people living with HIV, including from the health care setting, prevent (potential) patients from accessing prevention and treatment, but the government has demonstrated an increasing interest in confronting this problem.” [11a] (p11)

24.06 In an article dated 11 May 2009, UNAIDS stated:

“Although the country faces challenges to meet its universal access targets, Viet Nam has made significant progress in some areas. Expansion of coverage and access to quality HIV treatment and care have been considerably improved in those areas with high HIV prevalence since the targets were set in 2006. There has been a 50% increase in the number of eligible pregnant women receiving antiretroviral treatment, and a six-fold increase in access to antiretroviral treatment. Methadone pilot sites started operation in two provinces in 2008.” [33]

24.07 As noted by the website of the US President's Emergency Plan for AIDS Relief (PEPFAR), accessed on 27 April 2010:

“Vietnam faces a concentrated HIV epidemic... The government now reports HIV cases in all provinces, 93 percent of all districts, and 49 percent of all communes, although many high prevalence provinces report cases in 100 percent of communes... HIV prevalence among drug users was estimated to be 32 percent in 2003 and another study in 2005 estimated prevalence rates of 1.6 percent among all people in prostitution, compared to 33 percent in people in prostitution who also use injecting drugs.” [25]

24.08 The US State Department's *2009 Country Reports on Human Rights Practices* (USSD Report 2009), published on 11 March 2010, noted:

“There was no evidence of official discrimination against persons with HIV/AIDS, but societal discrimination against such persons existed. Individuals who tested positive for HIV/AIDS reported latent social stigma and discrimination, although not in receiving medical treatment for their condition. The law states that employers cannot fire individuals for having HIV/AIDS and doctors cannot refuse to treat persons with HIV/AIDS. However, there were credible reports that persons with HIV/AIDS lost jobs or suffered from discrimination in the workplace or in finding housing, although such reports decreased. In a few cases, children of persons with HIV/AIDS were barred from schools. Some parents removed their children from a school in Ho Chi Minh City after the school allowed orphans with HIV/AIDS to attend, as required by law. With the assistance of foreign donors, the national government and provincial authorities took steps to treat, assist, and accommodate persons with HIV/AIDS and decrease societal stigma and discrimination, but these measures were not consistently applied. Religious

charities were sometimes permitted to provide services to persons with HIV/AIDS.” [2a] (Section 6)

TUBERCULOSIS (TB)

24.09 The Stop TB Partnership’s *Global Report 2009* included Vietnam among 22 countries accounting for 80 per cent of TB cases in the world. It noted, “The preliminary results of the 2007 national survey of the prevalence of TB disease indicate that prevalence is higher than previously estimated. Although estimating TB incidence from the prevalence of TB disease is not straightforward, the survey also suggests that TB incidence may be higher, and the case detection rate lower, than previously estimated.” [12] (p161)

24.10 The World Health Organisation’s (WHO) *Country Cooperation Strategy for Vietnam, 2007-2011*, recorded:

“Tuberculosis remains a major public health problem; Viet Nam ranks 13th out of the 22 countries with the highest Tuberculosis (TB) burden. Although TB has been a national priority for more than 10 years and targets for 100% DOTS coverage and for case detection and cure have been met for the last few years, an average of more than 55 000 new respiratory TB patients and at least 14 000 new non-respiratory cases have been reported each year for the last five years. The impact of the National TB Programme has been mitigated by the rapid spread of HIV since the early 1990s; HIV/AIDS sentinel data show that 4.3% of TB patients were HIV-positive in 2004.” [11a] (p11)

MENTAL HEALTH

24.11 The World Health Organisation’s (WHO) *Country Cooperation Strategy for Vietnam, 2007-2011*, recorded that “there are still services, such as mental health, that are poorly resourced and have a serious shortage of trained personnel.” [11a] (p14) The WHO’s *Mental Health Atlas 2005 Country Profile for Vietnam* noted that a mental health programme was one of the ten objectives listed in the National Health Programme of 1999, but there is no mental health legislation. As recorded by the same source, “Medications approved by the Ministry of Health for people with schizophrenia and epilepsy are routinely available and are free. Medications for other conditions may or may not be available and would not be free.” [11b]

24.12 The same source stated further:

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

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FREEDOM OF MOVEMENT

- 25.01 The US State Department's *2009 Country Reports on Human Rights Practices* (USSD Report 2009), published on 11 March 2010, noted, "The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the government imposed some limits on freedom of movement for certain individuals." The report stated further:

"The 2007 Law on Residence was not broadly implemented, and migration from rural areas to cities continued unabated. However, moving without permission hampered persons seeking legal residence permits, public education, and health-care benefits. Foreign passport holders must register to stay in private homes, although there were no known cases of local authorities refusing to allow foreign visitors to stay with friends and family. Citizens were also required to register with local police when staying overnight in any location outside of their own homes; the government appeared to enforce these requirements more strictly in some districts of the Central and Northern Highlands." [2a] (Section 2d)

- 25.02 As recorded by the website of the US State Department's Bureau of Consular Affairs, accessed on 1 April 2010, "Every person residing in Vietnam must be listed on a household registry (Ho Khau), maintained by the Public Security Bureau." [2a] The USSD Report 2009 noted, "Household registration and block warden systems existed for the surveillance of all citizens, although these systems were generally less intrusive than in the past. Authorities focused particular attention on persons suspected of being involved in unauthorized political or religious activities." [2a] (Section 1f) On 16 October 2001 the Canadian Immigration and Refugee Board (IRB) recorded that a household registration document (ho khau) is one of the documents required for a Vietnamese citizen to secure a passport within Vietnam (the other documents being a birth certificate, a government-issued ID card and a letter of introduction for a passport, if applicable). [6e]

See also Section 27: Passports

- 25.03 A report by the Canadian IRB, dated 27 February 2009, noted:

"In 18 February 2009 correspondence, an international human rights lawyer specializing in Southeast Asia stated the following:

The Household Registry [ho khau] is the major form of proof that a person has an established address and is officially associated by blood or marital relationship to the other family members listed on the Registry. In demonstrating identity and residence for the purpose of obtaining any benefits or official documents (i.e. passports or exit documents) the Registry functions as the primary proof without which local officials will more likely than not deny benefits to anyone not part of the Registry.

According to a 2006 Human Rights Watch (HRW) report, household registration documentation in Vietnam is essential for legally obtaining a job, collecting food rations, attending government schools, receiving health care, travelling, voting and contesting administrative abuses... The report also indicates that children who do not have household registration documentation are more likely to be arrested or harassed by the police and may not be eligible to receive basic social services... In an April 2006 Viet Nam News

article, the Chairman of Vietnam's National Assembly Committee on External Affairs is quoted as saying that the household registration book is an important document to have in order to obtain a birth certificate, to access education and to vote... Additionally, the Vice Chairman of the National Assembly's Legal Committee stated that household registration is linked to the government's 'preferential policies and [is] essential for people living in disadvantaged, mountainous and remote regions'... A June 2006 Viet Nam News article quotes Deputy Ma Dien Cu from Binh Thuan province [southeast Vietnam] as saying that 'there's nothing wrong with the [household registration] books,' but that 'it's those who manage them who cause trouble for people and infringe on the rights of many citizens'... According to the same article, Deputy Tran Van Nam from Binh Duong province [southern Vietnam] commented on the 'overuse' of the household registration books in order to deliver services... Deputy Le Thi Nga from Thanh Hoa province [northern Vietnam] cited a Ministry of Public Security report when stating that there are 380 regulations governing household registration that 'limit citizen rights'... Further information on these regulations could not be found among the sources consulted by the Research Directorate... According to an October 2008 Viet Nam News article, the Deputy Head of the Hanoi Police Office for Administrative Management and Social Order indicated that the Hanoi police expected to spend 20 days checking household registration books searching for 'suspected people' and 'unusual relationship[s]'... The article reported that those not registered with local police or who haven't informed the police of an address change 'would be punished'." [6m]

25.04 On 24 February 2009 the Canadian IRB recorded:

"In 18 February 2009 correspondence, an official at the Consulate General of Canada in Ho Chi Minh City, Vietnam stated that individual's names are removed from the household registration (ho khau) under the following circumstances:

- 1) ... [B]eing declared disappeared or dead by the Court;
- 2) Being recruited by the Army, Police and living in barracks;
- 3) Having immigrated abroad;
- 4) Being registered at a new residence; in this case, the local authority that processes the new permanent residence of the citizen has the responsibility of informing the delegated authority for issuing the certificate of household move to remove the permanent residence of that individual at the previous residence.

The Official also indicated that

Persons who have been absent from their permanent place of residence for more than 6 months without registering their temporary absence and without plausible reasons shall have their names crossed out from the household registration book. When they return, they must re-apply for registration of their permanent residence as stipulated.

With regard to those persons who have registered their permanent residence but who in fact do not live in their permanent residence address without any plausible reasons, or cannot live there, the household management agency must cross out their names in the household registration book...

The Official stated that household registration procedures and paperwork may vary slightly from province to province... The information provided by the Official is based on government Decree/Circular, government websites and local knowledge... When asked about whether individuals are removed from their household registration as a form of punishment, an international human

rights lawyer specializing in Southeast Asia stated the following: 'I know of no situation where a person is removed from their own [household] Registry, but cannot state that it is not done in cases where some doubts exist as to a family relationship'... No further information relating to the removal of individuals from their household registration as a form of punishment could be found among the sources consulted by the Research Directorate." [6i]

- 25.05 The Canadian IRB recorded on 16 October 2001 that people who had been removed from the household registry (ho khau) could apply to have their registration restored if they were closely related to the head of the households concerned (sibling, son or daughter, spouse or parent). [6c]
- 25.06 The same source stated further, "For people who emigrate from Vietnam, the government considers them no longer part of their original household and they would lose their registration." An individual could apply for restoration of his name to the household registry only after returning to Vietnam, but those considered undesirable by the government would not be eligible. [6c] On 26 February 2009 the Canadian IRB provided details of the process and requirements for reinstatement onto a household registration. [6k]

EXIT AND RETURN

- 25.07 The US State Department's *2009 Country Reports on Human Rights Practices* (USSD Report 2009), published on 11 March 2010, recorded:

"Officials occasionally delayed citizens' access to passports in order to extort bribes, but prospective emigrants rarely encountered difficulties obtaining a passport.... The government generally permitted citizens who had emigrated abroad to return to visit. However, the government refused to allow certain activists living abroad to return. Known overseas Vietnamese political activists were denied entrance visas or were detained and deported after entering the country." [2a] (Section 2d)

See also Section 14: Opposition groups and political activists

See also Section 27: Passports

- 25.08 The report stated further:

"Emigrants who acquire another country's citizenship are generally considered Vietnamese citizens unless they formally renounce their Vietnamese citizenship. However, in practice the government treated overseas Vietnamese as citizens of their adopted country and did not permit them to use Vietnamese passports after they acquired other citizenship. Legislation passed in 2008 sought to clarify this apparent discrepancy by allowing for dual citizenship. The government generally encouraged visits and investment by such persons but sometimes monitored them carefully. During the year the government continued to liberalize travel restrictions for overseas Vietnamese." [2a] (Section 2d)

See also Section 27: Citizenship and nationality

- 25.09 On 22 February 2007 the Canadian Immigration and Refugee Board (IRB) noted, "People born in Vietnam travelling with foreign passports must obtain a

visa in order to exit or enter Vietnam... Those who have contributed ‘much to national liberation,’ however, are an exception; they do not require visas even if they hold foreign passports.” [6i] On the other hand, as noted by the same source in an earlier report dated 2 August 2000, dissidents living abroad may experience problems if applying for a visa to re-enter Vietnam. There have been cases where people openly opposed to the regime have been allowed to return to Vietnam, although they were kept under surveillance and harassed repeatedly by the police during their visit. [6b] [6a] (Regulations translated and reproduced in full)

25.10 On 10 February 2004 the Canadian IRB recorded:

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

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US Committee for Refugees and Immigrants, *World Refugee Survey 2008: Country Report: Vietnam*
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[See also Section 18: Chinese \(Hoa\)](#)

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CITIZENSHIP AND NATIONALITY

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US State Department, Bureau of Consular Affairs, *Vietnam Reciprocity Schedule* (Passport and Other Travel Documents)
http://travel.state.gov/visa/frvi/reciprocity/reciprocity_3705.html [2d]

Canadian IRB, VNM101947.E, 22 February 2007, *Exit and entry laws; whether someone who has fallen out of favour with the government can obtain a passport; corruption and the passport application process; whether or not clearance by police is required; reasons why a citizen's passport application would be rejected*
<http://www2.irb-cisr.gc.ca/en/research/rir/?action=record.viewrec&gotorec=450961> [6i]

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28.01 See the following sources:

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29.01 See the following sources:

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<http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136015.htm> [2a]

Human Rights Watch, *Not Yet a Workers' Paradise: Vietnam's Suppression of the Independent Workers' Movement*, 4 May 2009
<http://www.hrw.org/sites/default/files/reports/vietnam0509webwcover.pdf> [5h]

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Annexes

ANNEX A – CHRONOLOGY OF MAJOR EVENTS

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

- 1975** North Vietnamese troops invade South Vietnam and take control of the whole country after South Vietnamese President Duong Van Minh surrenders.
- 1976** Socialist Republic of Vietnam proclaimed. Saigon is re-named Ho Chi Minh City. Hundreds of thousands flee abroad, including many “boat people”.
- 1979** Vietnam invades Cambodia and ousts the Khmer Rouge regime of Pol Pot. In response, Chinese troops cross Vietnam’s northern border. They are pushed back by Vietnamese forces. The number of “boat people” trying to leave Vietnam causes international concern.
- 1986** Nguyen Van Linh becomes party leader. He introduces a more liberal economic policy.
- 1989** Vietnamese troops withdraw from Cambodia.
- 1992** New constitution adopted allowing certain economic freedoms. The Communist Party remains the leading force in Vietnamese society.
- 1994** US lifts its 30-year trade embargo.
- 1995** Vietnam and US restore full diplomatic relations. Vietnam becomes full member of Association of Southeast Asian Nations (Asean).
- 1997** Le Kha Phieu becomes party leader. Tran Duc Luong chosen as president, Phan Van Khai becomes prime minister.
- 1998** A senior party member, Pham The Duyet, faces charges of corruption. Economic growth slumps in the wake of the Asian financial crisis.
- 1999** A former high-ranking party member, Tran Do, is expelled after calling for more democracy and freedom of expression.
- 2000** US President Bill Clinton pays a three-day official visit. The US pledges more help to clear landmines left over from the Vietnam war. The Vietnamese government estimates nearly 40,000 people have been killed by unexploded munitions.
- 2001** **April:** The Communist Party chooses Nong Duc Manh as its new leader.
- December:** US, Vietnam implement a trade agreement which normalises the trade status between them.
- 2002** **January:** First sets of remains of Vietnamese soldiers killed in Cambodia are repatriated. More than 10,000 are estimated to have been killed in the wars against the French, the Americans and during Vietnam’s 10-year occupation of the country.
- May:** Russia hands back the Cam Ranh Bay naval base, once the largest Soviet base outside the Warsaw Pact. National Assembly elections return a victory for the ruling Communist Party. No opposition parties contest the poll.

- July:** President Tran Duc Luong reappointed for second term by National Assembly, which also reappoints Prime Minister Phan Van Khai for second five-year term.
- 2003** **June:** Showcase trial of Ho Chi Minh City gangster Nam Cam and 154 others hands down six death sentences.
- November:** First US warship to visit since the Vietnam War sails into port near Ho Chi Minh City.
- 2004** **January:** Vietnam confirms the first human deaths from bird flu. Over the course of the year the virus claims more than 30 lives.
- June:** Nam Cam, Ho Chi Minh City gangster, is executed.
- December:** First US commercial flight since the end of the Vietnam War touches down in Ho Chi Minh City.
- 2005** **June:** Prime Minister Phan Van Khai makes the first visit to the US by a Vietnamese leader since the end of the Vietnam War.
- 2006** **January onwards:** Senior officials are investigated over the alleged embezzlement of millions of dollars of state money in the transport ministry.
- June:** As part of an anticipated political shake-up, the prime minister, president and National Assembly chairman are replaced by younger leaders.
- 2007** **January:** After 12 years of talks Vietnam becomes the 150th member of the World Trade Organization.
- February:** Government approves a \$33bn plan to build a high-speed rail link between Hanoi and Ho Chi Minh City in the south. US agrees for the first time to help fund a study into the removal of Agent Orange, the highly toxic defoliant used by US forces, from a former US base in Da Nang.
- June:** President Nguyen Minh Triet makes first visit to the US by a Vietnamese head of state since the Vietnam War ended in 1975.
- July:** Prime Minister Nguyen Tan Dung reappointed, promises to push through economic reforms.
- 2008** **January:** Vietnam takes up a two-year, non-permanent seat on the UN Security Council.
- July:** Monthly inflation rate of 27.04% marks largest on-year increase since 1991.
- October:** US and international media campaigners condemn guilty verdicts on two Vietnamese journalists Nguyen Viet Chien and Nguyen Van Hai, who had helped to expose a major corruption scandal. Latter not imprisoned after pleading guilty.
- November:** Vietnam says it plans to enforce a two-child policy in an attempt to control population growth.

December: China and Vietnam resolve border dispute 30 years after 1979 war which left tens of thousands dead. Government bans bloggers from raising "inappropriate" subjects.

2009 January: Nguyen Viet Chien is among more than 15,000 prisoners released before the end of their prison terms in Lunar New Year amnesty - one of Vietnam's largest. Government dismisses Nguyen Cong Khe and Le Hoang, the editors of the two largest pro-reform newspapers, over their coverage of the October corruption scandal trial.

June: Vietnam calls on China to stop preventing Vietnamese fishermen from working in what Hanoi says are its territorial waters amid growing tensions between the two countries over fishing waters.

September: Vietnam's only independent think tank, the Institute of Development Studies, disbands after a government decree restricts the right to conduct research on the ruling Communist Party.

October: Six democracy activists sentenced to up to six years in prison for "spreading propaganda" against the government by hanging pro-democracy banners on a road bridge. They were accused of being part of the banned pro-democracy Bloc 8406.

December: Pro-democracy activist Tran Anh Kim received a five-and-a-half-year jail sentence for subversion after allegedly publishing pro-democracy articles on the internet. The former army officer was a member of the Democratic Party of Vietnam and the pro-democracy Bloc 8406, both of which are banned.

2010 January: Four activists including prominent human rights lawyer Le Cong Dinh jailed on charges of trying to overthrow the government. Internet entrepreneur Tran Huynh Duy Thuc received the longest sentence of 16 years. Rights groups abroad see it as a sign of an increasing clampdown on freedom of expression.

(BBC Timeline, 20 January 2010) [14b]

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ANNEX B – GUIDE TO ACRONYMS

AI	Amnesty International
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CPV	Communist Party of Vietnam
CRA	Committee for Religious Affairs
FCO	Foreign and Commonwealth Office (UK)
FH	Freedom House
GDP	Gross Domestic Product
HHCBC	Hoa Hao Central Buddhist Church (Vietnam)
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
ICRC	International Committee for Red Cross
IDP	Internally Displaced Person
MPS	Ministry of Public Security (Vietnam)
NGO	Non Governmental Organization
TB	Tuberculosis
TI	Transparency International
UBCV	Unified Buddhist Church of Vietnam
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children’s Fund
USSD	United States State Department
VFF	Vietnam Fatherland Front
VGCL	Vietnam General Confederation of Labour
WHO	World Health Organisation

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