



Australian Government
Refugee Review Tribunal

Country Advice

Vietnam

Vietnam – VNM39759 – Death Certificates
– Identity Cards (giấy chứng minh nhân dân) – Household Registration (hộ khẩu) –
Land Seizures
11 January 2012

1. Please provide information regarding the likelihood that a person’s death need not be registered in rural Vietnam.

All deaths in Vietnam are required by law to be registered with the provincial People’s Committee. Due to their relative isolation, people living in rural or remote regions are granted 15 days to register a death. Death certificates can be issued by the People’s Committee, a hospital or, in some cases, the police.

Article 3 of Vietnam’s *Decree on Civic Status Registration* of 1998 states that “[a]ll civic status events must be registered at the competent State authority”. Article 1 defines death as a civic event.

Section 3, Article 27 of the *Decree on Civic Status Registration* states that “the People’s Committee at the place of residence of the dead person shall perform the registration of death. In case the place of residence of the dead cannot be identified the commune-level People’s Committee at the place where the person dies shall register the death.”

Article 28 of the *Decree on Civic Status Registration* states that “[w]hen a person dies at home or when receiving the death notice, the next of kin of the dead must declare his/her death. If he/she has no next of kin, the house owner or the responsible person of the agency, unit or organization where the person dies shall perform the death declaration...For the urban areas like the cities, provincial capitals or townships, the time-limit for death declaration is 48 hours from the moment the person dies...For rural areas, mountain, deep-lying and remote regions, such time-limit shall not exceed 15 days.”¹

A Bangkok-based law firm states on its website that in Vietnam, “the local People’s Committee can issue the death certificate, as can a hospital or the investigation police.”²

¹ Government of the Socialist Republic of Vietnam 1998, *Decree on Civic Status Registration*, 10 October http://www.dulichdienbienphu.gov.vn/lawcontent_en.asp?id=3 – Accessed 31 March 2006

² ‘Legal Documents in Vietnam’ 2010, Cathy Tran Reck & Associates website <http://www.ctrlegal.com/us-legal-services/vietnam-legal-services/official-documents-vietnam/> – Accessed 4 January 2012

2. Please provide information on the identification/household registration documents that citizens of Vietnam are required to possess; and the likelihood that a released prisoner would not need to obtain new documents.

Various sources refer to Vietnam's national identity card as *giấy chứng minh nhân dân* (people's proof document).³ Since 1999, all Vietnamese nationals over the age of 14 are required to obtain and carry the national identity card. However, article 10 of Vietnam's Decree No. 05/1999 *On The People's Identity Card* states that a person's national identity card "shall be temporarily seized" when "[t]he card holder is held in custody, imprisoned or being sent to reformatory, educational institution or medical establishment." According to the decree, the citizen will "take back his/her people's identity card after serving the decision on handling of administrative violations, the custody duration expires, completing the prison term or after serving the decision on his/her confinement to reformatory, educational institution or medical establishment."⁴

According to a 2006 Human Rights Watch report, possession of household registration (*ho khau*) is essential in order to "legally reside in one's home...legally hold a job, collect grain rations, attend a government-run school, receive public health care, travel, vote, or formally challenge administrative abuses."⁵ Therefore, a person in poor health would require a copy of their *ho khau* in order to receive state medical services.

The Immigration and Refugee Board of Canada (IRBC) reported that a 2006 article in *Viet Nam News* by the Chairman of Vietnam's National Assembly Committee on External Affairs states that the household registration book is "essential for people living in disadvantaged, mountainous and remote regions".⁶

No sources were located that indicate that a person's *ho khau* document is also seized following arrest or detention. In 2009, the IRBC states that it found no evidence that individuals were removed from their household registration as a form of punishment. However, persons "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."⁷ A 2009 IRBC research

³ 'Asia Based -List Of Acceptable Documents For Identity Proofing' (undated), The Kantara Initiative website <http://kantarainitiative.org/confluence/download/attachments/55967840/Asia+Based+I-9+Identity+Proofing+Document+List.docx> – Accessed 4 January 2012; Jan Kremer Consulting Services 2010, 'National Identity Cards White Paper', September <http://jkremer.com/White%20Papers/National%20Identity%20Cards%20White%20Paper%20JKCS.pdf> – Accessed 4 January 2012

⁴ Government of the Socialist Republic of Vietnam 1999, *Decree No. 05/1999/Nd-Cp Of February 3, 1999 On The People's Identity Card*, UNHCR Refworld, Article 10 <http://www.unhcr.org/refworld/pdfid/3ddb96ca4.pdf> – Accessed 4 January 2012

⁵ Human Rights Watch 2006, "*Children of the Dust*": *Abuse of Hanoi Street Children in Detention*, p.35, footnote 90

⁶ Immigration and Refugee Board of Canada 2009, *VNM103086.E – Vietnam: Whether an individual's rights to obtaining a passport, employment, education and other civil rights are affected if he or she does not have household registration documentation*, UNHCR Refworld, 27 February <http://www.unhcr.org/refworld/docid/4b7cee8c38.html> – Accessed 4 January 2012

⁷ Immigration and Refugee Board of Canada 2009, *VNM103087.E – Vietnam: Circumstances under which an individual's name may be removed from a household registration; whether an individual's household registration is affected if he or she travels outside of Vietnam or is outside of Vietnam for an extended period of time; if so, timeframe for which the registration would be affected; reports of the authorities removing individuals from a household registry as a form of punishment*, UNHCR Refworld, 24 February <http://www.unhcr.org/refworld/docid/4b7cee8dc.html> – Accessed 4 January 2012

response lists the requirements returning Vietnamese nationals should have in order to regain *Ho Khau*, including: “a Vietnamese passport or travel document which has a stamp verifying entry... at the border gate; Proof of [Vietnamese nationality] granted by the Vietnam representative agencies overseas, accompanied by proof of the permission [to return] to Vietnam issued by the related authority; Certificate of Vietnamese nationality granted by the People's Committee of provinces and cities directly under central authority, accompanied by proof of the permission [to return to] Vietnam for permanent residence issued by the related authority.”⁸

3. Deleted.

4. **Please provide information about the confiscation or expropriation of land in Vietnam. Please include any information relating to the resistance of such activities and whether it is common for people to be arrested and charged with resisting or opposing the confiscation of land. Please also include any information that indicates that land is being confiscated by corrupt officials for their own personal gain.**

Seizure of land by the government is common in Vietnam and is reportedly a growing source of tension and social unrest. In a 2008 report, Human Rights Watch (HRW) stated that “increasing landlessness is a factor forcing hundreds of thousands of farmers to urban areas and industrial zones in search of work.”⁹ In May 2011, Freedom House reported that land disputes “have become more frequent as the government seizes property to lease to domestic and foreign investors. Affected residents and farmers rarely find the courts helpful, and their street protests have resulted in harassment and arrests by the state.”¹⁰

Such is the degree of social unrest caused by land seizures that HRW reports that there is now an “informal nationwide land rights movement” in Vietnam. According to a HRW report, in 2008 “thousands of farmers travelled to Ho Chi Minh City and Hanoi to publicly express their grievances about land seizures and local corruption.” According to HRW, “[s]everal land rights activists and landless farmers petitioning for redress were imprisoned during that year, including seven in July on charges of causing public disorder.” In September 2008, a Vietnam “appeals court upheld the two-year prison sentence of activist Luong Van Sinh, who had circulated reports and photographs of farmers’ protests on the internet.”¹¹

Arrests and custodial sentences continue to be handed out to people for organising protests in relation to land seizures. In October 2011, the *Bangkok Post* reported that “[a] court in Vietnam...sentenced three land rights activists from the same family to up to seven years in jail for spreading anti-government propaganda”. According to the report, the three received

⁸ Immigration and Refugee Board of Canada 2009, *VNM103088.E Vietnam: Process for being reinstated onto a household registration*, UNHCR Refworld, 26 February <http://www.unhcr.org/refworld/docid/4b7cee8d23.html> - Accessed 4 January 2012

⁹ Human Rights Watch 2008, *Not Yet a Workers’ Paradise: Vietnam’s Suppression of the Independent Workers’ Movement*, May

¹⁰ Freedom House 2011, *Freedom in the World 2011 – Vietnam*, 26 May http://www.freedomhouse.org/inc/content/pubs/fiw/inc_country_detail.cfm?year=2011&country=8012&pf - Accessed 22 July 2011

¹¹ Human Rights Watch 2009, *Country Summary – Vietnam*, January, p.1

various sentences following their campaigning “on behalf of farmers embroiled in land disputes with local authorities”.¹²

In August 2011, *The Associated Press* reported that a Vietnamese appeals court “reduced the sentences of two land-rights activists convicted of trying to overthrow the government while upholding the sentences of two others... The four had tried to help people in the southern Mekong Delta fight for rights to lands their families have used for generations and to challenge property seizures.”¹³

The US Department of State reported in December 2010 that “Chau Heng, a Khmer Krom land-rights activist from An Giang Province, was arrested upon re-entering Vietnam after being denied political refugee status by the Office of the UN High Commissioner for Refugees (UNHCR) in Thailand.” According to USDOS, “Heng led large-scale protests in 2007 and 2008 against local government land seizures.” USDOS also reported that in 2010 that “police in Thanh Hoa Province shot and killed two individuals in May, including a 12-year-old child, who were participating in a land-rights protest against a large state-owned enterprise... Land-rights protesters in Hanoi, Ho Chi Minh City, Danang, and several Mekong Delta provinces also reported harassment from local authorities.”¹⁴

Under Vietnam’s communist ideology, there is no private property. Rather, the state grants land-use rights to individuals and businesses on long-term leases.¹⁵ Land management, including the issuing and extension of leases, is managed by provincial and local People’s Committees.¹⁶ A number of sources indicate that corruption by People’s Committees in relation to land management is a serious problem in Vietnam. The World Bank Director in Vietnam, Victoria Kwakwa, stated that “[u]nsuitable land compensation, a shortage of land-related information for the public and the unfriendly attitudes of officials may lead to corruption”. Surveys conducted in various provinces indicated that 78 per cent of those interviewed believed that corruption occurred in land allocation, recovery, compensation and resettlement. Approximately 92 per cent of interviewees believed that illegal land allocation and land sales occurred in every province.¹⁷

There is some evidence that the Vietnamese national government recognises that corruption regarding the management of land by provincial People’s Committees is a problem. A 2005 survey conducted by the Internal Affairs Committee of the Central Committee of the Communist Party of Vietnam found that Vietnam’s land administration agency was the most corrupt among all government agencies.¹⁸ In 2010, US Department of State reported that land

¹² ‘Vietnam jails land rights activists for ‘propaganda’’ 2011, *Bangkok Post*, 22 October <http://www.bangkokpost.com/lite/news/262651/vietnam-jails-land-rights-activists-for-propaganda> – Accessed 3 January 2012

¹³ ‘4 Vietnam land-rights activists appeal sentences’ 2011, *Bloomberg Business Week*, source: *The Associated Press*, 18 August <http://www.businessweek.com/ap/financialnews/D9P6GUMOO.htm> – Accessed 3 January 2012

¹⁴ US Department of State 2011, *Country Reports on Human Rights Practices – Vietnam*, 8 April, Sections 1e & 1a

¹⁵ ‘Business: Hanoi Okays Sales of 634 State-Owned Villas’ 2008, *Vietnam News Brief Service*, 12 December; ‘Vietnam’s Land’ 2010, Vietnam Business News website, 27 January <http://vietnambusiness.asia/vietnams-land/> – Accessed 8 February 2011

¹⁶ Australian Agency for International Development (AusAID) 2003, ‘Decentralisation in Vietnam – Working Effectively at Provincial and Local Government Level – A Comparative Analysis of Long An and Quang Ngai Provinces’, AusAID website, November, pp.15-16, 18 http://www.ausaid.gov.au/publications/pdf/decentralisation_vietnam.pdf – Accessed 9 February 2011

¹⁷ ‘Society: Land-Management Corruption Challenging Vietnam’ 2011, *Vietnam News Brief Service*, 20 January

¹⁸ Transparency International 2006, ‘National Integrity Systems Country Study Report: Vietnam’, Transparency International website, p.12

management corruption was widely publicised in the Vietnamese media, “apparently in an officially orchestrated effort to bring pressure on local officials to reduce abuses”.¹⁹ In the past decade, Vietnam has introduced some of the most stringent anti-corruption laws in Asia. According to the Trust Law website²⁰, the “‘War on Corruption’ [in Vietnam] has led to the conviction and, in extreme cases, execution of a number of state officials”. Prosecutions of corrupt officials “rose more than 66% in 2007”, however Trust Law claims that this campaign has since stalled.²¹

http://www.transparency.org/content/download/11680/104752/file/Vietnam_NIS_2006.pdf – Accessed 8 February 2011

¹⁹ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Vietnam*, 11 March, Section 4

²⁰ A Thomson Reuters company

²¹ ‘Anti-corruption profile – Vietnam’ (undated), Trust Law website <http://www.trust.org/trustlaw/country-profiles/good-governance.dot?id=a381cd12-2b56-43d1-8d59-e84bfd59022e> – Accessed 11 January 2012

References

‘4 Vietnam land-rights activists appeal sentences’ 2011, *Bloomberg Business Week*, source: *The Associated Press*, 18 August <http://www.businessweek.com/ap/financialnews/D9P6GUMO0.htm> – Accessed 3 January 2012.

‘Anti-corruption profile – Vietnam’ (undated), Trust Law website <http://www.trust.org/trustlaw/country-profiles/good-governance.dot?id=a381cd12-2b56-43d1-8d59-e84bfd59022e> – Accessed 11 January 2012.

‘Asia Based -List Of Acceptable Documents For Identity Proofing’ (undated), The Kantara Initiative website <http://kantarainitiative.org/confluence/download/attachments/55967840/Asia+Based+I-9+Identity+Proofing+Document+List.docx> – Accessed 4 January 2012.

‘Business: Hanoi Okays Sales of 634 State-Owned Villas’ 2008, *Vietnam News Brief Service*, 12 December. (FACTIVA)

‘Legal Documents in Vietnam’ 2010, Cathy Tran Reck & Associates website <http://www.ctrlegal.com/us-legal-services/vietnam-legal-services/official-documents-vietnam/> – Accessed 4 January 2012.

‘Society: Land-Management Corruption Challenging Vietnam’ 2011, *Vietnam News Brief Service*, 20 January. (FACTIVA)

‘Vietnam jails land rights activists for ‘propaganda’’ 2011, *Bangkok Post*, 22 October <http://www.bangkokpost.com/lite/news/262651/vietnam-jails-land-rights-activists-for-propaganda> – Accessed 3 January 2012.

‘Vietnam’s Land’ 2010, Vietnam Business News website, 27 January <http://vietnambusiness.asia/vietnams-land/> – Accessed 8 February 2011.

Australian Agency for International Development (AusAID) 2003, ‘Decentralisation in Vietnam: Working Effectively at Provincial and Local Government Level – A Comparative Analysis of Long An and Quang Ngai Provinces’, AusAID website, November http://www.ausaid.gov.au/publications/pdf/decentralisation_vietnam.pdf – Accessed 9 February 2011.

Freedom House 2011, *Freedom in the World – Vietnam*, 26 May http://www.freedomhouse.org/inc/content/pubs/fiw/inc_country_detail.cfm?year=2011&country=8012&pf – Accessed 22 July 2011.

Government of the Socialist Republic of Vietnam 1998, *Decree on Civic Status Registration*, 10 October, http://www.dulichdienbienphu.gov.vn/lawcontent_en.asp?id=3 – Accessed 31 March 2006.

Government of the Socialist Republic of Vietnam 1999, *Decree No. 05/1999/Nd-Cp Of February 3, 1999 On The People’s Identity Card*, UNHCR Refworld, Article 10 <http://www.unhcr.org/refworld/pdfid/3ddb96ca4.pdf> – Accessed 4 January 2012.

Human Rights Watch 2006, “*Children of the Dust*”: *Abuse of Hanoi Street Children in Detention*, November.

Human Rights Watch 2008, *Not Yet a Workers' Paradise: Vietnam's Suppression of the Independent Workers' Movement*, May.

Human Rights Watch 2009, *Country Summary – Vietnam*, January.

Immigration and Refugee Board of Canada 2009, *VNM103086.E – Vietnam: Whether an individual's rights to obtaining a passport, employment, education and other civil rights are affected if he or she does not have household registration documentation*, UNHCR Refworld, 27 February <http://www.unhcr.org/refworld/docid/4b7cee8c38.html> – Accessed 4 January 2012.

Immigration and Refugee Board of Canada 2009, *VNM103087.E – Vietnam: Circumstances under which an individual's name may be removed from a household registration; whether an individual's household registration is affected if he or she travels outside of Vietnam or is outside of Vietnam for an extended period of time; if so, timeframe for which the registration would be affected; reports of the authorities removing individuals from a household registry as a form of punishment*, UNHCR Refworld, 24 February <http://www.unhcr.org/refworld/docid/4b7cee8dc.html> – Accessed 4 January 2012.

Immigration and Refugee Board of Canada 2009, *VNM103088.E Vietnam: Process for being reinstated onto a household registration*, UNHCR Refworld, 26 February <http://www.unhcr.org/refworld/docid/4b7cee8d23.html> - Accessed 4 January 2012.

Jan Kremer Consulting Services 2010, 'National Identity Cards White Paper', September <http://jkremer.com/White%20Papers/National%20Identity%20Cards%20White%20Paper%20JKCS.pdf> – Accessed 4 January 2012.

Transparency International 2006, 'National Integrity Systems Country Study Report: Vietnam', Transparency International website http://www.transparency.org/content/download/11680/104752/file/Vietnam_NIS_2006.pdf – Accessed 8 February 2011.

US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Vietnam*, 11 March.

US Department of State 2011, *Country Reports on Human Rights Practices – Vietnam*, 8 April.