



Home Office

Vietnam

Country of origin information report

COI service
9 August 2013

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Preface

- i This Country of Origin Information (COI) report has been produced by the COI Service, Home Office, for use by officials involved in the asylum/human rights determination process. The report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 15 July 2013. The report was issued on 9 August 2013.
- ii The report is compiled wholly from material produced by a wide range of external information sources and does not contain any Home Office opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The report aims to provide a compilation of extracts from the source material identified, focusing on the main issues raised in asylum and human rights applications. In some sections where the topics covered arise infrequently in asylum/human rights claims only web links may be provided. 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 report reflects the way it is used by Home Office 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 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. Similarly, the absence of information does not necessarily mean that, for example, a particular event or action did not occur.
- vi As noted above, the report is a compilation of extracts produced by a number of information sources. In compiling the report no attempt has been made to resolve discrepancies between information provided in different source documents though COI Service will bring the discrepancies together and aim to provide a range of sources, where available, to ensure that a balanced picture is presented. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. 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 report and the accompanying source material are public documents. All reports are published on 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 are available in electronic form, the relevant weblink 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 COI Service upon request.
- ix Reports are published regularly on the top 20 asylum intake countries. Reports on countries outside the top 20 countries may also be produced if there is a particular operational need. Home Office officials also have constant access to an information request service for specific enquiries.
- x In producing this report, COI Service has sought to provide an accurate, up to date, balanced and impartial compilation of extracts of the available source material. Any comments regarding this report or suggestions for additional source material are very welcome and should be submitted to COI Service as below.

Country of Origin Information Service

Home Office

Lunar House

40 Wellesley Road

Croydon, CR9 2BY

United Kingdom

Email: cois@homeoffice.gsi.gov.uk**Website:** <http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/coi/>**Independent Advisory Group on Country Information**

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

Independent Advisory Group on Country Information

Independent Chief Inspector of Borders and Immigration

5th Floor, Globe House

89 Eccleston Square

London, SW1V 1PN

Email: chiefinspectorukba@icinspector.gsi.gov.uk

Website: <http://icinspector.independent.gov.uk/country-information-reviews/>

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The Home Office is not responsible for the content of external websites.

Human rights watch <http://www.hrw.org/>

Abuse-Free Development: How the World Bank Should Safeguard Against Human Rights Violations , 22 July 2013, (p39)

<http://www.hrw.org/reports/2013/07/22/abuse-free-development>

Date accessed 6 August 2013

Useful news sources for further information

A list of news 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 E – References to source material](#).

British Broadcasting Corporation (BBC) <http://news.bbc.co.uk>

Cable News Network (CNN) <http://edition.cnn.com/WORLD/?fbid=i0gUtrVnUAY>

Integrated Regional Information Networks (IRIN) <http://www.irinnews.org/>

Radio Free Asia (RFA) <http://www.rfa.org/english/>

Thanh Nien newspaper (Online edition) <http://www.thanhniennews.com/>

UNHCR Refworld – Vietnam [http://www.refworld.org/cgi-](http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&skip=0&query=&coi=VNM)

[bin/texis/vtx/rwmain?page=search&skip=0&query=&coi=VNM](http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&skip=0&query=&coi=VNM)

Vietnam Human Rights Network <http://www.vietnamhumanrights.net/>

Viet Nam News <http://vietnamnews.vnagency.com.vn/>

Voice of America News (VOA) <http://www.voanews.com/english/about-us/contact/>

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Background Information

1. Geography

Overview

- 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 15 July 2013) **[1a]**
- 1.02 The Vietnam Briefing on Vietnam's Regions and Key Economic Zones, by Samantha Jones and Julia Gu, 29 May 2012, observed that: 'Vietnam is composed of 63 provinces and five centrally-governed cities, which stand on the same administrative level as provinces (namely Hanoi, Ho Chi Minh City, Can Tho, Da Nang and Hai Phong). The General Statistics Office of Vietnam further groups these provinces and cities into eight regions, listed below
- '1. Southeast
 - '2. Red River Delta
 - '3. Mekong River Delta
 - '4. Northeast
 - '5. Northwest
 - '6. North Central Coast
 - '7. South Central Coast
 - '8. Central Highlands'. **[67a]**
- 1.03 The following map shows where the regions are divided:



[67a]

- 1.04 The Central Intelligence Agency, World Factbook Profile on Vietnam, updated on 10 July 2013, accessed on 12 July 2013, recorded that the population was estimated to be

92,477,857 in July 2013. Life expectancy was expected to be 69.95 years for males and 75.16 years for females. **[4a]**

1.05 A July 2010 Media Release on the 2009 Population and Housing Census by the Statistics Documentation Centre - General Statistics Office of Vietnam noted that:

'In the last ten years there has been a total increase of 9.523 million people; an annual average increase of 952,000 people. The average annual population growth rate between two the [sic] 1999 and 2009 Population and Housing Censuses was 1.2% per year, while in the previous 10 years there was a total increase of 1,200,000 people (1.7% per year). This confirms the fact that Vietnam's fertility rate has been continuously declining over the last 10 years, as reported by statistics data from Annual Population Change and Family Planning Surveys implemented by the General Statistics Office.

'A total of 25,436,896 people (29.6%) live in urban areas and 60,410,101 people (70.4%) live in rural areas. Between 1999 and 2009, the average annual growth rate of the urban population was 3.4% per year, while that of the rural population was only 0.4% per year. The rapid growth of the urban population is mainly attributed to migration and urbanization.' **[39a]**

1.06 The 2009 Population and Housing Census also revealed three cities and provinces that had a population of more than three million people, which were Ho Chi Minh City (7.163 million people), Ha Noi City (6.452 million people) and Thanh Hoa province (3.401 million people). There were 5 provinces with a population under 500,000 people, including Bac Kan, Dien Bien, Lai Chau, Kon Tum and Dak Nong. **[39a]**

1.07 Vietnam is divided into 63 administrative units, comprised of provinces and cities. The website of the [Vietnam National Administration of Tourism](#), accessed on 9 July 2013, provides information on some of those areas. **[17a]**

1.08 While the official language of the country is Vietnamese the number of individual languages listed for Vietnam is 110. Of these, 109 are living and 1 is extinct. (Ethnologue.com, accessed on 9 July 2013) **[24a]**

1.09 Public holidays in 2014 include, '1 January (New Year's Day); 30 January (Eve of Tet, lunar New Year)*; 31 January–5 February (Tet, lunar New Year)*; 9 April (Hung Kings Day)*; 30 April (Liberation of Saigon); 1 May (Labour Day); 2 September (National Day).

* Varies according to the lunar calendar.' (Europa World Online, accessed 15 July 2013) **[1a]**

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

[See also Section 19: Ethnic groups](#)

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1.10 Map



(The Economist Intelligence Unit, Country Report, March 2012) [15a] (p2)

For more maps of Vietnam see [ReliefWeb's Map Centre](#).

The [Lonely Planet's](#) travel guide to Vietnam provides further background, geographical, infrastructure and travel information. **[37a]**

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2. Economy

2.01 The Vietnam Briefing on Vietnam's Regions and Key Economic Zones, by Samantha Jones and Julia Gu, 29 May 2012, observed that:

'The Vietnamese government divides the country into three key economic zones (KEZs) for which former Prime Minister Phan Van Khai launched economic development plans in 2004, guiding development to the year 2010 with a vision to 2020... The three zones are:

- 'The Northern Key Economic Zone
- 'The Central Key Economic Zone
- 'The Southern Key Economic Zone

'The KEZs are the economic engine of Vietnam. From 2011 to 2015, the KEZs are expected to achieve an annual average per capita income of US\$3,000, and their export import turnover is targeted to increase by 14 percent to 14.5 percent per year, according to predictions by the Deputy Prime Minister. From 2006 to 2010, according to Deputy Prime Minister Hoang Trung Hai, the zones had:

- 'An annual GDP growth rate of 10.8 percent from 2006 to 2010
- 'An average per capita income of US\$1,662 (significantly higher than the national average of US\$1,085)
- 'An import and export value of US\$602 billion (89 percent of the country's total)

'12,478 foreign investment projects worth US\$162 billion (91.32 percent of the country's total

'Northern KEZ

'The Northern KEZ covers eight provinces and municipalities: Hanoi City, Hung Yen Province, Hai Phong City, Quang Ninh Province, Hai Duong Province, Ha Tay Province, Bac Ninh Province and Vinh Phuc Province.

'Under the 2004 economic plan for the Northern KEZ, the government aimed to leverage the area's plentiful agricultural manpower for economic growth. As part of this, the Prime Minister ordered the establishment of industrial parks and high-tech zones to significantly improve the region's infrastructure, a key ingredient for attracting foreign investment...

'Southern KEZ

'The Southern KEZ includes Ho Chi Minh City, Binh Duong Province, Ba Ria – Vung Tau Province, Dong Nai Province, Tay Ninh Province, Binh Phuoc Province and Long An Province.

'The 2004 economic plan for the Southern KEZ focuses on the development of commerce, exports, telecommunications, tourism, finance, banking, services, technology as well as culture and training. The South, a major contributor of national GDP, has been designated as the leader in the industrialization and modernization of the whole country...

'The plan also includes upgrades to national highways, seaports, airports and the urban communication system of the region. In fact, most major Vietnamese ports and the country's largest airports are already in the Southern KEZ, including Tan Son Nhat International Airport, the new Long Thanh Airport (which will become operational by 2020), Saigon Port and the Vung Tau – Thi Vai Port Complex.

'Central KEZ

'The Central Key Economic Zone covers four provinces: Thua Thien Hue Province, Quang Nam Province, Quang Ngai Province, Binh Dinh Province and Da Nang City.

'The 2004 economic plan for the Central KEZ aims to ensure the region's role as Vietnam's 'growth nucleus,' which would boost development in the Central Highlands. Advantageous industries, such as the marine economy, are to be vigorously promoted in the region. In the future, the region is expected to attract investment in sectors including oil and gas, shipbuilding, logistics, coastal tourism development, and high tech industries.' [67a]

See also Section: [Geography](#) for an explanation on how Vietnam's regions are divided.

2.02 The Central Intelligence Agency (CIA) World Factbook, updated on 10 July 2013, accessed on 12 July 2013, recorded:

'Vietnam is a densely-populated developing country that has been transitioning from the rigidities of a centrally-planned economy since 1986. Vietnamese authorities have reaffirmed their commitment to economic modernization in recent years. Vietnam joined the World Trade Organization in January 2007, which has promoted more competitive, export-driven industries. Vietnam became an official negotiating partner in the Trans-Pacific Partnership trade agreement in 2010. Agriculture's share of economic output has continued to shrink from about 25% in 2000 to less than 22% in 2012, while industry's share increased from 36% to nearly 41% in the same period. State-owned enterprises account for roughly 40% of GDP. 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 hurt Vietnam's export-oriented economy, with GDP in 2012 growing at 5%, the slowest rate of growth since 1999. In 2012, however, exports increased by more than 18%, year-on-year; several administrative actions brought the trade deficit back into balance. Between 2008 and 2011, Vietnam's managed currency, the dong, was devalued in excess of 20%, but its value remained stable in 2012.' [4a] (Economy)

2.03 In Vietnam, private ownership of land is not allowed. The Economist Intelligence Unit (EIU), Country Report, Vietnam, published in March 2012, noted: '... land is owned by the state and leased to farmers or other users and leases are subject to renegotiation. It

is not unusual to see groups of farmers outside government ministries in the capital, Hanoi, protesting against the way that the state appropriated their land for various projects at below market prices.' **[15a] (p11 – The Political Scene)**

[See also Section 17: Corruption - Land/property seizure and property restitution.](#)

2.04 The currency of Vietnam is the Dong (VND), and the exchange rate on 12 July 2013 was £1 (sterling) = 32,044.43 VND and \$1 (US Dollar) = 21,204.41 VND. (XE online Internet foreign exchange tools and services) **[40a]**

2.05 Additional basic economic data:

- GDP growth in 2012, estimated at 5.0%
- Inflation rate in 2012, estimated at 9.1%;
- Unemployment rate in 2012, estimated at 4.3%; and
- Labour force by occupation estimated for 2012: agriculture 48%, industry 21%, and services 31% (CIA World Factbook, updated 10 July 2013, accessed on 12 July 2013) **[4a] (Economy)**

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3. History

The French colonial period

3.01 Europa World, Country Profile: Vietnam, accessed on 15 July 2013 noted:

'Cochin-China (the southernmost part of Viet Nam) became a French colony in 1867. Annam and Tonkin (central and northern Viet Nam) were proclaimed French protectorates in 1883. Later all three were merged with Cambodia and Laos to form French Indo-China. Throughout the French colonial period, but especially after 1920, nationalist and revolutionary groups operated in Viet Nam, the best organized of which was the Vietnamese Revolutionary Youth League, founded by Ho Chi Minh. The League was succeeded in 1930 by the Communist Party of Indo-China, also led by Ho Chi Minh.' **[1a] (Country Profile – Historical Content)**

North and South Partition

3.02 The Europa World, Country Profile, further described:

'In September 1940 Japanese forces began to occupy Viet Nam, although (Vichy) France retained administrative authority, and in June 1941 the nationalists formed the Viet Nam Doc Lap Dong Minh Hoi (Revolutionary League for the Independence of Viet Nam), or Viet Minh. In March 1945 French control was ended by a Japanese coup. Following Japan's surrender in August, Viet Minh forces entered Hanoi, and on 2 September the new regime proclaimed independence as the Democratic Republic of Viet Nam (DRV), with Ho Chi Minh as President. The Communist Party, formally dissolved in 1945, continued to be the dominant group within the Viet Minh Government. In March 1946, after French forces re-entered Viet Nam, an agreement between France and the DRV recognized Viet Nam as a 'free' state within the French Union. However, the DRV Government continued to seek complete independence.

Negotiations with France broke down, and full-scale hostilities began in December 1946.’ **[1a] (Country Profile – Historical Content)**

- 3.03 The Freedom House (FH) report, Freedom in the World 2013 - Vietnam, covering events in 2012, published in January 2013, stated, ‘Vietnam won full independence from France in 1954, but it was divided into a Western-backed state in the south and a Communist-ruled state in the north. Open warfare between the two sides erupted in the mid-1960s. A 1973 peace treaty officially ended the war, but fighting did not cease until 1975, when the north completed its conquest of the south. Vietnam was formally united in 1976.’ **[29a] (Introduction)**

[See also Section 2: Economy](#)

[See also Section 6: Political system](#)

[See also Annex A – Chronology of major events](#)

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4. Recent developments – January 2013 to July 2013

- 4.01 The Economist Intelligence Unit (EIU) Country Report on Vietnam, June 2013, observed that:

‘Vietnam's capital, Hanoi, and largest city, Ho Chi Minh City, have seen a wave of anti-China protests in recent months, often drawing hundreds of people to rallies protesting against China's claims to the Paracel islands and other contested parts of the South China Sea, a potentially energy-rich expanse of water that is also home to some of the world's busiest shipping lanes. Tensions between Vietnam and China have spiked from time to time over the issue, largely because of Chinese vessels allegedly interfering with oil and gas exploration vessels operating in Vietnamese waters. Vietnam has allowed some of the protests to go ahead, but the government is careful not to let the demonstrations against its powerful northern neighbour go too far.’ **[15b] (p18 – Politics – Analysis)**

- 4.02 While reporting on 2 July 2013 that authorities continued its crackdown on bloggers, the Committee to Protect Journalists (CPJ) added that:

‘Over the past year, Vietnam has intensified its grip on old and new media through a campaign of censorship, surveillance, and arrests and prosecutions. CPJ research shows that in each of the past several years, authorities have cracked down harder on critical journalists, focusing heavily on those who work online. All but one of the 14 reporters jailed at the time of CPJ's 2012 prison census published blogs or contributed to online news publications. Vietnam also continues to ban private media; all newspapers and television channels are state-run.’ **[22c]**

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

- 4.03 In February 2013, 22 activists accused of trying to overthrow the Communist government were jailed, with sentences ranging between ten years to life in prison... AsiaNews reported on 2 February:

‘Phan Van Thu, leader of an environmental group, was sentenced to life in prison. The other 21 accused were given terms ranging from 10 to 17 years, plus five years under house arrest...The 22 belonged to a group called Hoi Dong Cong Luat Cong An Bia Son in Vietnamese, which translates as Council for the Laws and Public Affairs of Bia Son (Phu Yen province). They were convicted on the basis of Article 79 of the Vietnam Penal Code, which has been used on several occasions against dissidents and pro-democracy advocates, according to activists and legal experts.’ **[63a]**

- 4.04 Eight Montagnards, affiliated with an unregistered Catholic church, were sentenced to between three and 11 years on 29 May for “undermining unity”. Radio Free Asia (RFA) reported on 25 May 2013 that, ‘The Gia Lai provincial court said some of the eight had worked with a banned exile organization to establish an independent state for indigenous peoples in the Central Highlands, according to state media. The others were accused of inciting thousands of protesters to demonstrate against their relocation from their village to make way for a power plant in 2008.’ **[41k]**

[See also Section 18: Freedom of Religion - Catholics](#)

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5. Constitution

- 5.01 The report, Rule of Law or Rule by Law?, Crime and Punishment in the Socialist Republic of Vietnam, for the Conference on the Rule of Law, for Human Rights in ASEAN (Association of Southeast Asian Nations) Countries, Human Rights Resource Center, Jakarta, 30 April 2011, stated:

‘The 1992 Constitution of Vietnam, the fourth since the formal establishment of the Democratic Republic of Vietnam in 1946, contains a number of articles enshrining the concept of human rights (Article 50) and the right to fundamental freedoms such as freedom of opinion and speech (Article 69), freedom of religion (Article 70), inviolability of the individual and the presumption of innocence (Art. 71). However, the same Constitution restricts the exercise of these freedoms. Article 4, for example enshrines the political monopoly of the Communist Party of Vietnam (CPV):

“The Communist Party of Vietnam, the vanguard of the Vietnamese working class (...) acting upon the Marxist-Leninist doctrine and Ho Chi Minh thought, is the force leading the State and society”.

‘This provision implies that individual rights are conditioned on support for the Communist Party and its doctrine, and that the rights of those who hold different opinions will not be guaranteed.’ **[69c] (p5-6 - Restrictions in the National Legal Framework – the Constitution)**

- 5.02 A citizen’s rights and duties are defined under Articles 50 to 80 of the 1992 [Constitution](#), amended in 2001. 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.’ **[73b] (Chapter 5)**

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6. Political system

6.01 The US State Department's 2012 Country Report on Human Rights Practices (USSD Report 2012), Vietnam, published on 19 April 2013, noted that 'The Socialist Republic of Vietnam is an authoritarian state ruled by a single party, the Communist Party of Vietnam (CPV), led by General Secretary Nguyen Phu Trong, Prime Minister Nguyen Tan Dung, and President Truong Tan Sang. The most recent National Assembly elections, held in May 2011, were neither free nor fair. Security forces reported to civilian authorities.' **[2a] (Executive Summary)**

6.02 The Economist Intelligence Unit (EIU), Country Report, published in March 2012, observed:

'Appointments to CPV posts take place behind closed doors, with votes conducted merely to confirm decisions that have already been made. NA [National Assembly] delegates are chosen by popular vote; the most recent election took place in May 2011, and the next poll is due to be held in 2015. Candidates are carefully vetted by the Vietnam Fatherland Front, a CPV-controlled umbrella body that includes all of the country's "mass organisations", and only those deemed suitable are allowed to stand. At the 2011 election only 42 of the 500 people elected to the NA were non-CPV members.'

[15a] (p5, Political outlook – Election watch)

6.03 The USSD Report 2012 noted:

'The National Assembly, although subject to CPV control (all of its senior leaders and more than 90 percent of its members are party members), continued to take incremental steps to assert itself as a legislative body. The National Assembly and its Constitutional Amendment Drafting Committee met in February with government-invited foreign experts to discuss lessons learned and best practices as the country proceeds toward amending its 1992 constitution.

'Under a law passed in late November [2012] and scheduled to become effective in 2013, the president, prime minister, cabinet members, Supreme People's Court justices, and the National Assembly president must submit to an annual vote of support in the National Assembly.' **[2a] (Section 3 - Elections and Political Participation)**

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Elections of November 2011

6.04 The USSD Report 2012 noted:

'The most recent elections, in May 2011 to select members of the National Assembly, were neither free nor fair. The VFF chose and vetted all candidates. The ratio of "independent" candidates (those not linked to a certain organization or group) to other candidates was lower than that of the 2007 election. The CPV approved 15 "self-nominated" candidates who did not have official government backing but were allowed to run. There were credible reports that party officials pressured many other self-nominated candidates to withdraw or found such candidates "ineligible" to run.

'According to the government, more than 99 percent of eligible voters cast ballots in the 2011 election, a figure that international observers considered improbably high. (Voters

may cast ballots by proxy, and local authorities are charged with assuring that all eligible voters cast ballots by organizing group voting and assuring all voters within their jurisdiction are recorded as having voted.) CPV candidates won 458 of the 500 seats. Four of the 15 self-nominated candidates won.' **[2a] (Section 3 - Elections and Political Participation)**

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

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Human Rights

7. Introduction

7.01 The US Commission on International Religious Freedom (USCIRF) Annual report (covering the period 31 January 2012 to 31 January 2013), 30 April 2013, stated:

'Vietnam's overall human rights record remains very poor. In the wake of battles within the Communist Party's leadership during the past several years, the government has moved decisively to repress any perceived challenges to its authority, tightening controls on freedom of expression, association, and assembly. In the past year, new decrees were issued prohibiting peaceful protest, limiting speech on the Internet, and tightening controls on journalists and access to the internet at cafes. At least 34 dissidents and human rights defenders were imprisoned, some to long sentences.'

[34a] (p197 – Religious Freedom Conditions)

7.02 The Amnesty International (AI) Annual Report 2013: The state of the world's human rights: Vietnam, (AI Report 2013) published on 23 May 2013, covering events in 2012, stated that:

'Repression of government critics and activists worsened, with severe restrictions on freedom of expression, association and assembly. At least 25 peaceful dissidents, including bloggers and songwriters, were sentenced to long prison terms in 14 trials that failed to meet international standards. Members of ethnic and religious groups faced human rights violations. At least 86 people were sentenced to death, with more than 500 on death row.'

[3a] (Introduction)

7.03 The US State Department's 2012 Country Report on Human Rights Practices (USSD Report 2012), Vietnam, published on 19 April 2013, noted that:

'The most significant human rights problems in the country continued to be severe government restrictions on citizens' political rights, particularly their right to change their government; increased measures to limit citizens' civil liberties; and corruption in the judicial system and police.

'Specific human rights abuses included continued police mistreatment of suspects during arrest and detention, including the use of lethal force as well as austere prison conditions; arbitrary arrest and detention for political activities; and denial of the right to a fair and expeditious trial. Political influence, endemic corruption, and inefficiency continued to distort the judicial system significantly. The government increasingly limited freedoms of speech and press and suppressed dissent; further restricted Internet freedom; reportedly continued to be involved in attacks against Web sites containing criticism; maintained spying on dissident bloggers; and continued to limit privacy rights and freedoms of assembly, association, and movement. Vietnamese who exercise their right to freedom of religion continued to be subject to harassment, differing interpretations and applications of the law, and inconsistent legal protection, especially at provincial and village levels. Police corruption persisted at various levels. The government maintained its prohibition of independent human rights organizations. Violence and discrimination against women as well as trafficking in persons continued, as did gender-biased sex selection and sexual exploitation of children. There was also some societal discrimination based on ethnicity, sexual orientation, gender identity, and HIV/AIDS status. The government maintained limits on workers' rights to form and join

independent unions and did not enforce safe and healthy working conditions adequately. Child labor persisted.

‘The government inconsistently took steps to prosecute and punish officials who committed abuses, and members of the police sometimes acted with impunity.’ **[2a] (Executive Summary)**

7.04 The Foreign and Commonwealth (FCO) 2012 Report on Human Rights and Democracy, Country Quarterly update, published 13 March 2013, stated: ‘The human rights environment in Vietnam remains poor despite the government’s decision to apply for membership of the UN Human Rights Council.’ **[8c]** The FCO 2012 Annual Report on Human Rights and Democracy, published in April 2013, stated: ‘The lack of legal and political accountability in one-party state Vietnam remains a serious obstacle to progress on human rights. The main areas of concern relate to civil and political rights, in particular freedom of expression. In 2012, there has been little or no sign of improvement in these areas.’ **[8b] (p249)**

7.05 The Freedom House (FH) report, Freedom in the World 2013 - Vietnam, covering events in 2012, published in January 2013, stated:

‘The government in 2012 continued its crackdown on dissent, particularly online, arresting and jailing additional bloggers and online columnists. Serious economic problems - including inflation and massive debts at state-owned enterprises - reportedly fueled turmoil within the ruling Communist Party and tighter controls on discussion of high-level party activities. Also during the year, the government drafted a decree that would expand the definition of speech crimes on the internet and force internet providers to block and filter content more thoroughly.’ **[29a] (Introduction)**

7.06 The Freedom House report also noted that:

‘Also during the year, the authorities continued to punish dissidents. Among other cases, the government in May tried four Catholic activists for distributing prodemocracy material; by year’s end, three had been convicted and sentenced to between 18 and 42 months in jail. Also in May, the courts rejected appeals by human rights activists Hồ Thị Bích Khương and Nguyễn Trung Tôn, upholding prison sentences - five and two years, respectively - they received in December 2011 for “conducting propaganda against the Socialist Republic of Vietnam.” Separately, in September, the courts sentenced three bloggers to between four and 12 years in prison; they belonged to the Free Journalists Club, a group of writers who focused on political reforms and civil liberties and posted their work online.’ **[29a]**

7.07 In November 2012 the International Federation for Human Rights (FIDH) reported on the human rights situation in Vietnam, noting:

‘Despite having ratified some of the key international human rights treaties, Vietnam continues to make a mockery of its human rights obligations domestically by routinely violating the rights of its people. In 2010 and 2011, we have witnessed an escalating pattern of repression of individuals and groups advocating for universally recognised human rights, as an increasing number of human rights defenders, journalists, bloggers, lawyers and religious activists have been intimidated, arbitrarily detained, convicted and jailed or put under house arrest. Unprecedented peaceful protests in Hanoi opposing China’s claim to islets in the South China Sea faced a severe crackdown after being held for more than 10 weeks from June to August 2011.

'Donors and development agencies have contributed a substantial amount of financial assistance to legal reform and good governance programs in Vietnam, but these have so far failed to have a positive impact on the ground as Vietnam continues to adopt and use restrictive laws to silence and criminalise the peaceful exercise of fundamental freedoms. The rule of law has been replaced by the rule by law in Vietnam.' [44a]

- 7.08 The Human Rights Watch (HRW) World Report 2013: Vietnam, covering events of 2012, published 31 January 2013, stated:

'The Vietnam government systematically suppresses freedom of expression, association, and peaceful assembly, and persecutes those who question government policies, expose official corruption, or call for democratic alternatives to one-party rule. Police harass and intimidate activists and their family members. Authorities arbitrarily arrest activists, hold them incommunicado for long periods without access to legal counsel or family visits, subject them to torture, and prosecute them in politically pliant courts that mete out long prison sentences for violating vaguely worded national security laws.

'In 2012, police used excessive force in response to public protests over evictions, confiscation of land, and police brutality.

'Land confiscation continues to be a flashpoint issue, with local farmers and villagers facing unjust confiscation of their lands by government officials and private sector projects. Those who resist face abuses from local authorities.' [5a] (p382)

See also Section 8: Security forces - [Arbitrary arrest and detention](#)

- 7.09 In November 2012, an article by AsiaNews about Catholic activists warning of 'alarming' human rights violations in Vietnam, observed that:

'The situation of human rights and individual freedoms, the process of democratization of the country, far from having improved seem to continuously worsen and are affecting political, economic and financial, relations with foreign countries and within the same society. These are the findings from a new report by the National Commission for Justice and Peace of the Vietnamese Catholic Church, recently sent to the Vietnamese bishops' conference. Sent to the prelates November 1 last year [2011], this new document - even more 'critical' of the government and authorities than the first 'comments' published May 15, 2012 - was republished yesterday by Eglise d'Asie. It paints an 'alarming' picture, confirmed by some specific events: the conviction of three young Vinh Christians, the trial of three famous bloggers, the arrest of the head of the Commercial Bank of Asia and the detention of two famous musicians, deemed responsible for "anti-government propaganda."

'The Catholic activists' document critically analyzes the conception of man in Vietnamese society today, discusses national education, denounces widespread corruption and major human rights violations. It is also a response to the Pastoral Letter for the Year of Faith and aims to present "some aspects of society," which are a source of "concern for public opinion".' [63b]

- 7.10 The FCO Quarterly Update Report of March 2013 added:

'The beginning of the year saw a number of human rights activists, especially bloggers, receive long custodial sentences during trials which were often behind closed doors.

‘Prominent human rights campaigner Nguyen Quoc Quan was released at the end of January after nine months in detention for links with the banned Viet Tan group. Human rights defender Le Cong Dinh was released in February after serving three and a half years of a five year sentence.’ **[8c]**

- 7.11 When reporting on the human rights situation in Vietnam, in particular during 2011 and the first quarter of 2012, the Human Rights Watch report, *Australia–Vietnam Human Rights Dialogue, Human Rights Watch Recommendations*, dated 24 April 2012, stated:

‘... there were many violations of human rights in Vietnam including a steady stream of political trials and arrests. The Vietnamese government systematically suppresses freedom of expression, association, and peaceful assembly. Independent writers, bloggers, and rights activists who question government policies, expose official corruption, or call for democratic alternatives to one-party rule are routinely subject to police harassment and intrusive surveillance, detained incommunicado for long periods of time without access to legal counsel, and sentenced to increasingly long terms in prison for violating vague national security laws. Police frequently torture suspects to elicit confessions and, in several cases, have responded to public protests over evictions, confiscation of land, and police brutality with excessive use of force. Authorities forcibly dispersed anti-China protests in Hanoi and Ho Chi Minh City in 2011 and protesters were intimidated, harassed, and in some cases detained for several days.’ **[5j] (p1)**

- 7.12 In the report of the United States Committee on Foreign Affairs House of Representatives, One Hundred Twelfth Congress, Second Session, held on 24 January 2012, a statement by the Honorable Anh ‘Joseph’ Cao, former member of congress on the human rights situation, read:

‘Vietnam, a member of the United Nations, has systematically violated these rights and has no intention of keeping the promise that it made to the U.S. Congress in 2006 to steadily improve its human rights record as a condition for the Congress’ support of Vietnam’s entry into the World Trade Organization. Sadly, instead of improving its human rights records, the Government of Vietnam has increased its repression of dissenters and religious leaders. To continue its imposition of an iron will on the people of Vietnam, the government detains, imprisons, places under house arrest, and convicts individuals for their peaceful expression of dissenting political or religious views, including but not limited to democracy and human rights activists, independent trade union leaders, non-state sanctioned publishers, journalists, bloggers, members of ethnic minorities, and unsanctioned religious groups.’ **[71a]**

- 7.13 A Human Rights Watch (HRW) news article of 11 January 2012, while reporting on the human rights situation in Vietnam, noted:

‘During 2011, at least 33 peaceful bloggers and rights activists were convicted of crimes for expressing their political and religious beliefs. The authorities arrested at least 27 other rights activists pending investigation and/or trial. In addition, two bloggers – Nguyen Van Hai (a.k.a. Dieu Cay) and Phan Thanh Hai (a.k.a. Anhasg) – have been held without trial since 2010. A land rights activist, Bui Thi Minh Hang, was sent to an education camp for two years of administrative detention without trial for participating in peaceful protests in Hanoi and Ho Chi Minh City that took place between June and August [2011].’ **[5b]**

[See also Section 11: Arrest and Detention – Legal rights](#)

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

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

[See also Section 16: Human rights institutions, organisations and activists](#)

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8. Security forces

- 8.01 The US State Department's 2012 Country Report on Human Rights Practices (USSD Report 2012), Vietnam, published on 19 April 2013, noted that:

'Internal security is the responsibility of the Ministry of Public Security, although in some remote areas, the military is the primary government agency and performs public safety functions, including maintaining public order in the event of civil unrest. The ministry 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 was less intrusive than in the past, the ministry continued to monitor individuals suspected of engaging, or being likely to engage, in unauthorized political activities. Credible reports suggested that local police continued to use 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 - Role of the Police and Security Apparatus)**

Police

- 8.02 The USSD Report 2012 added:

'Police organizations exist at the provincial, district, and local levels and are subject to the authority of people's committees at each level. At the commune level, it is common for guard forces composed of residents to assist the police. The police were generally effective at maintaining public order, but police capabilities, especially investigative, were generally very limited, and training and resources were inadequate. Several foreign governments continued to assist in training provincial police and prison management officials to improve their professionalism.' **[2a] (Section 1d - Role of the Police and Security Apparatus)**

- 8.03 Jane's Security Country Risk Assessment: Vietnam, Security and Foreign Forces - Police, updated 26 June 2012, accessed on 28 June 2013, noted that:

'The police force falls under the authority of the Ministry of the Interior. The force's role is geared more to upholding party doctrine than combating law-breakers. Conventional police are composed of the urban People's Security Force (PSF - also known as People's Police), and the rural/village-based People's Public Security Force (PPSF - also known as People's Security Service). A plain-clothes secret police force is also in operation under the Ministry of the Interior.' **[23a]**

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

[See also Section 16: Human rights institutions, organisations and activists](#)

[See also Section 17: Corruption](#)

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Armed forces

- 8.04 Branches of the Peoples Armed Forces included: 'People's Armed Forces: People's Army of Vietnam (PAVN; includes Vietnam People's Navy (with Naval Infantry), Vietnam People's Air and Air Defense Force, Border Defense Command).' (CIA World Factbook, updated on 10 July 2013, accessed on 12 July 2013) **[4a]**
- 8.05 Europa World, Country Profile: Vietnam, accessed on 15 July 2013, noted:
 'As assessed at November 2012, the total strength of the armed forces was an estimated 482,000: army 412,000; navy 40,000; air force 30,000. Men are subject to a two-year minimum term of compulsory military service between 18 and 35 years of age. Paramilitary forces number in excess of 5m. and include the urban People's Self-Defence Force and the rural People's Militia. Border defence troops number an estimated 40,000.' **[1a]**
- 8.06 Jane's Security Country Risk Assessment: Vietnam, Armed Forces, updated 15 February 2013, accessed on 28 June 2013, noted:
 'The Vietnam People's Armed Forces (Luc Luong Vu Trang Nhan Dan Viet Nam) comprises four main elements: Vietnam People's Army (which includes the air force, navy and coast guard), Militia and Self-Defence Force, Maritime Police, and People's Public Security Force.
 'The army is the largest service, reflecting its historical and political role in the major conflicts that have defined the country's struggle to gain independence from France, oppose US intervention, occupation of Cambodia, and defend national sovereignty against China. The army is organised, not as a separate command, but by military region, combined arms army corps, and arms (artillery, engineer, signal corps, chemical defence, armour, commando and other units directly under the Ministry of National Defence).' **[23b] (Defence Structure)**

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Army

- 8.07 Jane's Security Country Risk Assessment: Vietnam, Army, updated 23 April 2012, accessed on 28 June 2013, noted:
 'The Vietnam People's Army [VPA] is a tough and resilient defensive force despite the rundown of its equipment and the loss of foreign assistance following the collapse of the Soviet Union in 1991. This reflects their senior commanders' combat experience as junior officers in the Vietnam War, the brief but intense border war with China in 1979 and the decade-long Cambodian incursion that finally ended in the late 1980s. However, the passage of time is rapidly eroding this cadre of experienced senior officers. An absence of direct threats to national sovereignty can be expected to erode

the military's hard-earned skills base, while a shortage of funds will fail to offset this loss of experience through a greater dependence on technology. The VPA's current weaknesses result from a lack of sufficient funding to maintain and procure modern defence equipment...

'The bulk of the army consists of 61 infantry divisions, only three of which are mechanised. The strength of these divisions varies enormously, depending on location and state of readiness. Reduction in the size of main force strength may also be reflected among field units. The infantry is reinforced by autonomous armoured and artillery brigades, with paramilitary reserve forces also providing support. The size of these divisions varies along with their capability and range from 5,000 to 12,500 troops. Divisions are supplemented by 15 independent regiments, and supported by 10 armoured and 10 artillery brigades. Support elements include eight engineer divisions and possibly up to 15 economic construction divisions. Of the 14 bases at which this force is deployed, all but Haiphong and Dien Bien Phu are located in the former Republic of Vietnam (South Vietnam).' [23c]

Human rights violations by security forces

Arbitrary arrest and detention

8.08 The USSD Report 2012 stated:

'Arbitrary arrest and detention, particularly for political activists, remained a problem. According to activist groups and diplomatic sources, the government sentenced at least 35 arrested activists during the year to a total of 131 years in jail and 27 years of probation for exercising their rights. Authorities also increasingly charged political dissidents with "attempting to overthrow the government" (Article 79) due to their alleged membership in political parties other than the CPV [Communist Party of Vietnam]. While violators of this legal provision had the possibility of receiving the death penalty, they typically received prison sentences of up to 10 years. The government also used decrees, ordinances, and other measures to detain activists for the peaceful expression of opposing political views.

'Authorities also arrested individuals on allegations of revealing state secrets, subversion, taking advantage of democratic freedoms to infringe upon the government's interest, and other crimes as a means to suppress political dissent and public advocacy. For example, in September [2012] police summoned, questioned, and detained several activists and bloggers who attempted to attend the trial of blogger Nguyen Van Hai (also known as Dieu Cay). Police reportedly acted similarly a day before Nguyen Van Hai's appeal trial in December.

'On October 3 [2012], 20 plainclothes and uniformed police officials harassed Hanoi dissident lawyer Le Quoc Quan's brother, Le Dinh Quan, in his office; seized his personal documents; and temporarily detained and harassed his staff members. Bloggers reported that security officials linked Le Quoc Quan to the Quan Lam Bao (State Officials' Press) blog allegedly labeled as "hostile to government officials" by the prime minister. On December 27, police arrested Le Quoc Quan on charges of tax evasion, an action linked by bloggers to his continued calls for democratic reforms, and were detaining him at year's end.' [2a] (Section 1d – Arbitrary Arrest)

See also Section 11: Arrest and detention – legal rights

See also Section 25: Medical issues – Drug detention centres

See also Section 18: Freedom of religion

Torture

- 8.09 The Vietnam Human Rights Network, Annual Report 2012, stated that, ‘To silence the voices of those who have opposing views to those of the CPV [Communist Party of Vietnam], Vietnamese officials not only resort to ruffians in beatings against dissidents, they also maximally criminalize the people’s exercise of freedom of speech by using the 1999 Criminal Code’s Article 79 on “activities aimed at overthrowing the people’s government” and Article 88 on “propaganda against the SRVN [Socialist Republic of Vietnam]”.’ **[62a] (p12)**
- 8.10 The Human Rights Watch (HRW) World Report 2013: Vietnam, covering events of 2012, published 31 January 2013, stated: ‘Police brutality, including torture in detention and fatal beatings, continued to be reported in all regions of the country in 2012. At least 15 people died in police custody in the first 9 months of the year, according to state-controlled media.’ **[5a] (p386)**
- 8.11 One cited example as reported by Radio Free Asia on 17 April 2013, stated:
 ‘At least eight of 14 Vietnamese activists jailed in January [2013] on charges of plotting to overthrow the government have been subjected to mistreatment in prison, an opposition group charged Wednesday as another blogger was imprisoned for conducting “propaganda against the state.”... According to lawyers, who have now met with their respective clients, all eight of the defendants whose appeal will be heard on April 24 have been subjected to mistreatment while in prison, Viet Tan said. They were identified as Ho Duc Hoa, Thai Van Dung, Paulus Le Son, Nguyen Xuan Anh, Tran Minh Nhat, Nguyen Dinh Cuong, Ho Van Oanh and Nguyen Van Duyet. “The lawyers reported that Paulus Le Son, Tran Minh Nhat, Nguyen Dinh Cuong, and Ho Van Oanh are being held in prison cells without electricity (their rooms are basically dark after dusk),” it said. “They are only provided with meager portions of water and food, sometimes being offered food that has been spoiled.” Viet Tan said that Paulus Le Son, a 28-year-old Catholic blogger, had been denied medicine and is being refused access to newspapers, books, and writing materials. “He was only allowed to have the Bible after three days on a hunger strike,” the group said, adding that Ho Van Oanh was “denied the chance to submit a written request for a Bible”.’ **[41i]**

See also Section 12: Prison conditions

- 8.12 The Vietnam Human Rights Network, Annual Report 2012, stated that:
 ‘At the end of September 2010, Human Rights Watch reported that police brutality at the hands of the Vietnamese police was substantiated in at least 19 cases, causing 15 deaths, with many victims fatally beaten while being held for interrogation, or dead soon after release, or even dead in public as a result of the police use of unnecessary force...
 ‘More than two years later, police violence has not abated. Instead, it has been systematically reinforced by a more powerful and numerous police apparatus. VN has never released the actual number of police personnel. However, basing on the Central Statistical Office’s data, one can estimate the number of public security personnel at about 678,000. That number would be much higher if it includes collaborators.’ **(p18)**

8.13 The same source added that:

‘The insulting and beating of people in public places, as well as the detainment of citizens, using corporal punishments that sometimes result in death without real legal constraints, continue to rise. It is worth noting that most of the people who died while in police custody often committed only negligent misdemeanors, such as neighbor frictions, minor theft, etc... Although police officials attribute most of these deaths to suicide, traces of abuse and torture left on the victims’ bodies upon closer examinations indicate otherwise. In 2012, at least 15 cases of death caused by police and civil-defense violence were chronicled and revealed through media networks. The [report](#) cited a number of these recorded incidents.’ **[62a] (p18-21)**

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Avenues of complaint

8.14 For those seeking to lodge a complaint about human rights violations by security forces, the USSD Report 2012 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, civil, 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 continued to be subject to corruption, lack of independence, and inexperience.

‘By law a citizen seeking to press a complaint regarding a human rights violation by a civil servant faces difficult barriers. S/he is required first to petition the accused civil servant for permission to refer the complaint to court. If the civil servant refuses a petition, the citizen may appeal to the civil servant’s superior. If the civil servant or his superior accepts the complaint for hearing, an administrative court takes up the matter. If that court agrees that the case should be pursued, it is referred either to a civil court for suits involving physical injury seeking redress of less than 20 percent of health-care costs resulting from the alleged abuse, or to a criminal court for redress of more than 20 percent of such costs. 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 relevant experience. The government continued to disallow the use of class action lawsuits against government ministries, thus rendering ineffective joint complaints from land-rights petitioners.’ **[2a] (Section 1e - Civil Judicial Procedures and Remedies)**

See also Section 10: [Judiciary](#)

8.15 The report further stated:

‘Anticorruption law allows citizens to complain openly about inefficient government, administrative procedures, corruption, and economic policy. However, the government considered public political criticism a crime unless authorities controlled it. It is considered against the law to attempt to organize disaffected citizens to facilitate action, and perpetrators were subject to arrest. Senior government and party leaders continued to travel 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 - Official Corruption and Government Transparency)**

See also [Section 15: Freedom of speech and media](#) for information on restrictions and violations against those working for the media.

See also [Section 17: Corruption](#)

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9. Military service

9.01 The Central Intelligence Agency (CIA) World Factbook, Vietnam, updated 10 July 2013, accessed on 12 July 2013, noted that men between the age of 18 and 25 years were obliged to undergo two years compulsory military service, or three to four years in the navy. Observing that, ‘females may volunteer for active duty military service; conscription typically takes place twice annually and service obligation is 18 months (Army, Air Defense), 2 years (Navy and Air Force); 18-45 years of age (male) or 18-40 years of age (female) for Militia Force or Self Defense Force service; males may enroll in military schools at age 17 (2013).’ **[4a]**

9.02 The Global Security overview on the People's Army of Vietnam (PAVN), updated 11 July 2011, noted that:

‘In late 2001, Vietnam reinstated the requirement that women register for military service. However, barring an emergency mobilization, they are unlikely to be called up. Mandatory military service for women had been abandoned in 1975 at the end of the nation’s civil war. Although nearly a million citizens become eligible for military service each year, many of the young people do not enter the military due to tertiary education and going into business to support the ailing economy.’ **[55b]**

9.03 Jane’s Security Country Risk Assessment: Vietnam, Army, updated 23 April 2012, accessed on 28 June 2013, noted:

‘Military service is still seen by the country’s conservative leadership as a rite of passage. However, the rationale behind the citizen-soldier has been challenged by: the absence of a credible threat; membership of the Association of Southeast Asian Nations (ASEAN); the demands of the economy; and a young population that has little connection and probably less interest in the country’s revolutionary past. Many young men seek to avoid conscription through prolonging higher education and other strategies often only available to the elite and professional classes, leaving military service to the rural and urban poor and those without skills or influence.’ **[23c] (Assessment)**

9.04 Chapter XX of the [Penal Code](#), accessed on 1 July 2013, refers to the penalties for evading military service, stating that:

‘Article 259.- Evading military service

‘1. Those who fail to strictly abide by the law provisions on military service registration, fail to abide by the order for enlistment into the army, the summoning order for military training, have already been administratively sanctioned for such acts or have already been sentenced for such offenses, not yet entitled to criminal record remission but

continue to commit such violations, shall be sentenced to non-custodial reform for up to two years or between three months and two years of imprisonment.

'2. Committing the offenses in one of the following circumstances, the offenders shall be sentenced to between one and five years of imprisonment:

'a) The offenders inflict injuries on themselves or harm to their health;

'b) The offenses are committed during war time;

'c) The offenders drag other persons into committing the offenses.

'Article 260.- Failing to abide by the order to summon reserve army men for enlistment into the army

'1. Those who are reserve army men but refuse to obey the order for enlistment into the army in case of general mobilization, local mobilization, war or of a demand to reinforce the regular force of the army for combat to defend localities, to defend the territorial sovereignty, shall be sentenced to non-custodial reform for up to three years or between six months and three years of imprisonment.

'2. Committing the offense in one of the following circumstances, the offenders shall be sentenced to between two and seven years of imprisonment:

'a) The offenders inflict injuries on themselves or harms to their health;

'b) The offenders drag other persons into committing the offense.

'Article 261.- Acting against the regulations on the performance of military service

'1. Those who abuse positions and/or powers to act against the regulations on military service registration, the order for enlistment into the army and/or the summoning order for military trainings shall be sentenced to non-custodial reform for up to three years or between six months and three years of imprisonment.

'2. Committing the offense during the war time, the offenders shall be sentenced to between two and seven years of imprisonment.

'3. The offenders may also be banned from holding certain posts for one to five years.

'Article 262.- Obstructing the performance of military service

'1. Those who deliberately obstruct the military service registration, the summon for enlistment into the army, the summon for military training, shall be subject to warning, non-custodial reform for up to two years or a prison term of between three months and two years.

'2. Committing the offense in cases of abusing positions and/or powers or during war time, the offenders shall be sentenced to between one and five years of imprisonment.'

[73a]

9.05 Chapter XXIII (Articles 315-344) of the Penal Code, 21 December 1999, accessed on 1 July 2013, observed the "Crimes of Infringing upon the Duties and Responsibilities of Army Personnel", 21 December 1999. **[73a]**

10. Judiciary

This Section should be read in conjunction with Section 8: Security forces – [Avenues of complaint](#).

Organisation

- 10.01 The Global Security profile of the judicial and legal system in Vietnam, updated on 12 June 2013, accessed on 1 July 2013, noted that:

‘At the apex of the judicial system is the Supreme People’s Court (SPC), which is the highest court for appeal and review. The SPC reports to the National Assembly, which controls the judiciary’s budget and confirms the president’s nominees to the SPC and Supreme People’s Procuracy. The Supreme People’s Procuracy issues arrest warrants, sometimes retroactively. Below the SPC are district and provincial people’s courts, military tribunals, and administrative, economic, and labor courts. The people’s courts are the courts of first instance. The Ministry of Defense (MOD) has military tribunals, which have the same rules as civil courts. Military judges and assessors are selected by the MOD and SPC, but the SPC has supervisory responsibility.’ **[55a] (Judicial and Legal System)**

- 10.02 Europa World, Country Profile: Vietnam, accessed on 15 July 2013 noted:

‘The Supreme People’s Court in Hanoi is the highest court and exercises civil and criminal jurisdiction over all lower courts. The Supreme Court may also conduct trials of the first instance in certain cases. There are People’s Courts in each province and city which exercise jurisdiction in the first and second instance. Military courts hear cases involving members of the People’s Army and cases involving national security. In 1993 legislation was adopted on the establishment of economic courts to consider business disputes. The observance of the law by ministries, government offices and all citizens is the concern of the People’s Procuracy, under a Supreme People’s Procuracy. The Chief Justice of the Supreme People’s Court and the Procurator-General of the Supreme People’s Procuracy are elected by the National Assembly, on the recommendation of the President.’ **[1a]**

- 10.03 The US State Department’s 2012 Country Report on Human Rights Practices (USSD Report 2012), Vietnam, published on 19 April 2013, noted that:

‘There continued to be a shortage of trained lawyers and judges. The Vietnam Bar Federation falls under the supervision of the CPV’s Vietnam Fatherland Front (VFF), an umbrella group that monitors the country’s mass organizations, and is closely coordinated with the Ministry of Justice and the Vietnam Lawyers Association. The federation, which oversees local bar association functions, continued to develop a professional code of conduct for lawyers.’ **[2a] (Section 1e - Denial of Fair Public Trial)**

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Independence

- 10.04 The Human Rights Watch (HRW) World Report 2013: Vietnam, covering events of 2012, published 31 January 2013, stated: ‘Vietnamese courts lack independence since

they are firmly controlled by the government and the Vietnam Communist party, and trials of political and religious dissidents fail to meet international fair trial standards. Police intimidate, and in some cases detain, family members and friends who try to attend trials or publicly display dissenting views during court proceedings.' **[5a] (p386-387)**

10.05 The Foreign and Commonwealth (FCO) 2012 Report on Human Rights and Democracy, published in April 2013, stated: 'Concerns remain over the lack of independence and transparency in the legal and judicial systems. There is poor coordination between the key agencies mandated with investigating, prosecuting and sentencing in criminal cases.' **[8b] (p251)**

10.06 The USSD Report 2012 recorded:

'The law provides for the independence of judges and lay assessors, but the CPV [Communist Party of Vietnam] controlled the courts at all levels through its effective control of judicial appointments and other mechanisms and in many cases, by determining verdicts. As in past years, political influence, endemic corruption, and inefficiency strongly distorted the judicial system. Most, if not all, judges were members of the CPV and chosen at least in part for their political views. The party's influence was particularly notable in high-profile cases and other instances in which authorities charged a person with challenging or harming the party or state.' **[2a] (Section 1e - Denial of Fair Public Trial)**

10.07 The Global Security profile of the judicial and legal system in Vietnam, updated on 12 June 2013, accessed on 1 July 2013, noted that:

'Although the constitution provides for independent judges and lay assessors (who lack administrative training), the U.S. Department of State maintains that Vietnam lacks an independent judiciary, in part because the Vietnamese Communist Party (VCP) selects judges and vets them for political reliability. Moreover, the party seeks to influence the outcome of cases involving perceived threats to the state or the party's dominant position. In an effort to increase judicial independence, the government transferred local courts from the Ministry of Justice to the SPC in September 2002. However, the Department of State saw no evidence that the move actually achieved the stated goal. Vietnam's judiciary also is hampered by a shortage of lawyers and rudimentary trial procedures. The death penalty often is imposed in cases of corruption and drug trafficking.' **[55a] (Judicial and Legal System)**

Fair trial

10.08 The Freedom House (FH) report, Freedom in the World 2013 - Vietnam, covering events in 2012, published in January 2013, stated:

'Vietnam's judiciary is subservient to the CPV [Communist Party of Vietnam], which controls courts at all levels. 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 - including arrest - by the state. Defense attorneys cannot call or question witnesses and are rarely permitted to request leniency for their clients. Police can hold individuals in administrative detention for up to two years on suspicion of threatening national security. The police are known to abuse suspects and prisoners, and prison conditions are poor.' **[29a]**

10.09 The USSD Report 2012 noted:

‘Courts may sentence persons to administrative detention of up to five years after completion of a sentence. In addition, police or mass organizations may propose that one of five “administrative measures” be imposed by people’s committee chairs 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. Authorities generally applied such measures to repeat offenders with a record of minor offenses, such as committing petty theft or “humiliating other persons.” Terms of 24 months were standard for drug users and prostitutes. Individuals sentenced to detention facilities were forced to meet work quotas to pay for services and detention costs. Committee chairs may also impose terms of “administrative probation,” which generally took the form of restriction on movement and travel. Authorities continued to punish some individuals using vaguely worded national security provisions of law.’ **[2a] (Section 1d - Arrest Procedures and Treatment While in Detention)**

See also Section 8: Avenues of Complaint

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11. Arrest and detention – legal rights

This section should be read in conjunction with [Section 8: Security forces – Arbitrary arrest and detention](#) and [Section 24: Medical issues – Drug detention centres](#).

11.01 Chapter XIII, Article 123 (Illegal arrest, custody or detention of people) of the [Penal Code](#), accessed 1 July 2013, observed that:

‘1. Those who illegally arrest, hold in custody or detain other persons shall be subject to warning, non-custodial reform for up to two years or a prison term of between three months and two years.’ **[73a]**

11.02 Article 303 (Abusing positions and powers to detain persons in contravention of law), observed that:

‘1. Those who abuse their positions and/or powers refusing to issue decisions or to abide by decisions on release of persons eligible therefor under the provisions of law, shall be sentenced to between six months and three years of imprisonment.

‘2. Committing the crime and causing serious consequences, the offenders shall be sentenced to between two years and seven years of imprisonment.

3. Committing the crime and causing very serious or particularly serious consequences, the offenders shall be sentenced to between five years and ten years of imprisonment.

‘4. The offenders shall also be banned from holding certain posts for one to five years.’ **[73a]**

11.03 The US State Department’s 2012 Country Report on Human Rights Practices (USSD Report 2012), Vietnam, published on 19 April 2013, noted that: ‘The law allows the government to detain persons without charge indefinitely under vague “national security” provisions. The government also continued to arrest and detain individuals indefinitely under other legal provisions and subjected several activists throughout the

country to administrative detention or house arrest.’ **[2a] (Section 1d - Arbitrary Arrest or Detention)**

11.04 The Freedom House (FH) report, Freedom in the World 2013 - Vietnam, covering events in 2012, published in January 2013, stated that, ‘Police can hold individuals in administrative detention for up to two years on suspicion of threatening national security.’ **[29a]**

11.05 USSD Report 2012 further added:

‘The law outlines the process by which individuals should be taken into custody and treated until authorities adjudicate their cases. The Supreme People’s Procuracy (Public Prosecutor’s Office) issues arrest warrants, generally at the request of police. However, police may make an arrest without a warrant based on 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. Authorities often circumvented the nine-day regulation.’ **[2a] (Section 1d - Arrest Procedures and Treatment While in Detention)**

11.06 The Human Rights Watch (HRW) World Report 2013: Vietnam, covering events of 2012, published 31 January 2013, stated:

‘Vietnamese law continues to authorize arbitrary “administrative detention” without trial. Under Ordinance 44 (2002) and Decree 76 (2003) persons deemed threats to national security or public order can be placed under house arrest, involuntarily committed to mental health institutions, or detained at “re-education” centers.

‘In June, the National Assembly passed the Law on Handling of Administrative Violations that will finally halt the practice of sending sex workers to administrative detention in the so-called “05 centers” where they often suffer abuse. Human rights observers welcome this rare example of a concrete and positive institutional reform.

‘The policy of detention of drug users, however, remained unchanged. The mainstay of Vietnam’s approach to drug treatment remains detention in government centers where detainees are subjected to so-called “labor therapy.” Some 123 centers across the country hold around 40,000 people, including children as young as 12 years old. Their detention is not subject to any form of due process or judicial oversight and routinely lasts as long as four years. Infringement of center rules - including the work requirement - is punished by beatings with truncheons, shocks with electrical batons, and imprisonment in disciplinary rooms where detainees are deprived of food and water. Former detainees report that authorities forced them to work in cashew processing and other forms of agricultural production, including potato or coffee farming, construction work, and garment manufacturing and other forms of manufacturing.’ **[5a] (p387)**

[See also Section 25: Medical issues – Drug detention centres](#)

11.07 The Amnesty International (AI) Report 2011: The state of the world’s human rights: Vietnam, (AI Report 2011) published on 13 May 2011, covering events in 2010, stated that: ‘More than 17,000 prisoners were released under a large-scale prisoner amnesty to mark National Day. No prisoners of conscience were among those released.’ **[3b]**

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

11.08 The USSD Report 2012 noted:

'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) or more than two years for national security cases. However, at times investigations lasted indefinitely. By law the procuracy may also request additional two-month periods of detention after an investigation to consider whether to prosecute a detainee or ask police to investigate further. Investigators sometimes continued to use physical abuse, 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 continued their use of bureaucratic delays to deny access to legal counsel. In cases investigated under national security laws, authorities prohibited defense lawyers' access to clients until after an investigation ended and the suspect was formally charged with a crime, most often after approximately four months. Under regulations, investigations may 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. Only juveniles and persons formally charged with capital crimes were assigned lawyers.

'Authorities must inform attorneys of and allow them to attend interrogations of their clients. However, a defendant first must request the presence of a lawyer, and it remained unclear whether authorities always informed defendants of this right. Authorities also must give attorneys access to case files and permit them to copy documents. Attorneys were sometimes able to exercise these rights.

'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 routinely denied detainees access to family members, especially in national security cases. Before a formal indictment, detainees have the right to notify family members, although a number of detainees suspected of national security violations were held incommunicado. 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.' **[2a]**
(Section 1d - Arrest Procedures and Treatment While in Detention)

The report, [Rule of Law or Rule by Law?, Crime and Punishment in the Socialist Republic of Vietnam](#), provided additional information on 'Ordinance 44 on Administrative detention' and 'The Criminal Procedures Code: Unlimited Pre-trial Detention'. **[69c] (p7)**

[See also Section 8: Security forces - Human rights violations by security forces](#)

[See also Section 8: Security forces - Police](#)

[See also Section 8: Security forces - Arbitrary arrest and detention](#)

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

[See also Section 25: Medical issues – Drug detention centres](#)

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12. Prison conditions

- 12.01 The Freedom House (FH) report, Freedom in the World 2013 - Vietnam, covering events in 2012, published in January 2013, observed that that prison conditions were poor and police were reported to have abused suspects and prisoners. **[29a]**
- 12.02 The US State Department's 2012 Country Report on Human Rights Practices (USSD Report 2012), Vietnam, published on 19 April 2013, noted that, 'Prison conditions were austere but generally not life-threatening. Overcrowding, insufficient diet, lack of access to potable water, and poor sanitation remained serious problems. State control of the media restricted reporting on living conditions.' **[2a] (Section 1c - Prison and Detention Center Conditions)**
- 12.03 In Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report, covering events in 2010, published on 31 March 2011, noted: 'Prisons in Vietnam remain overcrowded. Inmates often share cells with up to 40 others and have limited access to recreational facilities. Inmates are forced to work and are punished if they refuse. Food rations are basic and prisoners rely on supplies brought in by family members to supplement their diet. There is no independent inspectorate of prisons. Any reported abuses are dealt with internally by the Ministry of Public Security.' **[8a] (p336)**
- 12.04 On 1 July 2013, Radio Free Asia (RFA) reported that according to former prisoner and pro-democracy activist Le Thang Long, a riot broke out at camp No. 1 (K1) of the Z30A Xuan Loc Prison in Dong Nai province early on Sunday 30 June, with dozens of prisoners demanding better conditions . Describing the events, RFA observed:
- 'Inmates in Vietnam seized a prison for several hours at the weekend, taking the facility's chief hostage to demand better conditions, sources said Monday, amid concerns by activists over inhumane treatment in the country's penal system... After taking control of the camp, inmates broke down the doors to the main office and took supervisor Lieutenant Colonel Ho Phi Thang hostage, demanding an end to abuses committed by prison guards, he told RFA's Vietnamese Service. "At about 7:00 or 8:00 a.m., prisoners revolted and took the supervisor of Z30A, Ho Phi Thang, as a hostage," Long said. "The reason was ill-treatment in the prison - prisoners are harassed, their food rations are cut and their basic requests are not granted." In recent weeks, a number of Vietnamese political prisoners have held hunger strikes to protest harsh conditions in jail, including prominent dissident Cu Huy Ha Vu and Catholic activist Tran Minh Nhat.' **[41n]**
- 12.05 The USSD Report 2012 described that:
- 'Prisoners had access to basic health care, although in many cases officials prevented family members from providing medication to prisoners. In April [2012] Tang Hong Phuc and Huynh Dinh Hung died in Chi Hoa Prison, Ho Chi Minh City, of lung disease. In June the Judicial Committee of the Ho Chi Minh City People's Council inspected Chi Hoa Prison and reported deteriorating conditions, dilapidated cells in death row, and serious overcrowding. In addition, family members of imprisoned activists who experienced health problems claimed medical treatment was inadequate and resulted in greater long-term health complications.
- 'Prisoners generally were required to work but received no wages. Authorities sometimes placed prisoners in solitary confinement and deprived them of reading and writing materials for periods of up to several months. Family members continued to

make credible claims that prisoners received benefits by paying bribes to prison officials or undertaking hunger strikes.’ **[2a] (Section 1c - Prison and Detention Center Conditions)**

12.06 The USSD Report 2012 also noted that:

‘Authorities limited prisoners to one 30-minute family visit per month and generally permitted family members to give supplemental food and bedding to prisoners. However, family members of political prisoners also reported increased government surveillance and harassment by security officials as well as interference with their work, school, and financial activities. In addition, authorities allowed foreign diplomats to make one limited prison visit during the year to meet with one prominent prisoner.

‘Prisoners did not have the right to practice their religion in public or to have access to religious books and scriptures, although authorities allowed Roman Catholic priest and democracy activist Thaddeus Nguyen Van Ly (rearrested in July 2011) to keep a Bible, pray, and give communion to fellow prisoners. Prisoners were allowed to submit uncensored complaints to prison management and judicial authorities, but their complaints were routinely ignored.’ **[2a] (Section 1c - Prison and Detention Center Conditions)**

See also Section 14: Political affiliation

12.07 The USSD Report 2012 recorded, ‘The total number of prisoners and detainees was not publicly available.’ **[2a] (Section 1c - Prison and Detention Center Conditions)** However, the International Centre for Prison Studies (ICPS), World Prison Brief on Vietnam, accessed on 10 July 2013, provided the following statistical information on the prison population:

Country	VIETNAM
Ministry responsible	Ministry of Public Security
Prison administration	Department of Prison Management
Contact address	17/175 Duh cong-Hoang mai, Hanoi, Vietnam
Telephone/fax/website	tel: +84 43 864 1501 or 2223 fax: +84 43 864 1502 web: v26bca@fpt.vn
Head of prison administration (and title)	Pham Duc Chan Director General
Prison population total (including pre-trial detainees / remand prisoners)	130,180 at mid-2012 (national prison administration, via Asian and Pacific Conference of Correctional Administrators - including 115,030 sentenced)
Prison population rate (per 100,000 of national population)	145 based on an estimated national population of 89.7 million at mid-2012 (from United Nations figures) - sentenced prisoners only.
Pre-trial detainees / remand prisoners	11.6% (mid-2012)

(percentage of prison population)	
Female prisoners (percentage of prison population)	12.6% (mid-2012)
Foreign prisoners (percentage of prison population)	0.3% (mid-2012)
Recent prison population trend (year, prison population total, prison population rate)	1996 43,000 sentenced prisoners (56) 1998 55,000 sentenced prisoners (71) 2005 88,414 sentenced prisoners (105) 2007 92,153 sentenced prisoners (107) 2009 107,668 sentenced prisoners (122) 2011 113,018 sentenced prisoners (127)

[42a]

See also [Section 13: Death Penalty](#) for information on conditions for death row prisoners

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Drug detention centres

This section should be read in conjunction with [Section 8: Security forces – Arbitrary arrest and detention](#) and [Section 11: Arrest and detention – Legal rights](#) and [Section 25: Medical issues – Drug addiction](#)

12.08 The US State Department's 2012 Country Report on Human Rights Practices (USSD Report 2012), Vietnam, published on 19 April 2013, noted that:

'The government reported in early 2012 that more than 43,016 drug users - the large majority of whom were administratively assigned to forced detoxification without judicial review - were living in the 121 drug-detention centers countrywide. According to the government, the stated facility population, approximately a one-third increase compared with 2011, did not exceed the intended capacity of the centers, which had separate facilities for women. At these centers, according to a September 2011 report from a nongovernmental organization (NGO), authorities allegedly forced individuals to perform menial work under harsh conditions and mistreated them. A July [2012] update to the NGO report highlighted one man's experience of being caught in a police roundup of drug users in Ho Chi Minh City and held in a detention center for four years without due process.' **[2a] (Section 1c -Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment)**

12.09 The Report of the Special Rapporteur, published on 4 June 2012, stated:

'There are two categories of rehabilitation centres: "05 centres" for FSWs [Female Sex Workers] and "06 centres" for PWUD [Persons Who Use Drugs]. During meetings with representatives of the Ministry of Labour, Invalids and Social Affairs, the Special Rapporteur learned that there are 183 rehabilitation centres with 46,000 detainees (also

called “learners”). Between 2000 and 2010, approximately 309,000 people, including minors, had been detained. The stated purpose of these centres is to “improve [the] health, living and occupational skills” of detainees and to “construct their awareness about the value of the labour, and their responsibilities toward themselves and their communities”. In order to accomplish these goals, the centres employ variety of approaches: labour therapy, moral education and vocational training. As a part of labour therapy, detainees are forced to perform labour for little to no remuneration. While some treatment for communicable diseases, including HIV/AIDS and tuberculosis, is available in some of the centres, many centres do not possess adequate HIV/AIDS and tuberculosis prevention, treatment and care services.’ **[52c] (p17 - Detention and de facto criminalization)**

- 12.10 The Human Rights Watch (HRW) report, *The Rehab Archipelago*, published on 7 September 2011, described the detention centres in southern Vietnam where forced labour and other abuses had been reported:

‘No two drug detention centers in Vietnam are exactly alike. Some are prison-like compounds in major cities, behind high walls topped with barbed wire. Others are sprawling clusters of barracks located in peri-urban industrial zones. Still more resemble expansive agricultural estates in remote border provinces. Regardless of location, all are surrounded by fences or walls and watched over by guards. None provide drug dependency treatment that is humane or effective.

‘Some centers hold just a few dozen detainees, while some lock up over a thousand. Many hold several hundred detainees. A considerable number of drug detention centers also double as detention centers for sex workers. All rely upon forced labor as “therapy.”

‘In official government terminology, the centers are referred to as “Centers for Social Education and Labor” (Trung Tam Giao Duc Lao Dong Xa Hoi), “Centers for Post Rehabilitation Management” (Trung Tam Quan Ly Sau Cai Nghien), or “Centers for Vocational Training and Job Placement” (Co So Day Nghe Va Giai Quyet Viec Lam). Each center is free to adopt a title with a similarly vague and benign meaning, such as “Center for Receiving Social Subjects,” “Center for Labor, Education and Social Sponsorship,” and “school for Vocational Training, Education and Job Placement.”’ **[5c] (p11)**

- 12.11 An Integrated Regional Information Networks (IRIN) news article of 9 May 2011 reported on the drug treatment centres in Vietnam, noting that:

‘More than 90 percent of injecting drug users held at these centres relapse into drug addiction upon release, according to UNAIDS. Beneficiaries at the centres, which began opening in the mid-2000s, are supposed to receive counselling, health checks, and vocational training to assist recovery and prevent relapse. But according to health experts, employees are not trained to treat drug addiction, and the fear of being sent to the centres encourages drug users to go underground.’ Further adding: ‘When Vietnamese heroin addicts leave compulsory treatment centres, they face a “palpable and substantial” societal stigma against drug use, said Robert Ali of the World Health Organization’s (WHO) Collaborating Centre for Research into the Treatment of Drug and Alcohol Problems. Vietnam has made significant drug policy reforms since the mid-1990s, but most Vietnamese citizens and officials still see drug addiction as a “moral weakness” or “social evil” rather than a medical disease with a social dimension, Ali said.’ **[51c]**

12.12 The same IRIN article noted:

‘International health experts criticize Vietnam’s estimated 70 compulsory drug treatment centres. The centres are part of a government strategy aimed at “correcting the illegal behaviours of drug use and sex work”, according to UNAIDS. They are believed to hold 20,000-70,000 drug addicts and/or former sex workers, said a Hanoi-based health expert familiar with Vietnam’s drug treatment procedures. Vietnam’s compulsory treatment centres “are counterproductive on every single level,” said Simon Baldwin, a former senior technical officer for HIV and drugs, at the US NGO [Family Health International](#), which is working on drug treatment in Vietnam.’ **[51c]**

12.13 Another IRIN article dated 7 September 2011 reported however, that the Human Rights Watch (HRW) had called for the immediate closure of more than 100 government-run drug detention centres, describing them as ‘little more than forced labour camps’. Joe Amon, director of HRW’s health and human rights division, told IRIN that ‘The reason Vietnam has expanded its drug detention system is profit, not treatment’. **[51d]**

12.14 According to the HRW report *The Rehab Archipelago*, released on 7 September 2011:

‘Vietnam’s system of forced labor centers for people who use drugs has expanded over the last decade. In 2000, there were 56 drug detention centers across Vietnam; by early 2011 that number had risen to 123 centers. Between 2000 and 2010, over 309,000 people across Vietnam passed through the centers.

‘The length of time in detention has also grown. At the beginning of 2000, the law provided for a person dependent on drugs to be detained for treatment from three months to a year. In 2009 the National Assembly passed a law allowing for individuals to be held for up to four years for supposed drug treatment.’ **[5c] (p2)**

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13. Death penalty

13.01 The Amnesty International (AI) Annual Report 2013: The state of the world’s human rights: Vietnam, (AI Report 2013), published on 23 May 2013, covering events in 2012, stated that, ‘In November, an official stated that 508 prisoners were on death row, with around 100 ready to be executed. A delay in implementation of the use of lethal injection, due to an EU [European Union] ban on export of the required drugs, resulted in no executions being carried out since July 2011. More than 86 people were sentenced to death, including two men for embezzlement.’ **[3a] (Death penalty)**

13.02 The Foreign and Commonwealth (FCO) 2012 Report on Human Rights and Democracy, published in April 2013, stated:

‘Figures on the death penalty officially remain a state secret, but figures from the Ministry of Public Services show an increase from 80 to 100 in the last year of the number of people sentenced to the death penalty. Since November 2011, policy has been to carry out the death penalty only by the administration of lethal drugs. Due to the limited supply of these drugs, there has been a de facto moratorium on the death penalty. This has led to a high number of prisoners on death row awaiting execution in poor conditions.’ **[8b] (p252)**

- 13.03 The International Federation for Human Rights (FIDH) released a Special edition for the 4th Congress against the death penalty in Geneva, 24-26 February 2010, which stated:

'The use of the death penalty is frequent in the Socialist Republic of Vietnam (SRV). Capital punishment is applied for 22 offences, including murder, armed robbery, drug trafficking, rape, sexual abuse of children, and a range of economic crimes, such as graft and corruption, fraud and embezzlement (for 500 million dong - \$33,200 - or more of state property), illegal production and trade of food, foodstuffs and medicines. Seven political acts perceived as "threats against national security" carry the death penalty as a maximum sentence. Capital punishment is most often used to sanction drug-related offences, followed by corruption, black-market and violent crimes. Vietnam has some of the harshest drug laws in the world. A 1997 law made possession or smuggling of 100g or more of heroin, or 5 kilograms or more of opium, punishable by death. In 2001, 55 sentences were pronounced for drug trafficking alone.

'Death sentences are frequently pronounced, despite revisions in the Criminal Code adopted by the National Assembly in 1999 which reduced the number of offences punishable by death from 44 to 29, and further revisions in 2009, which reduced this number to 22. Many high-ranking government officials, including President Nguyen Minh Triet, have expressed their opposition to the too-frequent use of the death penalty, but their stance has had no effect on the rising trend of executions. A reform of the death penalty adopted in May 2000 made only one change – death sentences were commuted to life imprisonment for pregnant women and mothers of children under 3 years old.' **[44b] (p3)**

- 13.04 A Reuters news article reported in June 2011 about the change of method in which execution was implemented. The article noted:

'Vietnam will carry out the death penalty using lethal injection from July [2011] instead of a firing squad, police said, to reduce suffering. Vietnam, one of several countries in Asia where the death penalty remains in force, has been executing around 100 condemned prisoners a year by firing squad. The switch to lethal injection will "reduce physical pain for the condemned and also provide psychological relief to executioners," police Major General Cao Ngoc Oanh was quoted as saying by the Nguoi Dua Tin (nguoiduatin.vn) newspaper... The administration is building chambers at prison facilities where the lethal injection will be administered to convicted prisoners, Oanh said.' **[19a]**

- 13.05 Radio Free Asia (RFA) reported in November 2012, however, that:

'Vietnam is unable to execute hundreds of prisoners languishing on death row because the European Union does not want to sell the country lethal-injection drugs, according to newspapers in the one-party communist state. The EU embargo has caused a jump in the number of death row criminals awaiting execution to nearly 450, prompting some Vietnamese lawmakers to suggest that the country return to using the firing squad as a form of capital punishment. A law ending Vietnam's traditional method of execution by firing squad and allowing the use of lethal injection became effective in July last year. But the EU, all of whose 27 states have banned the death penalty, imposed strict controls in December on the export of drugs used to carry out lethal injections. "The drugs for a lethal injection must be imported through the EU, but the organization is demanding that Vietnam abolish the death penalty," Huynh Ngoc Son, the deputy chairman of the National Assembly, Vietnam's parliament, was quoted saying by the ruling Communist Party-controlled Tuoi Tre newspaper.' **[41h]**

13.06 The FIDH Special edition further described the conditions for prisoners on death row when executions were carried out by firing squad:

‘Conditions on death row are particularly inhumane. 3-4 prisoners are detained in each cell. The cells are extremely unhygienic, with one latrine bucket and no ventilation. Prisoners are not allowed to leave their cells except to receive visits, which are extremely rare. Their legs are chained to a long pole, and they are generally lined up in order of execution – the first to be executed being nearest the door. Occasionally, for “humanitarian reasons”, prisoners are allowed to change places in the line.

‘Executions take place at 4.00 am. As prisoners are not informed in advance of their execution date, they stay awake in fear of being called, only sleeping at 6.00 am when they know their turn has not come. Prisoners’ families are not informed of the execution until after it has taken place.

‘Over the past few years, the authorities have increasingly encouraged the practice of public executions, ostensibly to discourage crime. One foreign tourist witnessed the execution of Phan Huu Ha in the province of Lao Cai, and reported that a crowd of over 100 people had been brought in to watch the execution.

‘The official Police Review (Cong An) reports that condemned criminals are taken before dawn to a desolate site, read the court’s verdict, offered a bowl of noodle soup and a cigarette, and allowed to write a last letter home. Then they are tied to a wooden pole, gagged with a lemon and blindfolded, and shot by five policemen. The commander then fires a last “humane shot” into the convict’s ear. According to reports in the official press, many policemen suffer trauma after working as “executioners”.

‘Relatives are not informed beforehand, but are asked to collect the belongings of the executed two to three days after their death. Under current practice, bodies of executed criminals are held for three years before being released to families for funerals, although photos in the official and foreign press show graves dug alongside execution fields which suggest that the bodies of executed prisoners are not always returned to their families.’ **[44b] (p5)**

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

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14. Political affiliation

Freedom of political expression

This Section should be read in conjunction with the subsection on [Prisoners of conscience](#) and Section 15: [Freedom of speech and media](#).

14.01 The Foreign and Commonwealth (FCO) 2012 Report on Human Rights and Democracy, April 2013, stated: ‘Freedom of expression remains a problem as the Vietnamese authorities continue to use tough national security laws to punish critics of the regime.’ **[8b] (p249)**

- 14.02 The Amnesty International (AI) Annual Report 2013: The state of the world's human rights: Vietnam, (AI Report 2013) published on 23 May 2013, covering events in 2012, stated that:

'Repression of dissent and attacks on the rights to freedom of expression and assembly continued. Short-term arrests of people taking part in peaceful demonstrations occurred, including in June, when 30 farmers were arrested after protesting for three days outside government buildings in Ha Noi about being forcibly evicted three years earlier.

- 'In September, the Prime Minister called for greater controls on the internet and ordered legal action to be taken against three named blogs after they reported on the political crisis.

'Vaguely worded provisions of the national security section of the 1999 Penal Code were used to criminalize peaceful political and social dissent. By the end of the year, dozens of peaceful political, social and religious activists were in pre-trial detention or had been imprisoned. They included Nguyen Phuong Uyen, a 20-year-old student arrested in October for distributing anti-government leaflets.' **[3a] (Freedom of expression)**

- 14.03 The US State Department's 2012 Country Report on Human Rights Practices (USSD Report 2012), Vietnam, published on 19 April 2013, noted that:

'The constitution does not provide for the right of citizens to change their government peacefully, and citizens could not freely choose the officials that govern them...

'The government continued to restrict public debate and criticism severely. No public challenge to the legitimacy of the one-party state was permitted, although there were instances during the year of unsanctioned public letters from private citizens critical of government policy. For example, former government officials and leading academicians criticized the government's decision to allow substantial foreign investment in bauxite mining and its handling of sovereignty claims in the South China Sea (East Sea). The government continued to crack down on the small, opposition political groups established in 2006, and group members faced arrests and arbitrary detentions.' **[2a] (Section 3 – Respect for Political Rights: The Right of Citizens to Change Their Government)**

- 14.04 The Human Rights Watch (HRW) World Report 2013: Vietnam, covering events of 2012, published 31 January 2013, stated:

'On the surface, private expression, public journalism, and even political speech in Vietnam show signs of enhanced freedom. This trend was especially evident in a surge of criticism of Prime Minister Nguyen Tan Dung during the course of the 6th Plenum of the Party Central Committee in October, and a high-profile call for his resignation issued from the floor of the National Assembly in November.

'However, there continues to be a subcurrent of state-sponsored repression and persecution of individuals whose speech crosses boundaries and addresses sensitive issues such as criticizing the state's foreign policies in regards to China or questioning the monopoly power of the communist party.' **[5a] (p382-383)**

- 14.05 On 25 June 2013 Radio Free Asia (RFA) reported that former medical student Tu Anh Tu was detained and questioned by the authorities about '...his involvement in pro-democracy and anti-China protests and his relationships with dissident bloggers'. "They

asked about my opinion about democracy and multiparty systems, whether I am for or against those, and about my relationships with some arrested bloggers,” Tu told RFA’s Vietnamese Service. He was taken into custody after some 15 police officers arrived at his office in Tan Quang, Hung Yen province around 9:30 a.m., searching the premises and seizing 20 copies of *The Winning Side*, a book by ex-journalist and fellow blogger Huy Duc.’ He was later released. **[41j]**

- 14.06 WAN - IFRA’s (World Association of Newspapers and News Publishers) Global Press Freedom Report, June 2012 - May 2013 recorded that bloggers had been sentenced to jail terms and there had been an increase on surveillance and censorship. **[68a] (p6)**
The report cited

‘In January [2013], Danlambao blogger Nguyen Hoang Vi posted a record of a forced cavity search conducted by police; the blogger recounted being beaten, stripped naked, restrained and videotaped while the search was conducted. Vi was trying to cover the appeal hearing of three imprisoned bloggers and was arrested in front of the courthouse.

‘In one of the largest cases of its kind, five bloggers were convicted along with eight activists for “carrying out activities aimed at overthrowing the people’s administration.”

‘An independent blogger who had written about high - level corruption was arrested and held against his will in a psychiatric institution for close to two weeks.’ **[68a] (p33 - Vietnam)**

- 14.07 The FCO 2012 Report noted:

‘... rapidly increasing Internet penetration has enabled a steady rise in politically motivated or independent criticism of the government and its policies through blogs and other social media. The Communist Party has taken action throughout 2012 to try to smother any criticism which it views as a threat to Vietnam’s stability or to its own control. Lack of an independent and transparent judicial system enables the government to meet any perceived challenge to the status quo with arrest under Article 88 of the Penal Code – “conducting anti-state propaganda”. The authorities continue to control traditional media and use national security laws and administrative sanctions to further the party’s agenda. While the government tried to restrict the space in which the media operated, the other body with responsibility for oversight of the government, the National Assembly, gained credibility as a forum for debate, despite systemic constraints such as the large majority of its representatives being members of, and vetted by, the party.’ **[8b] (p249)**

- 14.08 The HRW World Report 2013, noted:

‘In April [2012], the government revealed a draft Decree on Management, Provision, and Use of Internet Services and Information on the Network. As drafted, the decree will outlaw posting internet content that opposes the Vietnam government, national security, public order, customs and traditions, national unity, offends the reputation of an individual or group, or transgresses a number of other illdefined areas of concern. The decree would also require domestic and foreign companies to filter whatever content the government finds objectionable. The National Assembly had not yet begun considering the draft at this writing. In September, Prime Minister Nguyen Tan Dung ordered the Ministry of Public Security to target blogs and websites not approved by the authorities, and to punish those who create them.’ **[5a] (p383)**

14.09 The FCO 2012 Report cited a case which was reported by foreign media and on blogs but was unreported in the state-censored media. It refers to student Nguyen Phuong who, ‘...on 19 October [2012], disappeared after being taken to a police station for questioning. Two weeks later she was officially arrested and charged for distributing anti-state leaflets and “security matters”. As of February 2013, she remains in pre-trial detention.’ **[8b] (p250)**

[See also Section 6: Political system](#)

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

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Freedom of association and assembly

14.10 Regarding freedom of association in Vietnam, the report, Rule of Law or Rule by Law?, Crime and Punishment in the Socialist Republic of Vietnam, for the Conference on the Rule of Law, for Human Rights in ASEAN (Association of Southeast Asian Nations) Countries Human Rights Resource Center, Jakarta, 30 April 2011, stated:

‘Although this right is guaranteed in the Vietnamese Constitution (Article 69), it is severely restricted under domestic law. All associative activity is strictly controlled by the Communist Party and guided by the Vietnam Fatherland Front (VFF), an umbrella of “mass organisations” that has a constitutional mandate to “strengthen the people’s unity of mind in political and spiritual matters” and reinforce the Party’s control over the population. The formation of independent associations, trade unions or civil society organisations remains prohibited.’ **[69c] (p13 - Legal Restrictions on Freedom of Association)**

14.11 The Vietnam Human Rights Network, Annual Report 2012, concurred, stating that, ‘For the right of association, currently any Socio-Political Organization that is not under the umbrella of the Fatherland Front, a satellite body of the CPV, cannot exist, especially religious organizations and unions.’ **[62a] (p5)**

14.12 The Freedom House (FH) report, Freedom in the World 2013 - Vietnam, covering events in 2012, published in January 2013, observed that, ‘Organizations must apply for official permission to obtain legal status and are closely regulated and monitored by the government. A small but active community of nongovernmental groups promotes environmental conservation, land rights, women’s development, and public health. Human rights organizations and other private groups with rights-oriented agendas are banned.’ **[29a]**

14.13 The USSD Report 2012 stated:

‘The law limits freedom of assembly, and the government continued to restrict and monitor all forms of public protest or gathering. Law and regulation require persons wishing to gather in a group to apply for a permit, which local authorities may issue or deny arbitrarily. 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 to have a political purpose. The government also restricted the right of

several unregistered religious groups to gather in worship.’ **[2a] (Section 2b - Freedom of Assembly)**

The US State Department’s 2012 Country Report on Human Rights Practices (USSD Report 2012), Vietnam, published on 19 April 2013, cited incidents where restriction of assembly was reported. **[2a] (Section 2b - Freedom of Assembly)**

- 14.14 The position of law on taking part in demonstrations, as described by the report, Rule of Law or Rule by Law?, Crime and Punishment in the Socialist Republic of Vietnam, 30 April 2011, under Decree 38, was:

‘Whereas the right to free assembly and peaceful demonstration is constitutionally guaranteed (Article 69), in 2005 the government adopted Decree 38/2005/ND-CP which prohibits demonstrations outside State agencies and public buildings, and bans all protests deemed to “interfere with the activities” of Communist Party leaders and State organs. The “Directives for the Implementation of Decree 38” issued by the Ministry of Public Security in 2006 prohibits gatherings of more than five people without permission from the state.’ **[69c] (p14 - Legal Restrictions on Peaceful Assembly and Demonstrations)**

- 14.15 With regards to freedom of association the USSD Report 2012 stated:

‘The government continued to restrict freedom of association severely and neither permitted nor tolerated opposition political parties. The government prohibited the establishment of private, independent organizations, insisting that persons work within established, party-controlled mass organizations, usually under the aegis of the VFF. However, some entities, including unregistered religious groups, were able to operate outside of this framework with little or no government interference.’ **[2a] (Section 2b - Freedom of Association)**

Opposition groups and political activists

- 14.16 The Human Rights Watch (HRW) World Report 2013: Vietnam, covering events of 2012, published 31 January 2013, stated:

‘During 2012, the Vietnam government used vaguely defined articles in the penal code that criminalize exercise of civil and political rights to send at least 33 activists to prison and arrest at least another 34 political and religious advocates. At least 12 other rights campaigners detained in 2011 were still being held, awaiting trial at this writing. Rights activists continue to suffer from intrusive police surveillance, interrogation, monetary fines, and restrictions on domestic and international travel. Police use temporary house arrest to prevent them from participating in protests or attending trials of other bloggers and activists. In a number of instances in 2012, unidentified thugs have assaulted dissidents and police have done little or nothing to investigate.’ **[5a] (p383-384)**

- 14.17 The Central Intelligence Agency, World Factbook Profile on Vietnam, updated on 10 July 2013, accessed on 12 July 2013, named the following as groups that advocate democracy but are illegal and not recognised by the government: Bloc 8406; 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. **[4a]** In Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report, covering events in 2010, published on 31 March 2011, noted: ‘The Vietnamese government does not tolerate political dissent or criticism of the Communist

Party's role. Opposition political parties are illegal and dissidents expressing opinions about multi-party democracy risk imprisonment.' [8a]

See also Section 14: Political affiliation - Freedom of association and assembly

14.18 The USSD Report 2012 observed that, 'Members of Bloc 8406 and other political activist groups that call for the creation of a multiparty state continued to face harassment and imprisonment.' [2a] **(Section 3 – Respect for Political Rights: The Right of Citizens to Change Their Government)**

14.19 The HRW World Report 2013 cited the following recorded cases:

'In a prominent, internationally monitored trial that lasted only several hours on September 24 [2012], a court convicted the country's three most prominent dissident bloggers - Nguyen Van Hai (also known as Dieu Cay), Ta Phong Tan, and Phan Thanh Hai (also known as Anhbasg) - for violating article 88 of the penal code (conducting propaganda against the state). The court sentenced them to 12, 10, and 4 years in prison respectively. All are founding members of the Club for Free Journalists. United States President Barack Obama, US Secretary of State Hillary Clinton, and European Union High Representative Catherine Ashton have all raised concerns about their cases on different occasions during the year.

'Authorities also widely used article 88 to silence other bloggers and rights activists. In October, musicians Tran Vu Anh Binh and Vo Minh Tri (also known as Viet Khang) were sentenced to a total of 10 years in prison for writing songs critical of the regime. In August, bloggers Dinh Dang Dinh and Le Thanh Tung were sentenced to six and five years in prison respectively. In June and July, labor rights activist Phan Ngoc Tuan in Ninh Thuan province and land rights activists Nguyen Kim Nhan, Dinh Van Nhuong, and Do Van Hoa in Bac Giang province were sentenced to a total of eighteen-and-a-half years in prison for conducting propaganda against the state for storing and distributing prodemocracy documents and leaflets. In March and May, five Catholic activists - Vo Thi Thu Thuy, Nguyen Van Thanh, Dau Van Duong, Tran Huu Duc, and Chu Manh Son - were jailed for a total of 17 years and 9 months for distributing prodemocracy leaflets, reduced to the total of 16 years and 3 months on appeal.' [5a] (p384)

The Vietnam Human Rights Network Annual Report 2012 cited a number of criminalised cases against organisations and their members. [62a] (p6-7)

See also Section 15: Freedom of Speech and media – Internet users/bloggers

14.20 A news article by the British Broadcasting Corporation (BBC) in June 2011, reported on the protests of Chinese naval operations in disputed waters of the South China Sea, held in Hanoi and Ho Chi Minh City. The article noted:

'The demonstrations in Hanoi and Ho Chi Minh City follow a confrontation last month between a Vietnamese oil and gas survey ship and Chinese patrol boats. China, Vietnam, the Philippines, Malaysia, Brunei and Taiwan all claim territories in the South China Sea. It includes important shipping routes and may contain oil and gas deposits. China's claim is by far the largest.

'Tensions between China and Vietnam escalated after an incident on 26 May in which Hanoi accused a Chinese patrol of cutting the cables of a Vietnamese ship conducting seismic research about 120km (80 miles) off Vietnam's south-central coast...

'Public protests happen rarely in Vietnam, but calls for demonstrations have spread on the internet and via mobile phones in the past few days... the protesters in Hanoi shouted slogans including "The Paracels and Spratlys belong to Vietnam", a reference to two groups of islands claimed by both countries. They also carried signs that read:"stop Chinese invasion of Vietnam's islands." They marched to the Chinese embassy, where Vietnamese police watched them for a time before leading them away.'

[14c]

- 14.21 On 4 January 2012, a Human Rights Watch (HRW) campaign, calling for the release of activist Bui Thi Minh Hang, sentenced on 28 November 2011 to 24 months of administrative detention in the Thanh Ha Education Center in Binh Xuyen district, Vinh Phuc province, stated in a news release that:

'Police arrested Bui Thi Minh Hang, 47, on November 27 [2011] outside Notre Dame Cathedral in Ho Chi Minh City for allegedly "causing public disorder." She was conducting a silent protest against the arrests of peaceful protesters in Hanoi earlier that morning. The next day the police ordered her detained without trial at the "education center."...

'Bui Thi Minh Hang is a land rights activist who recently emerged as a prominent critic of the Chinese government. She participated in Sunday protests against Chinese territorial claims on the Spratly and Paracel islands that took place in Hanoi and Ho Chi Minh City between June and August.

'The Hanoi Municipal People's Committee ordered Bui Thi Minh Hang's 24-month administrative detention under Ordinance 44 on Handling of Administrative Violations. She had no opportunity to contest the decision in a court.

'Article 25 of the ordinance gives officials extremely broad authority to lock people up on arbitrary, ill-defined grounds. Anyone can be sent to an "education center" if it is determined that they have "committed acts of infringing upon the properties of domestic or foreign organizations, the properties, health, honor and/or dignity of citizens or foreigners, breaking social order and safety regularly but not to the extent of being examined for penal liability".'

[5d]

- 14.22 In July 2011 the British Broadcasting Company (BBC) reported on the re-arrest of dissident Catholic priest Nguyen Van Ly, who in March 2010 had been released from prison after he had an eight year sentence he was serving for subversion suspended to allow him to seek treatment for a brain tumour. His arrest in July at a church in the Hue area of central Vietnam came after the government accused him of '... distributing anti-government writing.' The BBC added that: 'He has spent more than 15 years in prison since 1977.'

[14d]

- 14.23 Describing the opposition group Block 8406, a HRW news release of 7 April 2011, noted: 'Named for its inception date of April 8, 2006, Block 8406 swelled into a movement of thousands through online petitions calling for respect for basic human rights, establishment of a multiparty political system, and guarantees of freedom of religion and political association. Vietnamese authorities respond with harassment and arrests to nonviolent appeals by Block 8406 and other groups advocating for democracy and human rights.'

[5e]

14.24 The HRW news release of 7 April 2011 added:

‘Since June 2010, Vietnamese authorities have arrested and detained at least 24 dissidents, house church activists, and bloggers, many of whom have been held incommunicado for many months without access to legal counsel or to their families.

‘During the last month alone, courts sentenced a prominent legal activist, Cu Huy Ha Vu, to seven years in prison on April 4; upheld harsh sentences for three young labor activists on March 18; and sentenced Chau Heng, a land rights activist and member of the Khmer Krom ethnic minority in An Giang province, to two years in prison on March 31. On April 8, Vu Duc Trung and Le Van Thanh, who have been held by Hanoi police since June 2010, will be tried for broadcasting information from an illicit house-based radio station about the Falun Gong religion.’ **[5e]**

The Vietnam Human Rights Network [Annual Report 2012](#) provided a list of 236 detained prisoners of conscience in Vietnam, updated as of 15 March 2013. **[62a] (p49-57)**

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

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

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Prisoners of conscience

This subsection should be read in conjunction with Section 14: [Political affiliation – Freedom of political expression](#) and Section 15: [Freedom of speech and media](#). and Section 18: [Freedom of religion](#)

- 14.25 The Freedom House (FH) report, *Freedom in the World 2013 - Vietnam*, stated that, ‘Many political prisoners remain behind bars, and political detainees are often held incommunicado. In July 2012 Human Rights Watch reported that drug detention centers, which are supposed to offer noninvasive and voluntary treatment to drug users, have effectively become centers for torture and punishment in which users are beaten, subjected to forced labor, and shocked with electricity, among other abuses.’ **[29a]**
- 14.26 The US Commission on International Religious Freedom (USCIRF) Annual report (covering 31 January 2012 to 31 January 2013), 30 April 2013, stated that, ‘Prisoners continue to be detained in Vietnam for either their religious activity or religious freedom advocacy, including human rights defenders who assist vulnerable groups, during the past year.’ **[34a] (p199 – Prisoners of Conscience)** The [report](#) cited cases of those imprisoned for their religious activity and advocacy. **(p199-201)**
- 14.27 The USSD Report 2012 noted:
- ‘There continued to be no precise estimates of the number of political prisoners. The government reportedly held more than 120 political detainees at year’s end [2012], although some international observers claimed there were more. Diplomatic sources maintained that four reeducation centers in the country held approximately 4,000 prisoners.

'Authorities also continued to detain and imprison other individuals who used the Internet to publish ideas on human rights, government policies, and political pluralism.

'Several other political dissidents affiliated with outlawed political organizations--including the People's Democratic Party, People's Action Party, Free Vietnam Organization, the Democratic Party of Vietnam, United Workers and Farmers Organization, Bloc 8406, and others--remained in prison or under house arrest in various locations.' **[2a] (Section 1e - Political Prisoners and Detainees)**

- 14.28 The Amnesty International (AI) Annual Report 2013: The state of the world's human rights: Vietnam, (AI Report 2013) published on 23 May 2013, covering events in 2012, stated that, 'At least 27 prisoners of conscience (detained before 2012) remained held. They included Father Nguyen Van Ly, a Catholic priest serving an eight-year sentence for advocating human rights, freedom of speech and political change.' Adding that:

'Long prison terms were handed down to bloggers in an apparent attempt to silence others. They were charged with "conducting propaganda" and aiming to "overthrow" the government. Dissidents were held in lengthy pre-trial detention, often incommunicado and sometimes beyond the period allowed under Vietnamese law. Reports of beatings during interrogation emerged. Trials failed to meet international standards of fairness, with no presumption of innocence, lack of effective defence, and no opportunity to call witnesses. Families of defendants were harassed by local security forces, prevented from attending trials and sometimes lost their work and education opportunities.' **[3a] (Prisoners of conscience)**

- 14.29 The Amnesty International report cited the following recorded trials:

'Well-known popular bloggers Nguyen Van Hai, known as Dieu Cay, "Justice and Truth" blogger Ta Phong Tan, and Phan Thanh Hai, known as AnhBaSaiGon, were tried in September for "conducting propaganda" against the state. They were sentenced to 12, 10 and four years' imprisonment respectively, with three to five years' house arrest on release. The trial lasted only a few hours, and their families were harassed and detained to prevent them from attending. Their trial was postponed three times, the last time because the mother of Ta Phong Tan died after setting herself on fire outside government offices in protest at her daughter's treatment. Phan Thanh Hai's sentence was reduced by one year on appeal in December.

'Environmental activist and blogger Dinh Dang Dinh, was sentenced to six years' imprisonment in August after a three-hour trial. He was charged with "conducting propaganda" against the state for initiating a petition against bauxite mining in the Central Highlands. His wife reported that he was in poor health and had been beaten by prison officers.' **[3a] (Prisoners of conscience)**

- 14.30 In September 2012 the International Federation for Human Rights (FIDH) published a "non-exhaustive" list of [180 Political and Religious Prisoners in Vietnam](#), compiled for the XXI Session of the United Nations Human Rights Council. **[44d]**

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

[See also Section 14: Political Affiliation – Prisoners of conscience](#)

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15. Freedom of speech and media

This Section should be read in conjunction with Section 14: Political affiliation: [Freedom of political expression](#) and [Prisoners of conscience](#).

Overview

- 15.01 Article 69 of the [Constitution](#), amended in 2001, states that ‘Citizens are entitled to freedom of speech and freedom of the press; they have the right to receive information and the right of assembly, association and demonstration in accordance with the law.’ **[73b] (Chapter V)**
- 15.02 The Freedom House (FH) report, Freedom in the World 2013 - Vietnam, covering events in 2012, published in January 2013, stated:
- ‘The government tightly controls the media, silencing critics through the courts and other means of harassment. A 1999 law requires journalists to pay damages to groups or individuals found to have been harmed by press articles, even if the reports are accurate. A 2006 decree imposes fines on journalists for denying revolutionary achievements, spreading “harmful” information, or exhibiting “reactionary ideology.” Foreign media representatives in theory cannot travel outside Hanoi without government approval, though they often do in practice. The CPV [Communist Party of Vietnam] or state entities control all broadcast media. Although satellite television is officially restricted to senior officials, international hotels, and foreign businesses, many homes and businesses have satellite dishes. All print media outlets are owned by or are under the effective control of the CPV, government organs, or the army.’ **[29a]**
- 15.03 The Human Rights Watch (HRW) World Report 2013: Vietnam, covering events of 2012, published 31 January 2013, stated:
- ‘The government does not allow independent or privately owned media outlets to operate, and exerts strict control over radio and TV stations, and publications. Criminal penalties apply to those who disseminate materials deemed to oppose the government, threaten national security, reveal state secrets, or promote “reactionary” ideas. The government blocks access to politically sensitive websites and requires internet cafe owners to monitor and store information about users’ online activities.’ **[5a] (p383)**
- 15.04 The Economist Intelligence Unit (EIU) Country Report on Vietnam, June 2013, observed that:
- ‘In 2012 the government circulated a law requiring that international broadcasts be provided with Vietnamese subtitles before being broadcast in the country, and that the translation work be done by an agency licensed by the government to ensure that news and other programmes do not violate Vietnam's strict press laws. This move in effect made it impossible to broadcast news channels such as CNN and BBC, as it more or less required simultaneous translation, despite the half-hour delay on the broadcast of these channels. Later iterations of the regulations appeared to exempt news broadcasts, which already are delayed by 30 minutes to allow the authorities time to check for controversial material.’ **[15b] (p18 – Media regulations lead to “accidental” censorship – Analysis)**

- 15.05 The Freedom House, Freedom of the Press 2012 report, published on 6 November 2012, stated:

‘Although the 1992 constitution recognizes freedom of expression, the criminal code prohibits speech that is critical of the government. The definition of such speech is vaguely worded and broadly interpreted. The propaganda and training departments of the ruling Communist Party of Vietnam (CPV) control all media and set press guidelines. The government frequently levies charges under Article 88 of the criminal code, which prohibits the dissemination of “antigovernment propaganda,” as well as Article 79, a broad ban on activities aimed at “overthrowing the state.” Reacting to increasingly vibrant reporting by both the traditional and internet-based news media, the government issued a decree in 2006 that defined over 2,000 additional violations of the law in the areas of culture and information, with a particular focus on protecting “national security.” In January 2011, Prime Minister Nguyễn Tấn Dũng signed Decree No. 2, Sanctions for Administrative Violations in Journalism and Publishing. The decree restricts the use of pseudonyms and anonymous sources, and distinguishes between credentialed journalists and citizen bloggers, ostensibly to exclude the latter from press freedom protections...

‘The CPV generally views the media as a tool for the dissemination of party and state policy. Criticism of government leaders and Vietnam’s policy toward China, as well as calls for religious freedom and democratic reforms, are the topics most commonly targeted for official censorship or retribution. Journalists are sometimes permitted to report official corruption at the local level, as it serves the interests of the CPV’s national anticorruption platform, but they are increasingly silenced for reporting on higher-level misdeeds. Foreign reporters are often required to remain in the capital, Hanoi, and face disciplinary action from the propaganda department for covering politically sensitive topics. In July 2011, police detained and questioned reporters from Japanese newspaper Asahi Shimbun and Japanese television broadcaster NHK for covering public protests against China’s territorial claims in the South China Sea. Guardian reporter Dustin Roasa was denied entry to Vietnam in October due to a story he wrote in January about the country’s crackdown on prodemocracy activism on the internet.’
[29b]

- 15.06 The Reporters Without Borders, Press Freedom Index 2013 ranked Vietnam 172 out of the 179 countries included in the index (one being the most free and 179 being the least free). [7b] Vietnam was also ranked at 172 in 2011-2012 [7c]

Newspapers, Radio and Television

- 15.07 The BBC Country Profile on the media within Vietnam, updated 3 July 2012, accessed on 9 July 2013, noted:

‘TV is the dominant medium. State-run Vietnam Television (VTV) broadcasts from Hanoi. There is a growing pay TV industry, which includes the K+ satellite platform. State-run Voice of Vietnam (VoV) has six radio networks, including VoV 5 with programmes in English, French and Russian. There are hundreds of newspapers and magazines. The best-selling dailies are Tuoi Tre and Thanh Nien, which are run by youth organizations in Ho Chi Minh City.’ [14b]

15.08 The Freedom House, Freedom of the Press 2012 report stated:

‘Almost all print media outlets are owned or controlled by the CPV, government institutions, or the army. Several of these newspapers – including Thanh Niên, Người Lao Động, and Tuổi Trẻ (owned by the Youth Union of the CPV) – have attempted to become financially self-sustaining. Along with the popular online news site VietnamNet, they also have a fair degree of editorial independence, though ultimately they are still subject to the CPV’s supervision. Several underground publications have been launched in recent years, including Tổ Quốc, which continues to circulate despite harassment of staff members, and Tự Do Ngôn Luận, whose editor, Father Nguyễn Văn Lý, was rearrested in July 2011 after being granted temporary medical parole 16 months earlier. Radio is controlled by the government-run Voice of Vietnam or other state entities. State-owned Vietnam Television (VTV) is the only national television provider, although cable services do carry some foreign channels. Many homes and local businesses in urban areas have satellite dishes, allowing them to access foreign programming. In May, Decision 20/2011 came into effect, requiring all foreign news, education, and information television content to be translated into Vietnamese and censored by the Ministry of Information and Communications (MIC) before airing. The decision will place onerous demands on foreign stations and is expected to cause several foreign outlets to withdraw from broadcasting in the country. International periodicals, though widely available, are sometimes censored.’ **[29b]**

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Internet

Internet users

This Section should be read in conjunction with Section 14: Political Affiliation - [Opposition groups and political activists](#) and [Prisoners of conscience](#).

15.09 The BBC Country Profile on the media in Vietnam, updated 3 July 2012, accessed on 9 July 2013, noted that there were ‘nearly 31 million internet users by March 2012 (InternetWorldStats.com).’ **[14b]** Reporters Without Borders reported in March 2011 that: ‘Internet use continues to spread among the population: 31% of Vietnamese are now connected. Young people are particularly keen about spending time online. Facebook users now number two million and 70% of them are 14 to 24 years old.’ **[7d]** The BBC Country Profile added however, that, ‘Material deemed obscene is filtered, as are opposition sites. ISPs [Internet Service Providers] occasionally block access to Facebook.’ **[14b]** Reporters Without Borders noted that Vietnam was the world’s second largest prison for netizens. **[7d]**

15.10 The Freedom House report, Freedom on the Net 2012 - Vietnam, published on 25 September 2012, stated:

‘Vietnam’s internet penetration rate has grown dramatically over the past decade, from 0.3 percent in 2000 to about 35 percent (with 30 million users) at the end of 2011, up from 17.3 percent in 2006, according to International Telecommunication Union (ITU). About 14 percent of users are broadband subscribers. Total international connection bandwidth of the country grew 250 percent between 2010 and 2011. While a few years ago, most users relied on internet cafes for their access, 88 percent of users now access the net from their home. Access via smart phones has also increased

significantly to among 30 percent of users, reaching a similar level of access at internet cafes. In the latest ICT Development Index of the ITU, Vietnam moved up ten positions from 91 (out of 152 countries measured) in 2008 to 81 in 2010, placing third in the top ten most dynamic countries in the ranking.

‘The internet’s growth is largely driven by the demands of Vietnam’s booming economy and relatively young population; some 60 percent of the country’s total population is under 35.’ **[29c]**

- 15.11 The Freedom House (FH) report, Freedom in the World 2013, observed however, that the government put restrictions on internet use through legal and technical means, noting:

‘A 2003 law bans the receipt and distribution of antigovernment e-mail messages, websites considered “reactionary” are blocked, and owners of domestic websites must submit their content for official approval. Internet cafés must register the personal information of and record the sites visited by users. Internet-service providers face fines and closure for violating censorship rules. In 2012, the government drafted a new Decree on Management, Provision, and Use of Internet Services and Information on the Network that would tighten restrictions on online criticism of the party and government. Internet monitoring organizations expressed concern that the decree, if enacted, would force internet companies, both Vietnamese and foreign, to cooperate in identifying users who could then be prosecuted. Vietnamese bloggers and writers reported that the government’s firewalls and other obstructions were becoming more sophisticated than in previous years, making them harder to evade through proxy servers.’ **[29a]**

Journalists & bloggers

- 15.12 The Vietnam Human Rights Network, Annual Report 2012, stated:

‘Journalists have often been reminded to keep to the “right lane,” meaning to respect the oneway, truth-twisting information provided by the state. Many resistant ones among them have been arrested, fired, or detained because of their different views from those of the communist state on serious issues related to the policies of the CPV [Communist Party of Vietnam] as well as to the corruption of officials at all levels. Journalist Nguyen Dac Kien of The Family and Society newspaper [who] was fired after criticizing the General Secretary of the CPV in his personal blog is a case in point. Not only independent bloggers, even state journalists are regularly harassed when they carry out investigations of social vices as well as abuses by officials.’ **[62a] (p11 – Section 2)**

The report cited a number of these recorded incidents involving journalists.

- 15.13 The USSD Report 2012 noted:

‘During the year security officials attacked or threatened several journalists reportedly because of their coverage of sensitive stories. For example, on April 24 [2012], police officers beat two Voice of Vietnam (state-run) radio reporters, Nguyen Ngoc Nam and Han Phi Long, while they attempted to document a land seizure operation in Hung Yen Province, near Hanoi. In July local authorities dismissed one police officer from active duty for this mistreatment and warned five other officers that such activity would not be tolerated.

'On August 14, in Dong Nai Province, an unknown group of assailants beat reporter Ngo Thien Phuc of Tuoi Tre newspaper and deleted photos on his camera as he tried to document a city bus fire. A police investigation continued at year's end.' **[2a] (Section 2a - Freedom of Speech and Press)**

15.14 A recently reported case was that of Journalist Nguyen Van Khuong, who was arrested on 2 January 2012 in Ho Chi Minh City in connection with his undercover investigative reporting for the newspaper Tuoi Tre. Khuong. He was ordered to be detained for four months while the authorities investigated his use of a bribe to expose traffic police corruption. (Reporters Without Borders, 3 January 2012) **[7f]**

15.15 An article by Reporters Without Borders, dated 14 January 2011, reported on a new decree issued to restrict reporting by journalists and bloggers. The article stated:

'Vietnam has issued a new decree regulating the activities of journalists and bloggers that includes provision for fines of up to 40 million dong (2,000 dollars) in a country in which the average salary is 126 dollars... Signed by Prime Minister Nguyen Tan Dung and due to take effect next month, the decree makes it an offence to publish information that is "non-authorized" or "not in the interests of the people." By interpreting these vague definitions broadly, the authorities will be able to increase the number of arrests of blogger and journalists. The decree also provides for fines of up to 3 million dong (155 dollars) for anyone who publishes documents or letters without identifying themselves or revealing their sources, and for up to 20 million dong if the documents are linked to an official investigation.' **[7a]**

15.16 A Voice of America News (VOA) article, dated 24 February 2011 reported that:

'Rights groups in Vietnam say the law imposes vague new rules on journalists and bloggers that will make it harder for them to work. The decree establishes fines of up to \$1,000 for writers and editors who do not reveal sources of information and fines of up to \$2,000 for those who publish unauthorized information. Phil Robertson, deputy Asia director at Human Rights Watch, says the decree is part of an ongoing crackdown by the Vietnamese government against free speech, political dissent and Internet access. "There's a lot of innovative journalism that's coming up in Vietnam, people exposing corruption, people exposing abuses, but ultimately a lot of that will diminish and, frankly, just sort of melt away if in fact the people who are providing information need to be named in the articles," Robertson said. Robertson adds the decree is problematic partly because it allows Vietnam to censor news under the guise of safeguarding national security. "What we're seeing very clearly is the Vietnamese government responding in a very negative way to the greater freedom of communication and information that the Internet provides," he said.' **[36a]**

15.17 The Reporters Without Borders, Press Freedom Index 2013, reported that, 'In less than a year, Vietnamese courts have sentenced 12 bloggers and cyber-dissidents to jail terms of up to 13 years, making the country the world's second biggest prison for netizens, after China.' **[7b] (Asia-Pacific Area)**

15.18 The Freedom House report, Freedom on the Net 2012, stated:

'Although the censorship system is ostensibly aimed at limiting access to sexually explicit content, in practice it primarily targets sites deemed threatening to the VCP's [Vietnamese Communist Party's] monopoly on political power, such as those related to Vietnamese political dissidents, human rights, democracy, and protests against China's

policy in the East Sea dispute. Websites on religious freedom, Buddhism, Roman Catholicism, and the Cao Dai religious group are blocked to a lesser but still significant degree. The Vietnamese authorities largely focus their censorship efforts on Vietnamese-language content, blocking English-language sites less often. For example, while the websites of the New York Times, the British Broadcasting Corporation (BBC), Freedom House, Amnesty International, and Human Rights Watch are accessible, those of overseas Vietnamese organizations that are critical of the government – such as Talawas.org, Danluan.org, or Danchimviet.com - are blocked. The websites of the Vietnamese-language services of international media, such as the U.S.-funded Radio Free Asia and the BBC, are also frequently and increasingly blocked.

'In 2011, online filtering continued to be strict. Facebook remained banned (although not strictly enforced), and websites related to border and sea disputes between China and Vietnam continued to be firewalled and attacked. The unpredictable and nontransparent ways in which topics become forbidden make it difficult for users to know where exactly the "red lines" lie. Due to the worsening climate of restrictions on internet expression, the level of self-censorship has increased significantly. State-owned newspapers, such as Tuoi Tre and Thanh Nien, formerly known for being bold and edgy, have become tame. Notably, Tuoi Tre has not even allowed itself to print a single comment in response to the arrest of their prominent journalist Hoang Khuong, who is known for his investigative reporting on corruption in the police force. One common form of self-censorship is for bloggers to disable the readers' comment option on their posts. This acts as a precautionary measure to prevent discussion by commentators from taking a more confrontational tone than what was intended by the original posting.' **[29c]**

- 15.19 Reporting on the hard line taken against those that criticised the government using online tools, the Reporters Without Borders, 2012 Predators of Press Freedom reported in May 2012 that, 'Nguyen Phu Trong, appointed [Communist Party] general secretary of the country's only legal political party on 19 January 2011, has lost no time in silencing critical voices. During the months that followed his taking office, the former president of the national assembly (2006-2011) has cracked down hard on cyber dissidents.' **[7g]** Reporters Without Borders cited the following convictions given to outspoken activists:

'In April 2011, Cu Huy Ha Vu was sentenced to seven years in prison and three years under house arrest for "anti-state propaganda." Vi Duc Hoi, another pro-democracy activist convicted of the same charge, had his sentence of eight years' imprisonment and three years' house arrest reduced to five years in prison and three years under house arrest. Since Trong's appointment, seven netizens have been imprisoned, in all cases for calling for a multi-party system or democracy.' **[7g]**

- 15.20 The USSD Report 2012, when referring to 2011, noted:

'In 2011 Ho Chi Minh City police detained, allegedly beat, and later arrested freelance reporter and blogger Ta Phong Tan, a member of the Free Journalists Club and former police officer, for posting articles critical of the government. On September 24, the Ho Chi Minh City People's Court sentenced Tan to 10 years in prison followed by five years' house arrest for propagandizing against the state. On December 28, the Court of Appeals upheld her sentence. Earlier, on July 30, Tan's mother, Dang Thi Kim Lieng, died of self-immolation, reportedly because she was depressed at the continued harassment of her family by local authorities. Family members had to sign a waiver stating they would not file any complaints against local authorities in order to receive

Lieng's body and arrange a funeral.' **[2a] (Section 2a - Freedom of Speech and Press)**

15.21 The Freedom House, Freedom of the Press 2012 report noted:

'Police often use violence, intimidation, and raids of homes and offices to silence journalists who report on sensitive topics. Bùi Chát, head of the publishing house Giấy Vụn, was detained for questioning a number of times after returning to Vietnam in April 2011, having traveled to Argentina to accept the Freedom to Publish Prize from the International Publishers Association. He remained under close surveillance by the authorities at year's end. Several raids of homes and offices occurred during the year. In November and again in December [2011], police raided the home of cyberactivist Huỳnh Ngọc Tuấn, confiscated mobile telephones, cameras, and a computer, and fined his family 270 million đồng (\$13,000).' **[29b]**

15.22 The Committee to Protect Journalists (CPJ) report, Attacks on the Press 2012, stated:

'Courts handed down harsh prison sentences to six journalists in 2012. Nguyen Van Khuong, a reporter with the Vietnamese daily Tuoi Tre, was sentenced to four years in prison on trumped-up bribery charges filed after he investigated police corruption. Bloggers Dinh Dang Dinh and Le Thanh Tung were sentenced to six and five years respectively for postings deemed critical of the ruling Communist Party. Three other bloggers--Nguyen Van Hai, Ta Phong Tan, and Phan Thanh Hai--were sentenced to terms ranging from four to 12 years on anti-state charges related to their critical journalism.' **[22a]**

15.23 Citing further reported incidences of action authorities took against online users, the Freedom House report, Freedom on the Net 2012, observed that in 2011:

'... the repressive trend against online users has continued with equal severity. According to Reporters Without Borders, a total of 17 bloggers and three journalists are in jail in Vietnam as of August 2011, making Vietnam one of the most repressive countries in the world for bloggers. In January, the pro-democracy online activist and recipient of the 2009 Human Right Award, Vi Duc Hoi, was sentenced to eight years prison and three years house arrest after release (the sentence was later reduced to five year jail and three years house arrest). In March, Cu Ha Huy Vu, one of the most vocal and prominent online dissidents, was sentenced to seven years prison and three years house arrest in a trial that barred access to the public and media. In August, Catholic blogger, Paulus Le Son, was brutally abducted on the street by the police and is still under arrest with no prospect of a trial. His blog covered the proceedings of Cu Ha Huy Vu's trial in addition to political and religious issues. Also in August, blogger Lu Van Bay was sentenced to four years in prison for anti-government propaganda in a trial which took only few hours, without access to a lawyer, while French-Vietnamese blogger Pham Minh Hoang was sentenced to three years in prison for attempted subversion.'

'In November 2011, citizen radio journalists Vu Duc Trung and Le Van Thanh received harsh jail sentences of three years and two years, respectively, for broadcasting Falun Gong programs into China. They were initially accused of illegally operating broadcasting devices, an administrative offence, which was later upgraded into a criminal charge, presumably due to pressure from China. Then in December 2011, well-known journalist Hoang Khuong of Tuoi Tre newspaper and author of a series of articles on corruption among the police was arrested on charges of "indirectly bribing a traffic

police officer.” He was accused of using a broker to pay US\$700 to a police officer while doing an undercover investigation.’ [29c]

15.24 A Reporters Without Borders article from March 2011 stated:

‘Online media and blogs, mainly those hosted on Wordpress, Multiply or Blogspot, thanks to contributions from citizen journalists, have acquired a de facto status equivalent to a sort of independent private press and are having a growing impact on public opinion. Websites such as Vietnam Net and Vietnam News cover such topics as corruption, social issues and the political situation. Bloggers are carrying out actual field surveys whose results could not be published in the traditional media. Thanks to the Internet and to the debate and opinion-sharing spaces which it offers, a virtual civil society has emerged. Pro-democratic activists and critics of the government have found refuge there, which worries the authorities.

‘The most widely discussed topics are territorial disputes with China, corruption, disagreements over land ownership and freedom of expression – subjects which are rarely, if ever, mentioned in the traditional media. China’s bauxite mining activities and the related environmental risks are taboo, particularly because they are causing rifts within the party itself.

‘The filtering of Internet websites seems to have neither increased nor declined in the last few months. The majority of bloggers practice self-censorship for fear of becoming a target for the authorities. Certain bloggers have indicated that when they write on “sensitive” subjects, their posts are deleted by “third parties.”

‘Authorities close down websites or blogs in the open. On 5 May 2010, Gen. Vu Hai Trieu, Deputy Director of the Public Security Ministry, announced: “Our technical departments have destroyed 300 Internet web pages and blogs posting unsuitable contents.”,

‘Filtering is no longer the main method used to curtail Internet freedom. The Vietnamese regime prefers to deploy cyberattacks and spyware, and to steal users’ IDs and passwords from opposition website administrators.’ [7d]

15.25 Reporters Without Borders further reported:

‘In April 2010, the Vietnamese authorities issued “Decision 15,” ordering over 4,000 cybercafés and Internet service providers in Hanoi to install a government-supplied software programme which might – like its temporarily suspended Chinese equivalent Green Dam – block access to some websites and set up surveillance of netizen activities.

‘In August 2010, the Vietnamese authorities decided to close, by the end of 2010, all cybercafés located within a 200-metre radius of schools, in an attempt to curb online game addiction and access to “inappropriate content.” This measure allegedly concerns over 800 establishments, primarily in Saigon and Hanoi, but its enforcement has been sketchy, primarily due to economic reasons. Moreover, technical measures are expected to be implemented in order to suspend Internet links in all of the capital’s cafés from 11:00 p.m. to 6:00 a.m., and all violators will be fined.

‘A spokesman for the Vietnam Ministry of Foreign Affairs has indicated that the authorities were trying to ensure “security and a healthy/sound use” of the Internet in public places, and rejects any accusation that this constitutes a violation of freedom of

expression. The Ministry had recently denounced the growing use of the Internet and of “violent and pornographic” content.’ **[7d]**

The Freedom House report, [Freedom on the Net 2012 - Vietnam](#), published on 25 September 2012, provides additional information on internet usage in Vietnam. **[29c]**

[See also Section 8: Security forces – Arbitrary arrest and detention](#)

[See also Section 14: Political affiliation - Opposition groups and political activists and Prisoners of conscience](#)

[See also Section 16: Human rights institutions, organisations and activists](#)

The [Committee to Protect Journalists \(CPJ\) \[22b\]](#) and the [Reporters sans Frontières’ \(Reporters Without Borders\) \[7e\]](#) websites included details of journalists attacked, threatened, abducted and imprisoned.

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16. Human rights institutions, organisations and activists

This section should be read in conjunction with [Section 7: Human Rights – Introduction](#), [Section 8: Security Forces – Human rights violations by security forces](#) and [Section 15: Freedom of speech and media – Internet users/bloggers](#).

- 16.01 The US State Department’s 2012 Country Report on Human Rights Practices (USSD Report 2012), Vietnam, published on 19 April 2013, noted that:

‘The government does not permit private, local human rights organizations to form or operate, nor does it tolerate attempts by organizations or individuals to comment publicly on its human rights practices. The government used a wide variety of methods to suppress domestic criticism of its human rights policies, including surveillance; detention; interference with personal communications; and limits on the exercise of freedoms of speech, press, and assembly...

‘The government generally prohibited private citizens from contacting international human rights organizations, although several activists did so. The government usually did not permit visits by international NGO [non-governmental organizations] human rights monitors, although it allowed representatives from the UNHCR [UN High Commissioner for Refugees], press, foreign governments, and international development and relief NGOs to visit the Central Highlands. The government criticized almost all public statements on human rights and religious matters by international NGOs and foreign governments...

‘There were no ombudspersons, human rights commissions, or legislative committees specifically designed to handle human rights matters. The government continued to discuss human rights matters bilaterally with several foreign governments and hold official talks concerning human rights, including through annual dialogues.’ **[2a]**
(Section 5)

- 16.02 The Human Rights Watch (HRW) World Report 2013: Vietnam, covering events of 2012, published 31 January 2013, stated that, ‘Human rights defenders in China

regularly face police harassment, house arrest, short-term detention, “reeducation through labor,” forcible commitment to psychiatric facilities, or imprisonment on criminal charges, often on state security or public order grounds.’ The report cited the following recorded action taken against activists and dissidents:

‘Nobel Peace Prize laureate Liu Xiaobo is serving an 11-year sentence in Heilongjiang province for incitement to subvert state power. His wife, Liu Xia, has been missing since December 2010. She is believed to be under house arrest in the capital Beijing to prevent her from campaigning on her husband’s behalf.

‘Li Tie, a writer and dissident from Wuhan in Hubei province, was sentenced on January 18 [2012] to 10 years in prison for subversion. Li’s especially harsh sentence was the last of several given to several long-standing democracy activists in the wake of the Arab Spring.

‘After a year in detention, veteran activists Ni Yulan and Dong Jiqin were sentenced on April 10 to two years and eight months, and two years respectively for “creating a disturbance.” An appeal court shortened Ni’s sentence by two months in July.’

‘In late April, the blind activist Chen Guangcheng escaped from his home in Shandong province where he had been unlawfully confined with his family since his release from an unjustified prison term for “intentionally damaging property and gathering crowds to disturb transport order.” In September 2010, helped by a network of activists, Chen sought refuge at the United States Embassy in Beijing. Following tense negotiations between the US and China over several weeks, Chen was finally allowed to leave with his family on May 19 to study in the US, after central government envoys gave assurances there would be an investigation into his unlawful detention. Chen Kegui, Chen’s nephew, faces homicide charges for injuring several guards who raided Chen’s brother’s home in the middle of the night after they realized Chen had escaped. Local judicial authorities barred Chen Kegui’s lawyers from representing him, claiming they had already appointed a legal aid lawyer for him.

‘On July 25, Hunan activist Zhu Chengzhi was formally arrested on a charge of “inciting subversion of state power” for exposing the suspicious conditions surrounding the alleged suicide of veteran dissident Li Wangyang. Li, who spent most of his life imprisoned, was found hanged in a hospital room in Shaoyang city, Hunan province, on June 6, his feet touching the ground. His suspicious death prompted an internet outcry amongst Chinese rights activists and led to several large demonstrations in Hong Kong. Relatives and supporters of Li were placed under house arrest to stop them challenging the results of a second party-led investigation into the case, which Li’s supporters see as a part of the official cover-up.

‘On August 13, police detained a dozen activists in Beijing and arrested another, Peng Lanlan, in Hunan province. These activists had pressed the State Council to disclose government-held information about implementing measures of the country’s second National Human Rights Action plan, publicized earlier in June.’ **[5a] (p303 - Human Rights Defenders)**

16.03 Reporting on the ‘Systematic Crackdown on Human Rights in Vietnam’, Human Rights Watch (HRW) observed in January 2012, that:

‘The Vietnam government intensified its repression of activists and dissidents during 2011, and cracked down harshly on freedom of expression, association, and assembly,

Human Rights Watch said today in its [World Report 2012](#). Bloggers, writers, human rights defenders, land rights activists, anti-corruption campaigners, and religious and democracy advocates faced harassment, intimidation, arrest, torture, and imprisonment.

'In 2011, the government prosecuted at least 33 peaceful activists and sentenced them to a total of 185 years in prison, to be followed by a total of 75 years on probation. Among those convicted for their peaceful advocacy are Dr. Cu Huy Ha Vu, a prominent legal activist; and Phung Lam, Vi Duc Hoi, Nguyen Ba Dang, Pham Minh Hoang, Lu Van Bay, and Ho Thi Bich Khuong, all prominent pro-democracy advocates and human rights bloggers. The authorities arrested at least 27 other rights activists pending investigation and/or trial. At least two bloggers – Nguyen Van Hai(a.k.a. Dieu Cay) and Phan Thanh Hai(a.k.a. Anhasg– have been held without trial since 2010.

“The human rights situation in Vietnam is poor and worsening, with a steady stream of people being locked up for nothing more than exercising their rights,” said Phil Robertson, deputy Asia director at Human Rights Watch.’ **[5f]**

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17. Corruption

17.01 The [Anti-corruption](#) Law was passed on November 29, 2005, by the XIth National Assembly sitting its 8th session. **[64a]**

17.02 The Freedom House (FH) report, Freedom in the World 2013 - Vietnam, covering events in 2012, published in January 2013, stated:

'Corruption and abuse of office are serious problems. Although senior CPV [Communist Party of Vietnam] and government officials have acknowledged growing public discontent, they have mainly responded with a few high-profile prosecutions of corrupt officials and private individuals rather than comprehensive reforms. Government decisions are made with little transparency, and revelations of contracts with Chinese and other foreign companies for major mining or development projects have generated considerable controversy. In 2012, according to many analysts, Prime Minister Nguyễn Tấn Dũng came under intense criticism from fellow party leaders because of the expansion of corruption at state-owned enterprises since he took office in 2006.’ **[29a]**

17.03 The US State Department’s 2012 Country Report on Human Rights Practices (USSD Report 2012), Vietnam, published on 19 April 2013, noted that:

'The law provides criminal penalties for official corruption; however, the government did not always implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. Corruption continued to be a major problem. The government persisted in efforts to fight corruption, including publicizing central government budgets, streamlining inspection measures, and occasionally widely publicizing cases of officials accused of corruption.

'Anticorruption law allows citizens to complain openly about inefficient government, administrative procedures, corruption, and economic policy. However, the government considered public political criticism a crime unless authorities controlled it. It is considered against the law to attempt to organize disaffected citizens to facilitate action, and perpetrators were subject to arrest. Senior government and party leaders continued

to travel 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.

‘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 4 - Official Corruption and Government Transparency)**

- 17.04 In Transparency International’s (TI) Corruption Perceptions Index, 2012, accessed on 8 July 2012, Vietnam was placed at equal 123 out of 176 countries and territories (176 being the most corrupt). A country’s rank indicates its position relative to the other countries and territories included in the index. Vietnam scored 31 for its territory’s score, which indicates the perceived level of public sector corruption on a scale of 0 - 100, where 0 means that a country is perceived as highly corrupt and 100 means it is perceived as very clean. **[26a]**
- 17.05 The East Asia Forum, an initiative of the East Asian Bureau of Economic Research, reported on 6 November 2012, that:
- ‘The VCP [Vietnamese Communist Party] has recently made great efforts to step up its fight against corruption. The fourth Plenum of the VCP Central Committee in December 2011 adopted a party-building resolution initiating a campaign of criticism and self-criticism throughout the whole Party to discourage Party members from engaging in corrupt practices.
- ‘The fifth Plenum in May 2012 continued to focus on fighting corruption by adopting a series of initiatives, including removing the Central Steering Committee on Anti-Corruption (CSCAC) from the government’s portfolio and placing it under the VCP Politburo. This will likely make CSCAC more powerful and independent from the executive branch. Accordingly, CSCAC’s former national office, headed by Prime Minister Nguyen Tan Dung, will be abolished and replaced by the VCP’s Central Commission of Internal Affairs, which is going to be re-established.’ **[13a]**
- 17.06 The publication on Anti-Corruption In Vietnam, Situation Update – July 2012 by the Partnership for Research in International Affairs and Development (PRIAD), stated, that ‘Vietnam is speeding-up work on the United Nations Convention Against Corruption (UNCAC). The government has undergone a peer-review process late in 2011 and early 2012. Accessing to the Convention however, will likely require modifying the legal framework, especially around whistleblowing protection, illicit enrichment and corruption in the private sector.’ **[56a] (Policy Developments)**
- 17.07 The USSD Report 2012 further noted:
- ‘The Ministry of Public Security is responsible for investigating corruption charges brought forward by anticorruption offices in the Ministry of Home Affairs and the Office of the Inspectorate General. Additionally, the Office of the Standing Committee on Anticorruption reports directly to the Office of the Prime Minister and has the responsibility to direct, coordinate, inspect, and formulate countrywide anticorruption activities. This committee periodically provides reports on anticorruption activities to the CPV Central Committee, National Assembly, and Office of the State President. It is also responsible for suspending and/or dismissing senior officials appointed by the prime

minister who are convicted of corrupt practices.’ **[2a] (Section 4 - Official Corruption and Government Transparency)**

- 17.08 An article on corruption in Vietnam by Voice of America (VOA) news, dated 7 June 2011, stated:

‘As in many developing nations, corruption remains a problem in Vietnam, which a recent report ranks as the fifth-most corrupt country in Asia. Some activists say part of the problem is that many people feel ill-equipped to fight graft. An annual survey by Political and Economic Risk Consultancy [PERC], a Hong Kong consulting firm, indicates that in Asia, only Cambodia, Indonesia, the Philippines and India are more corrupt than Vietnam. On a scale from 0 to 10, with 10 indicating extreme tolerance for corruption, Vietnam earns a score of 8.3 in the PERC survey this year.’ **[36b]**

- 17.09 In January 2012 Journalist Nguyen Van Khuong was arrested in Ho Chi Minh City in connection with his undercover investigative reporting for the newspaper Tuoi Tre. Khuong. He was ordered to be detained for four months while the authorities investigated his use of a bribe to expose traffic police corruption. (Reporters Without Borders, 3 January 2012) **[7f]** See also Section 8: Police: [Avenues of Complaint](#)

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Land/property seizure and property restitution

- 17.10 A report on Land Rights and Economic Security for Women in Vietnam, dated November 13, 2012, by Nidhiya Menon from Brandeis University and Yana Rodgers from Rutgers University, described the situation regarding land rights in Vietnam:

‘In 1988, the government began the move away from a collective system based on agricultural cooperatives with a new policy that allowed farm households to lease plots of land for ten to fifteen years. The reform was intended to improve incentives for farmers to invest in their land. However, in practice, the land-use rights were not seen as secure as they were not tradable and consequently, many farmers were reluctant to undertake long-term investments in their fields. To improve the incentive structure facing farm households, the government passed a new Land Law in 1993 that extended the lease period to twenty years for land used to produce annual crops, and fifty years for land used to produce perennial crops. In addition, it allowed farmers to trade, transfer, rent, bequeath and mortgage their land-use rights.’ **[81a] (p3)**

- 17.11 The Human Rights Watch (HRW) World Report 2013: Vietnam, covering events of 2012, published 31 January 2013, stated however, that, ‘Land confiscation continues to be a flashpoint issue, with local farmers and villagers facing unjust confiscation of their lands by government officials and private sector projects. Those who resist face abuses from local authorities.’ **[5a] (p382)**
- 17.12 The Freedom House (FH) report, Freedom in the World 2013 - Vietnam, covering events in 2012, published in January 2013, observed 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 redress in the courts, and their street protests often result in state harassment and arrests.’ **[29a]**

- 17.13 The US State Department's 2012 Country Report on Human Rights Practices (USSD Report 2012), Vietnam, published on 19 April 2013, noted that:

'The law provides for compensation, housing, and job training for individuals displaced by development projects. However, widespread complaints persisted, including from the National Assembly, of inadequate or delayed compensation, official corruption, and a general lack of transparency in the government's process of confiscating land and moving citizens to make way for infrastructure projects. Some members of ethnic minority groups in the Central and Northwest Highlands continued to complain that they did not receive proper compensation for land the government confiscated to develop large-scale, state-owned enterprises. In March the National Resources and Environment Ministry and others collected expert opinions preparatory to drafting a new land law.

'During the year there were a number of land disputes and related demonstrations involving the government. For example, in January [2012] shrimp farmer Doan Van Vuon refused to give up his approximately 99 acres of land in Tien Lang District, Hai Phong Province, and fired upon security officials as they entered his property, alleging that provincial officials attempted to reclaim the land without compensating him for improvements. Authorities detained but released him. On February 10, the prime minister publicly reprimanded Hai Phong officials for mishandling Vuon's case. Several provincial officials and military officers were immediately dismissed, including Le Van Hie, chair of the Tien Lang District People's Committee, and his deputy, Nguyen Van Khanh, who directly ordered Vuon's forced eviction. On October 22, Hai Phong Province police detained Khanh and charged him with destroying private property.

'In April [2012] approximately one to two thousand local security forces clashed with 300 residents of Van Giang Village, Hung Yen Province, over villager claims that local government officials demolished more than 1,000 households in 2007 to build a residential development known as "ecopark" without providing fair market value compensation. Police detained 20 villagers but released them when they agreed to admit guilt. During the same month, more than 1,000 protesters demonstrated outside the Fatherland Front of Vietnam headquarters in Hanoi to demand fair compensation from the government for ecopark.

'During National Assembly debate on the new land law in early November, more than 200 land rights petitioners from eight provinces demonstrated peacefully near the prime minister's office and called for fair compensation for confiscated land and complaint resolution by local officials.' **[2a] (Section 1e - Property Restitution)**

- 17.14 Reporting on the Doan Van Vuon case, the Foreign and Commonwealth (FCO) 2012 Report on Human Rights and Democracy, published in April 2013, stated:

'Land-use rights in Vietnam, long a contentious issue domestically, came to international prominence following a land dispute in the Tien Lang District. Fish-farmer Doan Van Vuon and family members used shotguns and explosives to prevent the police from confiscating his smallholding. There was widespread public sympathy for the plight of Mr Vuon. On 10 February [2012], the Vietnamese Prime Minister criticised the local authorities and praised the media for their coverage, ordering all provinces to review their land management practices. Land-use rights are an increasing source of tension amongst farming communities, who still form the majority of the population, and other groups that live close to major population centres. In particular, the issue of compensation for reclaimed land continues to dominate public discourse as the country

becomes more urbanised, and more land is reclaimed by the government for industrial use. The government has recognised how sensitive this issue is and has opened public consultation on a draft of the new land law.' **[8b] (p251)**

17.15 On 10 April 2013 Radio Free Asia (RFA) reported:

'A Vietnamese court on Wednesday [10 April] ordered a local official jailed for more than two years for destroying the property of a farmer who was imprisoned for putting up an armed resistance against a state seizure of his fish farm, in a case highlighting public resentment over government land grabs. In a rare admission of a botched government land seizure, four other officials received suspended sentences for their roles in the forced eviction last year in northern Vietnam's Tien Lang district in Hai Phong. Farmer Doan Van Vuon was sentenced last week to five years in jail for resisting the raid by security forces on his fish farm but was hailed as a local hero for standing up to the authorities on the land grab issue. The authorities in Hai Phong have admitted their eviction was unlawful.' **[41f]**

17.16 The USSD Report 2012 further added:

'Land-rights protesters in Hanoi, Ho Chi Minh City, Danang, and several provinces in the Mekong Delta continued to report instances of physical harassment and intimidation by local authorities. Most incidents between local authorities and ethnic minorities involved land, money, or domestic disputes. For example, in March police and local authorities from Dak Nong Province, Central Highlands, traveled repeatedly to Hanoi to convince members of an ethnic M'Nong delegation to return home and rescind their lawsuit alleging government confiscation of land without proper compensation. Fearing reprisal from local authorities, Dieu Xri, head of the M'Nong group, refused to return home.' **[2a] (Section 1c - Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment)**

17.17 RFA further reported on 24 April 2013:

'More than 1,000 families reeling from one of Vietnam's biggest land disputes say officials are ignoring their legal complaints over the loss of their rice fields confiscated for a satellite city on the edge of the country's capital. They were among residents in Hun Yen province's Van Giang district whose protest against the takeover of their farmland in April last year was brutally suppressed by the authorities. One year after the April 24, 2012 protests, the residents' complaints against the seizure of the land to make way for the U.S. \$8 billion dollar EcoPark development project have not yet been addressed, farmers' representatives said...

'Farmers had staged protests occasionally since the EcoPark project was launched several years ago, claiming that the government granted 500 hectares (1,200 acres) that they used as farmland to the developers without proper consultation or compensation.

'In one of the biggest land clashes in the country in recent years, thousands of security forces suppressed the mass protest by the residents last year, with police firing warning shots and tear gas while farmers resisted by throwing bricks, glass bottles, stones, and Molotov cocktails.' **[41g]**

17.18 Another RFA report of 9 March 2013, noted that:

‘Vietnam has jailed 11 people from the ethnic Nung group for up to four years as punishment for clashing with security forces over a land grab in a northern province, sources said Friday [8 March]. They were arrested in August 2011 after clashes between about 1,000 villagers and police and soldiers over a long running land dispute in Son Dong and Luc Ngan districts in Bac Giang province. Five of them were jailed on Friday by a military court for between 42 and 54 months for “disturbing public order” while six others were sentenced by a separate court to between 12 and 48 months for the same offence a day earlier...

‘The clashes occurred when around 1,000 police personnel, militias and soldiers moved to seize land from people in the villages of Kim Son, Phong Minh and Phong Van in Luc Ngan district. More than one thousand villagers rallied to defend their land, throwing rocks, glass bottles and wielding farm tools and kitchen knives. The problem began way back in 2003 when local authorities decided to relocate about 2,300 families of the Son Dong and Luc Ngan districts from land that was to be converted into a national firing range. Authorities pledged to compensate the villagers for the land and crops but many villagers said the compensation was inappropriate. The compensation amounts varied between villages and ethnic groups, the villagers said.’ **[41o]**

17.19 A Radio Free Asia (RFA) news article reported on 22 March 2012:

‘Hundreds of farmers gathered in the Vietnamese capital Thursday [22 March 2012] to demand the return of rice fields they say were confiscated by heavily armed police just days after receiving an eviction notice. The farmers, from three different villages in Vietnam’s northern Hung Yen province, said they never received an offer for compensation for the 500 hectares (1,235 acres) of land from which they were forcibly removed on Wednesday... The protests follow a call from Vietnamese Prime Minister Nguyen Tan Dung in February to revamp the country’s land management policies and a vow to punish corrupt local officials for their role in a high-profile land eviction case in Hai Phong city... All land in Vietnam belongs to the state, and people only have the right to use it. Land expropriation has been linked to several incidents of unrest in recent years.’ **[41d]**

17.20 On 21 February 2012 hundreds of farmers from three locations in Vietnam protested in Hanoi demanding the return of land they say was taken away by the government and granted to developers without proper negotiations. Several protesters were detained while the others camped outside parliament, calling for their colleagues to be released. (Radio Free Asia, 21 February 2012) **[41b]**

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18. Freedom of religion

This Section should be read in conjunction with Section 14: Political Affiliation – [Prisoners of conscience](#) and Section 19: [Ethnic groups](#)

18.01 Article 70 of the 1992 [Constitution](#), as amended in 2001, states:

‘Citizens have the right to freedom of belief and religion, and may practise or not practise any religion. All religions are equal before the law.

'Public places of religious worship are protected by law.

'No one has the right to infringe on the freedom of faith and religion or to take advantage of the latter to violate State laws and policies.' **[73b]**

- 18.02 The US Commission on International Religious Freedom (USCIRF) Annual report (covering 31 January 2012 to 31 January 2013), published 30 April 2013, stated:

'The government of Vietnam continues to expand control over all religious activities, severely restrict independent religious practice, and repress individuals and religious groups it views as challenging its authority. Religious activity continues to grow in Vietnam and the government has made some important changes in the past decade in response to international attention, including from its designation as a "country of particular concern" (CPC). Nevertheless, authorities continue to imprison or detain individuals for reasons related to their religious activity or religious freedom advocacy; independent religious activity remains repressed; the government maintains a specialized police for dealing with religious groups; legal protections for government-approved religious organizations are subject to arbitrary or discriminatory interpretations based on political factors; and converts to ethnic-minority Protestantism and Catholicism face discrimination, intimidation, and pressure to renounce their faith.' **[34a] (p196 – Executive Summary)**

- 18.03 The Foreign and Commonwealth (FCO) 2012 Report on Human Rights and Democracy, published in April 2013, stated:

'Religious freedom is allowed in Vietnam although in practice, the government restricts some religious worship on the grounds of interests of national security. Through the EU–Vietnam Human Rights Dialogue, the EU highlighted concerns about the reported harassment of religious groups, the delays in registering churches and the refusal of the authorities to allow churches to train pastors. Progress is being made, however, with the building of new places of worship, recognition of new religious groups and registering new congregations.' **[8b] (p252)**

- 18.04 The Freedom House (FH) report, Freedom in the World 2013 - Vietnam, covering events in 2012, published in January 2013, stated:

'... harassment, arrests, and occasional attacks directed at religious minorities, activists, and Falun Gong practitioners continue to occur. Several Catholic organizations have been at the forefront of advocating for reform online and through leaflets, and in 2012 Catholic groups reported that authorities were still holding at least 17 Catholic activists who had been arrested in 2011 for advocating democracy; only fourteen apparently had come to trial by the end of 2012, but even that number was unclear because of the secretive nature of the trials.' **[29a]**

- 18.05 The Freedom House report also observed that there had been improvements to freedom of religion, noting that, 'The Roman Catholic Church can now select its own bishops and priests, but they must be approved by the government. Many restrictions on charitable activities have been lifted, and clergy enjoy greater freedom to travel domestically and internationally.' **[29a]**

- 18.06 Additionally the US State Department (USSD) International Religious Freedom Report 2011: Vietnam, published on 30 July 2012, also observed the improvements of religious freedom, stating that:

‘Some improvements in respect for religious freedom continued during the year [2011]. The government continued to ease restrictions placed upon most religious groups. The changes were primarily the result of continued implementation of revisions to the legal framework governing religion instituted in 2004 and 2005, as well as a more positive government attitude toward Protestant groups. For the second year in a row, the government permitted large religious gatherings, such as annual Catholic celebrations at the La Vang Catholic sanctuary. Large celebrations were held in honor of Vesak in Hanoi, Ho Chi Minh City, and many other cities.’ **[2b] (Section II - Improvements and Positive Developments in Respect for Religious Freedom)**

18.07 Following on from this, the US State Department (USSD) International Religious Freedom Report 2012: Vietnam, published on 20 May 2013, noted that:

‘In May [2012] the government for the first time granted 20 members of the Bahai Faith permission to participate in an annual religious pilgrimage to the Bahai World Center in Haifa, Israel. The nine-day pilgrimage allowed Bahais to visit religious shrines and meet with fellow believers. In August the Local Spiritual Assembly of the Bahais of Hanoi celebrated the twentieth anniversary of its establishment in Hanoi. The day-long public celebration was attended by nearly 100 followers from the northern area of the country, 20 foreign Bahais representing countries in the region, and government officials.

‘In July and August the CRA [Committee on Religious Affairs] registered 20 new churches in the Northwest Highlands. These included both Protestant and Catholic congregations.

‘During his appointment that began in January 2011, Archbishop Leopoldo Girelli, the non-resident papal representative to Vietnam, made eight visits to the country. The government and the Vatican continued discussions toward normalizing relations. In September Archbishop Girelli made his first visit to the Northwest Highlands to meet with fellow believers. During his visit, the archbishop led mass for congregants of newly recognized churches.

‘In June the government restored five acres of land to St. Peter’s Catholic chapel in Hanoi. Congregants had formally petitioned the government ten years earlier.

‘According to contacts from multiple faiths, the government facilitated the construction of new places of worship, including Christian churches, Buddhist temples, monasteries and pagodas. The government’s assistance included transferring land to religious groups, granting building permits, or granting small construction grants through the CRA.’ **[2f] (Improvements and Positive Developments in Respect for Religious Freedom)**

18.08 The Human Rights Watch (HRW) World Report 2013: Vietnam, covering events of 2012, published 31 January 2013, stated:

‘The government restricts religious freedom through legislation, registration requirements, and harassing and intimidating unsanctioned religious groups, including independent Protestant home churches, and individuals and congregations of Hoa Hao Buddhists, Cao Dai, the Unified Buddhist Church of Vietnam, and Falun Gong.

‘Religious groups must register with the government and conduct their operations under the direction of government-controlled management boards. The authorities do generally allow government-affiliated churches and pagodas to hold worship services.

However, local authorities routinely harass and intimidate religious communities, especially unregistered ones, when they take up politically disfavored issues including land rights and freedom of expression; when they are were popular among groups that the government considers to be potentially disaffected, such as ethnic minorities with a history of resistance against central rule and assimilation policies; or when they simply refuse to conform to state-sanctioned religious organization.

'In February and March [2012], Phu Yen province police arrested at least 18 members of a Buddhism-based religious group that refers to itself as the Council for Public Law and Affairs of Bia Mountain. They face charges under penal code article 79 for "activities aiming to overthrow the people's administration." At this writing, the 18 members of the group were in police detention in Phu Yen province, awaiting trial.' **[5a] (p385)**

18.09 Prime Minister Nguyen Tan Dung, issued a new Decree (Decree 92) on 8 November 2012 which came into force on 1 January 2013, replacing an earlier decree issued in 2005. Reporting on the new Decree, in November 2012, Radio Free Asia (RFA) stated that: 'The decree spells out directives and measures for implementing the Ordinance on Beliefs and Religion governing religious practice in Vietnam. It lays out procedures by which religious organizations can register their activities, places of worship, and clerics to operate openly or to apply for official recognition.' **[41e]**

18.10 Quê Mẹ, a Vietnamese non-profit organisation working to increase international awareness of the human rights situation in Vietnam, reported in November 2012, that:

'The new decree, in addition to preserving the restrictive provisions of its predecessor, adds new obligations and "vaguely-worded provisions" that that give authorities greater powers over religious activities, IBIB [International Buddhist Information Bureau] said.

'One article in the decree, the group said, stipulates that in order to receive full legal recognition, a religious group must prove that it has operated for 20 years without violating the law, including "infringing of national security."

'But this can put organizations in a Catch-22 situation, because simply operating without having received legal recognition could count as an infringement of national security, the group said.' **[67a]**

18.11 The USCIRF Annual Report 2013 noted:

'Despite government control, the number of religious adherents continues to grow in Vietnam. The government has supported the building of religious venues and the training of religious leaders, and allowed some large religious gatherings and pilgrimages to occur regularly. The government also has trained local officials in provincial areas on Vietnam's religion laws, but the content of that training remains problematic and serious abuses in ethnic minority areas continue. In most parts of the Central Highlands, churches and meeting points have been re-opened, and the government and the officially recognized Protestant organization have established a working relationship with registered groups who do not evangelize. However, in the northwest provinces, registration has essentially stalled, leaving individual congregations illegal and vulnerable. Provincial officials remain suspicious of the growth of Protestantism among ethnic minority populations and have instituted campaigns to curtail new conversions. Large Hmong religious gatherings in 2011 to await an anticipated millennial event brought arrests, detentions, displacements, and harassment

of members of new Protestant churches in the past year.’ **[34a] (p197-198 – Religious Freedom Conditions)**

- 18.12 The Amnesty International (AI) Annual Report 2013: The state of the world’s human rights: Vietnam, (AI Report 2013) published on 23 May 2013, covering events in 2012, stated that:

‘Ethnic and religious minority groups perceived to oppose the government remained at risk of harassment, arrest and imprisonment. Those targeted included ethnic groups worshipping at unauthorized churches and others involved in protests over land confiscation by the authorities. A group of 14 Catholic bloggers and social activists arrested between July and December 2011 in Nghe An province remained in pre-trial detention.

- ‘In March, Nguyen Cong Chinh, a Mennonite pastor, was sentenced to 11 years’ imprisonment for “undermining the national unity policy”. He was accused of “inciting” ethnic minorities. He spoke out about harassment by local authorities and restrictions on religious freedom in the Central Highlands. In October, his wife claimed that she had not been allowed to visit him since his arrest in April 2011.

- ‘Twelve ethnic Hmong accused of involvement in major unrest in north-west Viet Nam in May 2011, were tried and sentenced to between two and seven years’ imprisonment in March and December for “disrupting security” and aiming to “overthrow the government”. No clear account of events was given and the authorities prevented access to the alleged area of unrest.

- ‘The Supreme Patriarch of the banned Unified Buddhist Church of Viet Nam, Thich Quang Do, aged 85, remained under house arrest. In July, he called for peaceful demonstrations against China’s actions in the East Sea. Police surrounded the banned monasteries to prevent members from participating.

- ‘Three Catholic Youth members were tried in September and sentenced to between 30 and 42 months in prison for “conducting propaganda” against the state. They had participated in anti-China protests, and signed petitions against the trial of prominent dissident Cu Huy Ha Vu.’ **[3a] (Prisoners of conscience - Ethnic and religious minorities)**

- 18.13 Europa World, Country Profile, Vietnam, accessed on 15 July 2013 noted:

‘Traditional Vietnamese religion included elements of Indian and all three Chinese religions: Mahayana Buddhism, Daoism and Confucianism. Its most widespread feature was the cult of ancestors, practised in individual households and clan temples. Various Buddhist sects belong to the ‘new’ religions of Caodaism and Hoa Hao. The Protestant and Roman Catholic Churches are also represented. In 2007 operating licences were granted to several additional religious groups, including the Mennonite Church, the Baptist Church and the Bahá’í faith.’ **[1a]**

- 18.14 The Minority Rights Group International (MRI) Report, State of the World’s Minorities and Indigenous Peoples 2011, covering events in 2010, published 6 July 2011, stated:

‘Religious and ethnic minorities in Vietnam continued to experience restrictions on freedoms reports throughout the country of local police interrupting religious services, with parishioners being accused of “gathering illegally”. In May [2010], police clashed with Catholic parishioners who were trying to bury the body of an elderly woman,

according to RFA [Radio Free Asia]. Witnesses reported that 66 people were beaten. Tensions also flared in January [2010], when police demolished a cross near a Catholic cemetery south of Hanoi. The Catholic website, AsiaNews.it, reported that police then shot tear gas at parishioners.' **[58a] (p167-168, Vietnam)**

18.15 In September 2012 the International Federation for Human Rights (FIDH) published a "non-exhaustive" list of 180 Political and Religious Prisoners in Vietnam, compiled for the XXI Session of the United Nations Human Rights Council. **[44d]**

18.16 The USSD IRF Report 2012 observed that, '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. Catholic, Protestant, Muslim, Bahai, and Buddhist groups are allowed to provide religious education to adherents in their own facilities. Religious groups are not permitted to operate independent schools beyond the preschool and kindergarten levels. Atheism is not taught officially in public schools.' Adding that:

'Persons who belong to unofficial religious groups were not permitted to speak publicly about their beliefs, but some conduct religious training and services without harassment. Members of religious organizations that are not registered nationally may speak about their beliefs and may persuade others to adopt their religions, but only in locally registered places of worship. The government controls all forms of public assembly; however, several large religious gatherings were allowed... Religious affiliation is indicated on citizens' national identification cards and in "family books," which are household identification documents.' **[2f] (Section II - Legal/Policy Framework)**

The US Commission on International Religious Freedom (USCIRF), Annual Report 2013, covering the period from 31 January, 2012 – 31 January 2013, published 30 April 2013, provided a list of prisoners detained for either their religious activity or religious freedom advocacy, including human rights defenders who assisted vulnerable groups, during the past year. **[34a] (p199-200)**

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Religious demography

18.17 The US State Department (USSD IRF) International Religious Freedom Report 2012: Vietnam, published on 20 May 2013, stated:

'More than half of the population is at least nominally Buddhist, with 10 percent actively practicing Mahayana Buddhism (most of whom are of the majority ethnic group Kinh or Viet) and 1.2 percent actively practicing Theravada Buddhism (approximately one million members of the Khmer minority in the south). Roman Catholics constitute 7 percent of the population. Catholicism is growing, with over 6 million adherents worshipping in 26 dioceses across the country. Cao Dai, a religion combining elements of many religions, is practiced by 2.5 to 4 percent of the population. Hoa Hao followers constitute 1.5 to 3 percent of the population. Estimates of the number of Protestants range from 1 to 2 percent of the population. Some Protestant denominations are officially recognized at the national level; others are registered locally, but have not attained national recognition. Muslims number 70,000 to 80,000, or less than 0.1 percent of the population; approximately 40 percent of Muslims are Sunnis; the remaining 60 percent practice Bani Islam.

‘Smaller religious groups that together comprise less than 0.1 percent of the population include 50,000 ethnic Cham who mostly practice a devotional form of Hinduism in the south-central coastal area, an estimated 8,000 members of the Bahai Faith, and approximately 1,000 members of The Church of Jesus Christ of Latter-day Saints (Mormons) throughout the country. There is one Jewish synagogue in Ho Chi Minh City serving approximately 150 Jews, mainly foreign residents who live in the city.

‘Other citizens consider themselves nonreligious, or practice animism or the veneration of ancestors, tutelary and protective saints, national heroes and local, respected persons. Followers of these traditional forms of worship may or may not term themselves religious.’ **[2f] (Section I. Religious Demography)**

18.18 The USSD IRF Report 2012 observed that:

‘The government recognizes 37 religious organizations affiliated with 11 recognized religions. The 11 recognized religions are: Buddhism, Islam, the Bahai Faith, Catholicism, Protestantism, Hoa Hao, Cao Dai, Pure Land Buddhist Home Practice, the Four Debts of Gratitude, Threefold Enlightened Truth Path, and Threefold Southern Tradition. Individual denominations within these recognized groups also must be registered. Some Buddhist, Protestant, and Hoa Hao groups do not participate in government-recognized or government-registered religious organizations.’ **[2f] (Section II - Legal/Policy Framework)**

18.19 The USCIRF Annual Report 2013, stated that, ‘Catholicism continues to grow rapidly in Vietnam, and the church has expanded both clerical training and charitable activities in recent years. Hanoi and the Vatican continue to discuss resuming diplomatic relations. Nevertheless, the relationship between the Vietnamese government, some members of the Church’s hierarchy, Catholic laity, and members of the Redemptorist Order continue to be tense.’ **[34a] (p203 – Catholics)**

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Religious groups

Ancestor worship

18.20 The website of the Vietnamese Embassy in Japan, accessed on 15 July 2013, observed:

‘With the perception that every object has a soul, since the ancient time, the Vietnamese worshiped a large number of gods, especially those related to agriculture such as the sun, the moon, land, mountain, river and forest, etc., for good luck. Each ethnic minority in Viet Nam has its own way of practicing belief, which is still maintained by some ethnic groups such as Tay-Thai, Hmong-Dao, Chinese-San Diu-Ngai, Cham-Ede-GiaRai and Mon-Khmer.

‘In addition, the most popular and time-honoured custom of the Vietnamese and some ethnic minorities is ancestor worship and commemoration of death anniversaries. Every Vietnamese family has an altar to worship their ancestors and attach importance to the commemoration of death anniversaries and acknowledgement of the service rendered by the predecessors.’ **[72a]**

18.21 An article from Viet Nam News, dated 14 April 2011 reported:

“Ancestor worship is a longstanding tradition, one of the foundational elements of national culture which has a very special position in the spiritual life of the Vietnamese people,” said Phu Tho People's Committee chairman Hoang Dan Mac. “While many religious faiths have suffered ups and downs, ancestor worship maintains its firm position in the Vietnamese culture and people's spiritual lives.” ‘Ancestor worship rituals consist of three parts: at home, where an altar is set up to the family's previous generations; at the village level, where people worship a tutelary god; and at national level, where people pay tribute to the Hung Kings, Mac said. “The belief of ancestor worship is a return to the roots,” he said.’ **[61e]**

18.22 The website of the Vietnamese Embassy in Japan, added:

‘Besides ancestor worship in each family and each clan, many villages have a communal house and a temple to worship the village Deity. The custom of worshipping the village Deity and the communal house are the unique features of Vietnamese villages. The village Deity worshiped [sic] in the village's temple or communal house can be a Deity or an outstanding figure who rendered great service such as the forefather of a traditional handicraft or a national hero who recorded glorious feats in nation building and in the wars against foreign aggression. The Vietnamese people also worship different gods such as the kitchen god or god of the soil, etc.’ **[72a]**

Buddhists

18.23 The USSD IRF Report 2012 observed that,

‘The officially sanctioned Vietnam Buddhist Sangha (VBS) incorporates Mahayana, Theravada, and Bhikshu Buddhism. All Buddhist groups within the VBS are represented proportionally throughout the leadership structure and organization. In practice, Theravada monks meet separately to determine issues such as doctrine, education, and other community needs to address within the VBS. There are several recently recognized religious organizations that have Buddhist influences but are separate and distinct from the VBS. Of these, the Pure-Land Buddhist Home Practice religious group has the largest membership, with more than 1.3 million followers.’ **[2f] (Section II - Legal/Policy Framework)**

18.24 Europa World, Country Profile: Vietnam accessed on 15 July 2013, noted:

‘In the North a Buddhist organization, grouping Buddhists loyal to the Democratic Republic of Viet Nam, was established in 1954. In the South the United Buddhist Church was formed in 1964, incorporating several disparate groups, including the ‘militant’ An-Quang group (mainly natives of central Viet Nam), the group of Thich Tam Chau (mainly northern emigrés in Saigon) and the southern Buddhists of the Xa Loi temple. In 1982 most of the Buddhist sects were amalgamated into the state-approved Viet Nam Buddhist Church (which comes under the authority of the Viet Nam Fatherland Front). The number of adherents was estimated at 10m. in [sic] 2005, approximately 12% of the total population. The Unified Buddhist Church of Viet Nam is an anti-Government organization.’ **[1a]**

18.25 The CIA World Factbook, updated on 10 July 2013, accessed on 12 July 2013, noted that Buddhists made up 9.3 per cent of the current population. **[4a] (People and society: Religions)**

- 18.26 The Encyclopaedia Britannica, accessed on 9 July 2013 observed that: ‘Confucianism, Daoism, and Mahayana Buddhism entered Vietnam over many centuries. Gradually they became intertwined, simplified, and Vietnamized to constitute, along with vestiges of earlier local beliefs, an indigenous religion that came to be shared to some considerable extent by all Vietnamese, regardless of region or social class. It is largely this religious amalgam that is practiced by the roughly half of the population that identifies itself as being Buddhist.’ **[57a]**

Unified Buddhist Church of Vietnam (UBCV)

- 18.27 The USCIRF Annual Report 2013 noted:

‘The UBCV is Vietnam’s largest religious organization, with a history of peaceful social activism and moral reform efforts. The UBCV has faced decades of harassment and repression for seeking independence from the officially-approved Vietnamese Buddhist Sangha (VBS) and for appealing to the government to respect religious freedom and related human rights. Senior UBCV monks, including the Most Venerable Thich Quang Do, remain under some form of administrative probation or arrest in their home or pagoda.

‘The meeting of the UBCV’s 20 representative boards, in 15 cities and provinces, continue to be restricted. Many UBCV-affiliated pagodas operate without day-to-day restrictions on worship activities, though they are subject to constant governmental surveillance and young monks who come for study from other regions have lost residency permits. UBCV followers have been harassed and intimidated by the Religious Security Police, including threats of arrest, job loss, or expulsion of their children from school for continuing to frequent the pagoda or offer donations to “reactionary monks.” Laypeople affiliated with pagodas’ charitable activities, management committees, or the Buddhist Youth Movement are particularly targeted.’ **[34a] (p201 – Unified Buddhist Church of Vietnam (UBCV))**

- 18.28 The USSD IRF Report 2012 stated:

‘The government continued to restrict the movement of some UBCV leaders. As in previous years, UBCV leaders reported they were urged to restrict their movements although they were able to receive visits from foreign diplomats, visit other UBCV members, and maintain contact with associates overseas; however, these activities were closely scrutinized. Provincial UBCV leaders throughout the southern region reported routine surveillance by local authorities. UBCV Supreme Patriarch Thich Quang Do stated that although he could meet diplomats within his pagoda, other people were prevented from visiting or were questioned after contacting him. Authorities continued to ban the entry of Buddhist followers into UBCV pagodas. UBCV representatives reported they were not allowed to conduct disaster relief activities during the year, unlike 2011, when they were able to do so.’ **[2f] (Section II - Government Practices)**

- 18.29 Que Me, an independent organisation campaigning for human rights in Vietnam reported that in a testimony by Vo Van Ai to the Tom Lantos Human Rights Commission, 15 May 2012, about arbitrary detention of pro-democracy and religious activists in Vietnam, he said that:

‘Buddhists belonging to the outlawed Unified Buddhist Church of Vietnam (UBCV) are routinely detained under “pagoda arrest”. Vietnam’s most prominent religious dissident

Thich Quang Do, 84, Patriarch of the Unified Buddhist Church of Vietnam and Nobel Peace Prize nominee, is under house arrest without charge at the Thanh Minh Zen Monastery. He is forbidden to travel or communicate freely and denied the right even to preach within his monastery. Thich Quang Do has spent almost 30 years in prison, internal exile and house arrest for his nonviolent advocacy of religious freedom, democracy and human rights...’ [69b]

[See also subsection on Protestants](#)

[See also Section 19: Ethnic groups](#)

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Hoa Hao

- 18.30 A Human Rights Watch (HRW) news report from December 2011 described the foundations of the Hoa Hao Buddhist sect:

‘Founded in 1939 by Huynh Phu So, Hoa Hao is a Buddhist sect based in the western Mekong delta. Some Hoa Hao adherents opposed the Republic of Vietnam in the mid 1950s as well as the communist insurgency throughout the Vietnam War. After 1975, the Hoa Hao sect was not recognized as an official religion by the Socialist Republic of Vietnam. A section of the Hoa Hao church agreed to submit to state supervision and gained official recognition in 1999. But other Hoa Hao Buddhist factions remain at odds with the government.’ [5i]

- 18.31 The USSD IRF Report 2012 observed that:

‘The Hoa Hao Administrative Council is the officially recognized Hoa Hao body; however, several leaders of the Hoa Hao community openly criticized the council as overly subservient to the government. The government permitted publication of only five of the 10 Hoa Hao sacred books for sanctioned Hoa Hao groups. No new books were authorized for publication during the year.

‘Dissenting Hoa Hao groups, the Traditional Hoa Hao Church and the Pure Hoa Hao Church, faced restrictions on their religious and political activities. The government prohibited their commemorations of the disappearance of the Hoa Hao founder and public readings of his writings. Police regularly discouraged worshipers from visiting temples and facilities affiliated with the unrecognized Pure Hoa Hao Church and Traditional Hoa Hao Buddhist Church in An Giang, Vinh Long, Dong Thap, and Can Tho, especially on church holidays related to the lunar calendar and the anniversary of the death of the founder of Hoa Hao Buddhism.’ [2f] **(Section II - Government Practices)**

- 18.32 The USCIRF Annual Report 2013 noted, however, that:

‘The Vietnamese government continues to ban and actively discourage participation in independent factions of the Hoa Hao and Cao Dai, two religious traditions unique to Vietnam that claim memberships of four and three million, respectively. The repression of these groups includes interference with religious activities and leadership selection; loss of jobs, discrimination, and harassment of followers; and imprisonment of individuals who peacefully protest religious freedom restrictions.

‘The Vietnamese government requires that all Hoa Hao and Cao Dai groups affiliate with the government-approved religious organizations, which oversee all pagodas, temples, educational institutes, and activities. Approval is required for all ordinations and ceremonies, donations, and expansions of religious venues. The government-approved leaders of the Hoa Hao and Cao Dai organizations also vet the content of publications and religious studies curricula for schools.’ **[34a] (p201-202 – Hoa Hao and Cao Dai)**

18.33 The USCIRF Annual Report 2013 further noted:

‘Independent groups, such as members of the Hoa Hao Central Buddhist Church (HHCBC), face significant official repression, including disbanding under the new Decree 92 or arrest under national security provisions of the legal code. HHCBC leaders and their followers have been arrested and sentenced to terms of up to four years for staging hunger strikes, distributing the writings of their founding prophet, holding ceremonies and holiday celebrations, or interfering as police tried to break up worship activities. HHCBC properties have been confiscated or destroyed and individual followers faced discrimination and loss of jobs. At least 12 HHCBC leaders remain imprisoned, including Mai Thi Dung, currently serving an 11-year prison term, who according to family members is gravely ill, with both feet paralyzed and suffering from heart disease.

‘Authorities continue to restrict celebrations of the Hoa Hao founder, who was killed by Communists Party members in 1949. In March 2012, authorities of An Giang, Dong Thap, Vinh Long, and Can Tho ordered surveillance of unsanctioned Hoa Hao monks. Police blocked roads, harassed or threatened followers and reportedly severely beat and arrested one follower.

‘In June 2012, authorities in Dong Thap province confiscated property used for worship services from the leader of an independent Hoa Hao congregation without compensation. Also in Dong Thap province, an HHCBC-affiliated worship site was disbanded after police threatened to arrest the leader, Tong Thiet Linh, and issued a heavy fine. Linh was told to affiliate with the government approved Hoa Hao organization.’ **[34a] (p202 – Hoa Hao and Cao Dai)**

18.34 The HRW World Report 2013 noted that, ‘Police in An Giang prevented members of the unregistered Pure Hoa Hao Buddhist Association from gathering to commemorate key events, including the anniversary of the disappearance of the group’s founder Huynh Phu So. Hoa Hao activist Bui Van Tham was sentenced to 30 months in prison for “resisting officials in the performance of official duties”.’ **[5a] (p386)**

18.35 The HRW news report added:

‘Unsanctioned Hoa Hao Buddhist groups have long been a target of government repression. In August 2005, after one serious crackdown, a Hoa Hao Buddhist follower, Tran Van Ut, burned himself to death in protest. At least 13 other Hoa Hao Buddhist activists are serving long prison terms. The most recent arrest, occurred in July 2, 2011, when Dong Thap province police arrested Hoa Hao Buddhist activist Tran Hoai An as he returned from visiting Hoa Hao Buddhist prisoners. Tran Hoai An was also among the four Hoa Hao Buddhist activists who met with American diplomats in December 2010.’ **[5i]**

Catholics

18.36 Europa World, Country Profile: Vietnam, accessed on 15 July 2013, noted: ‘The Roman Catholic Church has been active in Viet Nam since the 17th century, and since 1933 has been led mainly by Vietnamese priests. Many Roman Catholics moved from North to South Viet Nam in 1954–55, but some remained in the North. The total number of adherents was estimated at 6,089,223 in December 2007, representing 6.9% of the population. For ecclesiastical purposes, Viet Nam comprises three archdioceses and 23 dioceses.’ **[1a]** The Central Intelligence Agency (CIA) World Factbook, updated on 10 July 2013, accessed on 12 July 2013, recorded the current population of Catholic’s was 6.7 per cent. **[4a] (People and society: Religions)**

18.37 The USCIRF Annual Report 2013 stated:

‘Catholicism continues to grow rapidly in Vietnam, and the church has expanded both clerical training and charitable activities in recent years. Hanoi and the Vatican continue to discuss resuming diplomatic relations. Nevertheless, the relationship between the Vietnamese government, some members of the Church’s hierarchy, Catholic laity, and members of the Redemptorist Order continue to be tense. Over the past several years, including in the past year, Catholics have been detained for participating in peaceful prayer vigils and demonstrations at properties formerly owned by the Catholic Church. In addition, government officials have employed “contract thugs” to assault and intimidate Catholics from engaging in both private study and worship at “unregistered” locations.’ **[34a] (p203 – Catholics)**

The [report](#) cited cases where assault and intimidation against Catholics had been reported. **[34a] (p203)**

18.38 Police arrested 20 Catholics and their parish priest on 2 December 2011 during a rally in Vietnam’s capital Hanoi, in which they demanded the return of a 15-acre property which they said was illegally acquired by the government. The parishioners claimed the land belonged to their church but the government said they were simply carrying out renovations. (Radio Free Asia, 2 December 2011) **[41b]**

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Protestants

18.39 Europa World, Country Profile: Vietnam, accessed on 15 July 2013, noted that Protestants were ‘Introduced in 1920 with 500 adherents; the total number was estimated at 500,000 in 2005.’ **[1a]**

18.40 The USSD IRF Report 2012 added:

‘Ethnic minorities constitute approximately 14 percent of the population. 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, Sedang, and M’nong, among others). The Khmer Krom ethnic group overwhelmingly practices Theravada Buddhism.’ **[2f] (Section I - Religious Demography)**

18.41 The USCIRF Annual Report 2013 noted:

‘Hmong Protestants meet openly in some areas of the northwest provinces, something that was not allowed ten years ago. The Vietnamese government recognizes that there is a “genuine need” for religion among the Hmong. Nevertheless, provincial officials continue to discourage “new” Hmong converts to Protestantism through official intimidation, discrimination, and property confiscation if they do not renounce their faith. This tactic seems to be a policy developed and condoned by central government authorities and carried out in the provinces.’ **[34a] (p205 – Religious Freedom Conditions)**

18.42 The Human Rights Watch (HRW) report, *Montagnard Christians in Vietnam: A Case Study in Religious Repression*, 30 March 2011, stated:

‘In 2000 an activist Montagnard church movement - Tin Lanh Dega, or Dega Protestantism - emerged in the Central Highlands that combined evangelical Christianity with aspirations for greater political freedom, protection of ancestral lands, and for some, autonomy or self-rule. Less than one year later, in February 2001, unprecedented mass protests broke out in all four provinces of the Central Highlands. Thousands of Montagnards marched on the provincial towns to demand the return of ancestral lands and religious freedom.

‘In response, the government launched an aggressive crackdown, dispatching military and police units to seal off the region and arresting dozens of Montagnards, sometimes using torture to elicit confessions and public statements of remorse. By the end of 2001, Montagnards had been sentenced to prison terms ranging from four to 13 years, with another 32 individuals awaiting trial. Fearing arrest, many Montagnards went into hiding in Vietnam. By early 2002, more than 1,000 Montagnards had fled to Cambodia, where they were recognized as refugees and resettled abroad.

‘The past decade has seen ongoing waves of repression and unrest. In April 2004 thousands of Montagnards again took to the streets, with smaller protests taking place in September 2002 and April 2008.’ **[5k] (p4)**

18.43 The USSD IRF 2012 report noted:

‘The government continued to assert that some Montagnards, an ethnic minority in the Central Highlands, were operating an illegal “Dega” church. The government accused the Dega Protestant churches of calling for the creation of an independent Montagnard state. The SECV and house churches in the provinces of Dak Lak, Gia Lai, Kon Tum, Binh Phuoc, Phu Yen, and Dak Nong continued to experience government scrutiny because of feared association with separatist groups overseas. In previous years, 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. During the year, the number of reported incidents was significantly lower than in previous years and appeared to reflect individual local bias rather than central government policy. In some instances local officials were reprimanded.’ **[2f] (Section II - Government Practices)**

18.44 The USSD IRF 2012 [report](#) cited a number of incidents where restrictions on religious celebrations or expression were reported. **[2f] (Section II - Government Practices)**

[See also Section 18: Freedom of religion - Buddhists](#)

[See also Section 19: Ethnic groups, H'mong and Montagnards](#)

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Cao Dai

- 18.45 Europa World, Country Profile: Vietnam, accessed on 15 July 2013 noted that Caodaism was 'Formally inaugurated in 1926, this is a syncretic religion based on spiritualist seances with a predominantly ethical content, but sometimes with political overtones. There are 13 different sects, of which the most politically involved (1940–75) was that of Tay Ninh. Another sect, the Tien Thien, was represented in the National Liberation Front from its inception. There were an estimated 2.4m. adherents in 2005, resident mainly in the South.' **[1a]**
- 18.46 The Encyclopaedia Britannica, accessed on 9 July 2013 observed that: 'The religion of Cao Dai, a synthesis of Confucianism, Daoism, Buddhism, and Roman Catholicism, appeared during the 1920s, and in the 1930s the Hoa Hao neo-Buddhist sect spread through parts of the Mekong delta. Cao Dai has about twice as many adherents as Hoa Hao, but both congregations are growing.' **[57a]**
- 18.47 The USSD IRF 2012 report noted that, 'On September 16, the managing council of the sanctioned Cao Dai along with hired thugs assaulted followers of the unsanctioned Cao Dai religion in Phu My Oratory, which is under the Chon Truyen Conservative Religious Society in Binh Dinh Province. A total of six followers suffered injuries. The head of the managing council stated that the reason for the assault was that the followers were worshipping according to "Chon Truyen law, instead of obeying the managing council".' **[2f] (Section III - Status of Societal Respect for Religious Freedom)**

Muslims

- 18.48 Muslims number 70,000 to 80,000, and account for less than 0.1 percent of the population (USSD IRF 2012 report) **[2f] (Section I - Religious Demography)**

[See also Section 8: Security forces – Human rights violations by security forces.](#)

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19. Ethnic groups

This Section should be read in conjunction with Section 18: [Freedom of religion](#)

- 19.01 The US State Department (USSD) International Religious Freedom Report 2011: Vietnam, published on 30 July 2012, stated:

'Ethnic minorities constitute approximately 14 percent of the population. 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, Sedang, and M'nong, among others). The Khmer Krom ethnic group overwhelmingly practices Theravada Buddhism.' **[2b] (Section I. Religious Demography)**

- 19.02 The Encyclopaedia Britannica's Profile of Vietnam, accessed on 9 July 2013 observed that:

'Vietnam has one of the most complex ethnolinguistic patterns in Asia. The Vietnamese majority was significantly Sinicized during a millennium of Chinese rule, which ended in ad 939. Indian influence is most evident among the Cham and Khmer minorities. The Cham formed the majority population in the Indianized kingdom of Champa in what is now central Vietnam from the 2nd to the late 15th century ad. Small numbers of Cham remain in the south-central coastal plain and in the Mekong delta near the Cambodian border. The Khmer (Cambodians) are scattered throughout the Mekong delta.

'Many other ethnic groups inhabit the highlands. While cultures vary considerably in the central region, shared characteristics include a way of life still largely oriented toward kin groups and small communities. Known collectively by the French as Montagnards ("highlanders" or, literally, "mountain people"), these central highlanders have affinities with other Southeast Asians and have exhibited an intense desire to preserve their own cultural identities. In the northern uplands, the various groups have ethnolinguistic affiliations with peoples in Thailand, Laos, and southern China.' **[57a] (Ethnic Groups)**

- 19.03 Ethnologue.com, a website specialising in languages of the world, accessed on 9 July 2013, noted that while the official language of the country is Vietnamese the number of individual languages listed for Vietnam is 110. Of these, 109 are living and 1 is extinct. **[24a]** The Central Intelligence Agency (CIA) World Factbook, Profile on Vietnam, updated on 10 July 2013, accessed on 12 July 2013, noted that Kinh (Viet) made up the largest ethnic group at 85.7 percent, followed by Tay at 1.9 percent, Thai 1.8 percent, Muong 1.5 percent, Khmer 1.5 percent, Mong 1.2 percent, Nung 1.1 percent, others 5.3 percent. **[4a]**

- 19.04 The Minority Rights Group International (MRGI) Report, State of the World's Minorities and Indigenous Peoples 2011, covering events in 2010, published 6 July 2011, stated:

'Ethnic minorities and indigenous people, who together comprise an estimated 14 per cent of Vietnam's population, continued to face difficulty throughout the year and activists from minority communities continued to be jailed... Statistics continued to show that ethnic minorities are disproportionately represented among Vietnam's poor. The government has pegged the poverty rate in ethnic minority communities at around 50 per cent – a drop of 36 percentage points since 1993, but still more than triple the national rate. Women from ethnic minority groups also have some of the country's highest maternal mortality rates.' **[58a] (p168, Vietnam)**

- 19.05 The Freedom House (FH) report, Freedom in the World 2013 - Vietnam, covering events in 2012, published in January 2013, observed that, 'Ethnic minorities, who often adhere to minority religions as well, face discrimination in mainstream society, and some local officials restrict their access to schooling and jobs. Minorities generally have little input on development projects that affect their livelihoods and communities.' **[29a]**

- 19.06 The UN Human Rights Council, Report of the independent expert on minority issues, Gay McDougall, Mission to Viet Nam (5 - 15 July 2010), published 24 January 2011, stated:

'Vietnamese is the official language of Viet Nam, the medium of instruction in schools and of administration. Many minority communities in isolated and remote locations do not frequently interact in Vietnamese. Many speak ethnic languages in almost all family

and social interactions, and others, particularly older generations, speak and understand only a little Vietnamese. Only 24 ethnic minority languages have written scripts, which creates particular challenges for their preservation.’ **[53c] (p12, Language and education)**

19.07 The same report noted, however, that:

‘Ethnic Khmer representatives provided information to the independent expert in which they alleged restrictions on the Khmer language in schools and public places. They claimed that Khmer was not offered even as a separate subject in schools in Khmer regions in southern Viet Nam, and that the teaching of the Khmer language was therefore limited to the home or to those who attend Pagoda or pali religious schools. They also claimed that ethnic Khmer had faced restrictions on their activities to use, teach or promote the Khmer language, and that the authorities imposed strict restrictions on the publication of books or documents in Khmer.

‘The Government contested these allegations and stated that it took steps to encourage the preservation and development of the languages of ethnic minorities. It added that the national television channel had daily programmes in 13 languages of ethnic minorities, including Khmer. National radio had a separate station for 11 ethnic minority languages (VOV4), including Khmer. Daily and weekly newspapers and electronic news portals are also available in Khmer.’ **[53c] (p12, Language and education)**

19.08 The US State Department’s 2012 Country Report on Human Rights Practices (USSD Report 2012), Vietnam, published on 19 April 2013, noted that:

‘The law prohibits discrimination against ethnic minorities, but there was no information available on government enforcement measures. Societal discrimination against ethnic minorities has been longstanding and persistent. Despite the country’s significant economic growth, some ethnic minority communities benefited little from improved economic conditions, even though ethnic minority groups formed a majority of the population in certain areas, including the Northwest and Central Highlands and portions of the Mekong Delta.

‘Some members of ethnic minority groups continued to leave for Cambodia and Thailand. Although some reportedly traveled to seek greater economic opportunities or shortcuts to migration to other countries, others departed because of local political conditions and harassment. The government maintained increased security measures in the Central and Northwest Highlands because of its concerns with alleged ethnic minority separatist activity. The government also continued to monitor certain highland minorities closely, particularly several ethnic groups in the Central and Northwest Highlands, where it continued to claim that practicing a minority faith encouraged separatism. There were reports during the year that ethnic minority individuals who telephoned ethnic minority community members abroad were a special target of police attention. Authorities arrested and convicted several individuals allegedly connected to overseas organizations that the government claimed espoused separatist aims and sentenced them to lengthy prison terms during the year. In addition, during the period around sensitive occasions and holidays, an increased security presence was reported throughout the region. There were a few reports that Vietnamese police operating on both sides of the border returned members of ethnic minorities seeking to enter Cambodia and sometimes beat and detained them...

'The government continued to attempt 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 also continued to allocate land to ethnic minorities in the Central Highlands through a special program, but there were continued complaints that implementation was uneven.' **[2a] (Section 6 - National/Racial/Ethnic Minorities)**

[See also Section 22: Children - Education](#)

The World Bank paper, [Indigenous Peoples, Poverty and Development, Ch. 8 Vietnam, A Widening Poverty Gap for Ethnic Minorities](#), by Hai-Anh Dang, revised November 2009 and again in January 2010, 'circulated to encourage thought and discussion', provided further information on ethnic groups amongst Vietnamese society. **[12c]**

[See also Section 18: Freedom of religion – Buddhists, Catholics and Protestants](#)

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Chinese (Hoa)

- 19.09 The Minority Rights Group International (MRGI) World Directory of Minorities and Indigenous Peoples - Vietnam: Chinese (Hoa), noted:

'There is some controversy as to the size of the Chinese minority in Vietnam: official figures tend to float around the 1 million figure, but estimates from outside sources tend to be much higher, even exceeding 2 million in some cases. In any event, it would seem that in all likelihood the Chinese are probably the largest minority in the country. Not all Chinese (known as Hoa) are officially recognized by the government of Vietnam: the Hoa category excludes the San Diu (mountain Chinese) and the Ngai.

'Most Hoa are descended from Chinese settlers who came from the Guangdong province from about the eighteenth century, and it is for this reason that most of them today speak Cantonese, though there is also a large group who speak Teochew.

'The majority of ethnic Chinese today live in the south, with perhaps 600,000 living in Ho Chi Minh City.' **[58b] (Profile)**

[See also Section 27: Citizenship and nationality](#)

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H'mong

- 19.10 The OMF International (formerly Overseas Missionary Fellowship) profile on the H'mong of Vietnam (also known as the Miao), accessed on 16 May 2013, described them as:

'... originated from southern China and started to settle in Vietnam during the 19th century when they built hamlets in the highland regions of Ha Giang and Lao Cai provinces. The history of this emigration is closely linked to that of the Hmong struggle against the Chinese feudal authorities. The Hmong in Vietnam consist of three main dialects: Blue, White and Black.

'The Hmong belong to the Hmong-Mien group of the Austro-Thai language family. Because of their dispersion and geographical isolation, the various groups are separated from each by language, dress and customs, which may vary greatly from region to region and even from village to village. Their language has been divided into four main groups, consisting of over 80 sub-dialects.' [27a]

- 19.11 OMF estimated that there were about 750,000 Hmong in Vietnam widely spread across the highland areas, particularly near the Chinese border down to the 18th parallel. Further adding 'The Hmong are spirit worshippers. They believe in household spirits and those of the door and cattle. Every house has an altar, where protection for the household is sought. Buddhism, Confucianism and Taoism have left their mark on a number of concepts and social institutions.' [27a]
- 19.12 In March 2013 Morning Star News reported on a Hmong church leader who was reportedly beaten to death while in police custody. The article added:
- 'Police beat Vam Ngaij Vaj around his neck and shoulders and likely used electric shock on him, resulting in his death on March 17 [2013], said a church leader who spoke with those who viewed the battered corpse. "They think he could have been electrocuted as well as beaten," said a Hmong Christian leader in Vietnam. Vaj, of Cu Jut District, Dak Nong Province in Vietnam's Central Highlands, and his wife were clearing brush from their field in nearby Dak Ha Commune of Dak Glong District when they were arrested for "illegally destroying the forest" on March 16. Hmong churches in the Central Highlands often report harassment by a communist regime that views Christianity as a threat, and the spurious charge of "destroying forest" on their own property was consistent with such harassment. The husband and wife were transported to a police station in Gia Nghia Town and placed in separate cells, Christian sources said. That night Vaj was savagely beaten and tortured by police, the sources said, and the next day local authorities informed his younger brother that he had died.' [35a]
- 19.13 The US State Department (USSD) International Religious Freedom Report 2011: Vietnam, published on 30 July 2012, observed however, that, 'In May [2011], 5,000 members of the ethnic H'mong community in Muong Nhe District in Dien Bien Province gathered as part of a millennium movement. Security personnel dispersed the crowd and arrested 150 individuals. There were reports that up to three children became ill and died due to the difficult weather conditions in a makeshift camp built by ethnic H'mong.' [2b] (Section II - Government Practices)
- 19.14 Following the unrest, a Human Rights Watch (HRW) report of 17 May 2011 added that, 'State media allege that the unrest broke out because the Hmong were duped by "bad elements" who promised to lead them to a so-called "promised land." Adding: 'On May 7 and 8, Deputy Prime Minister Truong Vinh Trong, who is the head of the Steering Committee for the Northwest, visited Muong Nhe district and declared that "stability has been restored." Foreign Affairs Ministry spokeswoman, Nguyen Phuong Nga, said the authorities have arrested "a number of extreme subjects." She provided no information about the numbers, identities, or whereabouts of those arrested.' [5h]

[See also Section 18: Freedom of religion - Protestants](#)

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Montagnards

- 19.15 The Montagnards is the collective term used for a number of ethnic minorities that inhabit the Central Highlands of Vietnam. The Human Rights Watch (HRW) report *Montagnard Christians in Vietnam: A Case Study in Religious Repression*, 30 March 2011, detailed the history of Montagnards, noting:

'Montagnards, who traditionally followed animist religious practices, began to convert to Christianity in the 1950s and 1960s. With the North Vietnamese victory in 1975, Catholic and Protestant churches in the Central Highlands were closed and many Montagnards, including pastors, were imprisoned. Some Montagnards went underground and joined the highland resistance army known as the United Front for the Liberation of Oppressed Races (FULRO), which fought on the side of United States and South Vietnamese forces during the Vietnam War. As FULRO's fighting capacity steadily dwindled in the late 1980s and early 1990s, many Montagnards converted - or returned to - Christianity as they abandoned armed struggle. During the 1990s, increasing numbers of Montagnards joined unofficial Christian house churches.

'In 2000 an activist Montagnard church movement - Tin Lanh Dega, or Dega Protestantism - emerged in the Central Highlands that combined evangelical Christianity with aspirations for greater political freedom, protection of ancestral lands, and for some, autonomy or self-rule. Less than one year later, in February 2001, unprecedented mass protests broke out in all four provinces of the Central Highlands. Thousands of Montagnards marched on the provincial towns to demand the return of ancestral lands and religious freedom.

'In response, the government launched an aggressive crackdown, dispatching military and police units to seal off the region and arresting dozens of Montagnards, sometimes using torture to elicit confessions and public statements of remorse. By the end of 2001, 36 Montagnards had been sentenced to prison terms ranging from four to 13 years, with another 32 individuals awaiting trial. Fearing arrest, many Montagnards went into hiding in Vietnam. By early 2002, more than 1,000 Montagnards had fled to Cambodia, where they were recognized as refugees and resettled abroad.

'The past decade has seen ongoing waves of repression and unrest. In April 2004 thousands of Montagnards again took to the streets, with smaller protests taking place in September 2002 and April 2008.' **[5k] (p3-4)**

- 19.16 The US Commission on International Religious Freedom (USCIRF) Annual report (covering 31 January 2012 to 31 January 2013), published 30 April 2013, stated:

'The central government continues to assert that some Montagnards operate an illegal "Dega" church seeking the creation of an independent Montagnard state. A "religious police" unit (A41) continues to monitor "extremist" groups and a Special Task Force of the Mobile Intervention Police (Unit PA43) operates in the Central Highlands, assisting local police in detaining and interrogating suspected Dega Protestants or Ha Mon Catholics. (The latter group started in the Ha Mon village of Kontum province and is viewed by officials as the Catholic equivalent of Tin Lanh Dega.) Unit PA43 and provincial police are in the midst of a three-year campaign to capture and transform both "reactionary operatives" and "Dega Protestants." These campaigns have led to beatings, detentions, deaths in custody, forced renunciations of faith, and disappearances of Montagnards suspected of being part of the Tin Lahn Dega.' **[34a] (p204)**

- 19.17 On 29 May 2013 a court in Vietnam's Central Highlands sentenced eight ethnic minority Montagnards affiliated with an unregistered Catholic church to between three and 11 years in prison for "undermining unity" in the authoritarian state. Radio Free Asia, reported that:

'The Gia Lai provincial court said some of the eight had worked with a banned exile organization to establish an independent state for indigenous peoples in the Central Highlands, according to state media. The others were accused of inciting thousands of protesters to demonstrate against their relocation from their village to make way for a power plant in 2008. All eight - who are between 32 and 73 years old - were convicted under Article 87 of the penal code, a national security provision that forbids "undermining the [national] unity policy" by "sowing division" or ethnic or religious hatred.' **[41k]**

- 19.18 Que Me, an independent organisation campaigning for human rights in Vietnam reported that in a testimony by Vo Van Ai to the Tom Lantos Human Rights Commission, 15 May 2012, about arbitrary detention of pro-democracy and religious activists in Vietnam, he said that:

'At least 250 Christians Montagnards and many ethnic Hmongs are serving harsh sentences for participating in peaceful demonstrations or practicing their faith in "unrecognized" house churches. Many have been brutally beaten in prison, and at least 25 have died in prison from beatings and lack of medical care. Just last week, on 9 May 2012, three Christian Montagnards were arrested in the Central Highlands for "anti-state activities". The official press reported that Security forces had seized weapons that the "reactionary organization" was using "to oppose authorities" – they consisted of home-made bows, arrows and swords...' **[69b]**

- 19.19 Vo Van Ai's testimony cited the following reported incidents:

'Nguyen Van Lia, 72, a dignitary of the Hoa Hao sect was sentenced to five years in prison on 13 December 2011, on charges of "abusing democratic freedoms to infringe upon the interests of the state" (Article 258 of the [Criminal Code](#)). He is detained in section K4 of Xuan Loc prison camp in Dong Nai. During interrogations, he was beaten, then detained in solitary confinement, and is now in very poor health. At least sixteen Hoa Hao dignitaries and followers are serving prison sentences from five years to life in prison for peacefully practicing their faith.

'Vietnam is increasingly using "administrative measures" such as heavy fines to punish dissidents and human rights defenders without any process of law. On 8 November 2011, hundreds of Security Police broke into the home of writer Huynh Ngoc Tuan in Quang Nam, confiscating his laptop, printer, cell phone and other personal effects. They returned on 2nd December 2011, beat him and other members of his family, and read out an order condemning him, his daughter Huynh Thuc Vy and his nephew Huynh Trong Hieu to heavy fines for "spreading anti-socialist propaganda". Huynh Ngoc Tuan previously spent 10 years in prison (1992-2002) for writing articles for democratic reform.' **[3]**

- 19.20 The USCIRF Annual report, stated: 'In May 2012, three other ethnic Montagnard activists Runh, Jonh, and Byuk, were arrested for affiliation with the unregistered Ha Mon Catholic group. They were charged with "undermining national unity".' **[34a] (p199-200)**

- 19.21 The US State Department (USSD) International Religious Freedom Report 2011: Vietnam, published on 30 July 2012, stated:

‘The government continued to assert that some Montagnards, an ethnic minority in the Central Highlands, were operating an illegal “Dega” church. The government accused the Dega Protestant churches of calling for the creation of an independent Montagnard state. The SECV and house churches in the provinces of Dak Lak, Gia Lai, Kon Tum, Binh Phuoc, Phu Yen, and Dak Nong continued to experience government scrutiny because of feared association with separatist groups overseas...

‘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 years 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.’ **[2b] (Section II - Government Practices)**

- 19.22 The HRW World Report 2013, noted that, ‘In May [2012], three ethnic Montagnard activists, Runh, Jonh, and Byuk, were arrested in Gia Lai for being affiliated with the unregistered Ha Mon Catholic group and charged with “undermining national unity” according to article 87.’ **[5a] (p386)**

- 19.23 In March 2011 a Human Rights Watch (HRW) report, Montagnard Christians in Vietnam, A Case Study in Religious Repression, stated:

‘Since 2001, more than 350 Montagnards have been sentenced to long prison sentences on vaguely-defined national security charges for their involvement in public protests and unregistered house churches considered subversive by the government, or for trying to flee to Cambodia to seek asylum. They include Dega church activists as well as Montagnard Christians who do not describe themselves as followers of Dega Protestantism, including pastors, house church leaders, and land rights activists. Charges brought against them include undermining national solidarity (Penal Code article 87) or disrupting security (article 89).

‘At least 65 of the Montagnards imprisoned since 2001 were arrested trying to seek safety and political asylum in Cambodia. They were sentenced to prison in Vietnam on charges of “fleeing abroad to oppose the People’s Administration” (article 91)...

‘At least 250 Montagnards currently remain in prison or are awaiting trial. During 2009 and 2010, Vietnamese state media reported that 12 Montagnards were tried and sentenced to prison; it is unknown how many others were tried in proceedings not covered in the state press, or were detained without trial in government “education centers” (co so giao duc or trung tam giao duc thuong xuyen).

‘The arrests are ongoing, with more than 70 Montagnards arrested or detained during 2010 in Gia Lai alone.’ **[5g] (p23)**

The HRW report (pages 17-18) cited further examples reported by the media of civilians being pressured, coerced, or forced to publicly renounce their religion, or being harassed and denounced for alleged political activities at public denunciation ceremonies during 2010. **[5g]**

19.24 The same report by Human Rights Watch (HRW) in March 2011, reflecting on the persecution of Montagnards, stated:

‘The Vietnamese government has intensified repression of indigenous minority Christians from the country’s Central Highland provinces who are pressing for religious freedom and land rights, Human Rights Watch said in a report released today...

‘Human Rights Watch found that special “political security” (PA43) units conduct operations with provincial police to capture, detain, and interrogate people they identify as political activists or leaders of unregistered house churches. More than 70 Montagnards have been detained or arrested in 2010 alone, and more than 250 are known to be imprisoned on national security charges.’ **[5g]**

19.25 The HRW report continued:

“Montagnards face harsh persecution in Vietnam, particularly those who worship in independent house churches, because the authorities don’t tolerate religious activity outside their sight or control,” said Phil Robertson, deputy Asia director of Human Rights Watch. “The Vietnamese government has been steadily tightening the screws on independent Montagnard religious groups, claiming they are using religion to incite unrest.”

‘Human Rights Watch documented the abuses in the Central Highlands, which is off-limits to independent, international rights groups, through interviews with Montagnards who have fled Vietnam and reports in Vietnam’s government-controlled media.’ **[5g]**

[See also Section 29: Exit and Return](#)

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

[See also Section 18: Freedom of religion - Catholics and Protestants](#)

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20. Sexual orientation and gender identity

Legal rights

20.01 The International Lesbian Gay Bisexual Trans and Intersex Association (ILGA) report State-Sponsored Homophobia, A world survey of laws: Criminalisation, protection and recognition of same-sex love, May 2013, by Lucas Paoli Itaborahy & Jingshu Zhu, observed that homosexual acts were legal in Vietnam. **[59a] (p20)**

20.02 In a Thanh Nien online news article, dated 7 March 2013, it reported that, ‘Under a 2008 government decree, sexual reassignment is only permitted among people without a complete set of sex organs or those who possess both male and female sex organs.’ **[32c]**

20.03 Article 36. (The right to re-determination of gender) of the Civil Code, stipulates that:

‘Individuals shall have the right to the re-determination of their gender.

'The re-determination of gender of a person shall be performed in cases where his/her gender is affected with inborn defects or has not been properly shaped, which needs the medical intervention to clearly determine the gender.

'The re-determination of gender shall comply with the provisions of law.' [73c]

20.04 Article 27. (The right to change family and given names) states:

'1. Individuals shall have the right to request competent state agencies to recognize the change of their family and/or given names in the following cases: ...

'f/ Where there is a change of the family name and/or given name of a person whose gender has been re-determined.' [73c]

20.05 The US State Department's 2012 Country Report on Human Rights Practices (USSD Report 2012), Vietnam, published on 19 April 2013, noted that: 'The law does not address prohibiting discrimination based on sexual orientation or gender identity. There was no reported official discrimination based on sexual orientation or gender identity, but societal discrimination and stigma remained pervasive. No laws criminalize consensual same-sex sexual conduct, although by decree, individuals may not change their gender.' [2a] (**Section 6 - Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**)

20.06 The age of consent for homosexual and heterosexual acts was equal. (ILGA, May 2013) [59a] (p23) The minimum age of consensual sex is 18. (USSD Report 2012) [2a] (**Section 6 - Sexual Exploitation of Children**)

20.07 Noting that same-sex marriage is illegal in Vietnam the International Business Times reported in an article in July 2012, that:

'The Communist government of Vietnam is considering legalizing same-sex marriage – if it does so, it will become the first Asian nation to pass the measure. The country's justice ministry said it will mull a decision on the matter as part of its plan to overhaul Vietnam's marriage laws. "I think, as far as human rights are concerned, it's time for us to look at the reality," justice minister Ha Hung Cuong said on national TV.

"The number of homosexuals has mounted to hundreds of thousands. It's not a small figure. They live together without registering marriage. They may own property. We, of course, have to handle these issues legally. Gay campaigners in Vietnam, Associated Press reported, are stunned by the announcement, citing that even if the measure is rejected by the National Assembly next year, the fact that government officials are even mentioning it is a kind of victory.' [74a]

20.08 In July 2013 a Cable News Network (CNN) article reiterated the point that Vietnam was considering legalising same-sex marriage, reporting that, 'In July [2012], the Justice Ministry in Vietnam said it would consider a provision for same-sex marriage rights in an amendment to the country's marriage laws.' [75a]

Treatment by, and attitudes of, state authorities

20.09 The Human Rights Watch (HRW) World Report 2013: Vietnam, covering events of 2012, published 31 January 2013, observed that on August 15 authorities did not

interfere with those participating in Vietnam's first public demonstration for lesbian, gay, bisexual, and transgender (LGBT) rights. **[5a] (p383)**

20.10 With regards to legalising same-sex marriage, in April 2013 Australia Network News reported that:

'Vietnam may become the first country in Asia to legalise gay marriage, after it has received the backing of senior figures within the government. Earlier this month, local media reported the country's Deputy Health Minister as recommending gay marriage be legalised, during a speech reviewing marriage and family law. Nguyen Viet Tien cited research on discrimination in saying gay people have the same rights as everyone else to love, be loved and marry. The campaign manager for the pro-gay marriage group All Out, Hayley Conway, has told Radio Australia's Connect Asia that a vote at the moment would not attract a majority in the 500-delegate National Assembly. "But with the Ministry of Justice and the Ministry of Health already coming out for marriage equality, we are fairly optimistic that by the time the vote is held in 2014, there could be the required number of delegates who would be in favour of an amendment," she said. "The driving force behind this has actually been the recognition of human rights...and seeing the law as a violation of the human rights of same-sex couples and gay and lesbian people within Vietnam." **[85a]**

20.11 Australia Network News further reported:

'Homosexual relations are not illegal in Vietnam, but strong conservatism has led to discrimination. Vietnam's Ministry of Justice began consulting on gay marriage last July. It recently scrapped fines that had been imposed on same-sex couples who are caught getting married, after announcing just a few days earlier that those fines would be doubled. Ms Conway says that points to some continuing uncertainty in the country. "There is certainly between now and 2014, there is some work to be done with national assembly delegates to give them a very real idea of who these people are that the law effects," she said.' **[85a]**

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Societal treatment and attitudes

20.12 The USSD Report 2012 noted:

'A lesbian, gay, bisexual, and transgender (LGBT) community existed but was largely underground. A survey and study conducted by the Institute for Studies of Society, Economy, and the Environment beginning in 2010 and reported in December noted that 87 percent of participants did not fully understand LGBT concerns or had a very limited understanding of LGBT rights. The study, based on surveying 854 males and females above age 18 and interviews in representative cities (Hanoi and Ho Chi Minh City) and provinces (Ha Nam and An Giang), concluded that misunderstandings about and prejudice against LGBT individuals led directly to discrimination or harassment in the workplace, most often by disgruntled fellow employees or a supervisor. The institute also reported that government officials, the Women's Union, and the Lawyers Association participated in sensitivity training during the year. Most LGBT persons chose not to tell family of their sexual orientation for fear of being disowned, and a 2011 online survey, conducted by the Information Sharing and Connecting Group with more than 1,000 LGBT respondents, noted that their families forced more than 20 percent

into counseling.’ **[2a] (Section 6 - Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity)**

20.13 The Voice of Vietnam online reported in May 2012:

‘A recent survey conducted by the Centre for Creative Initiatives in Health and Population on 520 homosexual, bisexual and transsexual people with an average age of 21 revealed that nearly 41 percent had suffered from discrimination and violence at school or university. Seventy percent of them said they had been given offensive names, 38 percent said they were treated unfairly, 19 percent claimed to have been beaten and 18 percent sexually harassed. The reasons cited for ill treatment included the students dressing or behaving in a ‘different way’ while seemingly having feelings for people of the same sex. According to the survey, half of the students suffered from constant fear and nervousness and came to hate themselves for their different sexual tendencies, while 20 percent lost the motivation to go to school and 36 percent isolated themselves. More seriously, 35 percent of those claiming they had been ill-treated said they had considered committing suicides, half of them saying they had actually tried to take their own lives.’ **[77a]**

20.14 Further adding:

‘Motivated by the situation, a society called the Sexual Rights Alliance on May 14 sent a letter to Minister of Education and Training Pham Vu Luan demanding action to prevent violence against homosexual students at educational institutions. The alliance consists of six non-governmental organizations including the CCIHP, the Institute for Studies of Society, Economy and Environment (ISEE), the Centre for Family Health and Community Research (CEFACOM) and the Rutgers World Population Foundation in Vietnam. The letter additionally proposed integrating education about sexual tendencies in school curricula to raise public awareness of homosexuality. While awaiting the Minister's response to their letter, the alliance has organized different activities to raise social awareness, including play and training courses about gender, sexuality and health.’ **[77a]**

20.15 A Viet Nam news article dated 18 August 2011 reported that lesbian, gay, bisexual and transgender people (LGBT) were still discriminated against and had often been exposed to violence from their parents and family members, according to sociologists attending a conference on 17 August. The article added: ‘Hoang Tu Anh, founder of the Ha Noi-based Centre for Creative Initiatives in Health and Population (CCIHP), said that prejudice relating to gender and sexuality constituted a grave violation of human rights.’ The article continued:

‘Reports of physical violence included beating, binding, and starving, while mental tortures ranged from private groundings to public insults. Many gay and lesbian young people are still forced to marry members of the opposite sex. One 21-year-old gay man from Ha Noi responded to the CCIHP survey: “I was hurt most when my father told me that if he had known his son would be gay, he would have asked my mother to abort the baby.” At the conference, Anh lamented that many parents still thought homosexuality was unnatural, blaming it on mental illness or the influence of “bad” friends. In certain cases, Anh added, LGBT individuals were forbidden to communicate with their partners and friends and were hospitalised for medical treatment.’ **[61b]**

20.16 In August 2012 Outlook Columbus reported:

‘Vietnam is socially conservative and until recently homosexuality was classed as a “social evil” in the communist nation. But activists and observers have noticed a seachange in the past five years.

‘Films such as Hot Boy, detailing the life of a rent boy, attracted reasonable numbers at the cinema – in a country where local content falls far behind US action films or Korean romantic comedies at the box office – and few cuts from censors.

‘Although overall the portrayal of gay characters relies on stock prancing comedy figures, there has been growing sympathy. Newspapers especially have looked into gay and transgender issues in Vietnam, highlighting the difficulty transgender people have getting hospital treatment as they are not allowed to change their gender on their mandatory government ID cards and are often treated as men or dismissed by hospital staff.’

‘Panels of sociologists have also discussed gay issues and although some still see it as a condition to be “cured”, many see homosexuals as deserving the same respect as any other group.’ **[76a]**

20.17 A Viet Nam news article of 18 August 2011 further noted that Le Quang Binh, head of the Institute for Studies of Society, Economy and Environment, explained how difficult the:

‘... coming-out process was for LGBT teenagers, noting that 77 per cent of parents polled expressed disappointment when they were told by their children. Binh's institute conducted a survey in 2009 that included over 3,200 LGBT residents Ha Noi and HCM City, which found that over 66 per cent of gay male respondents kept their sexual orientation a secret, while only 2.5 per cent publicly embraced it. About 47 per cent said they did not come out because they were afraid of discrimination, and nearly 40 per cent said they kept their sexual orientation a secret because they did not think their families would accept the truth. Binh said that parents normally reacted to the news in four sequential stages: first they were shocked, then they sought a “solution”, they learned more about homosexuality, and finally they accepted the idea.’ **[61b]**

20.18 VietNamNet Bridge reported in May 2011 that:

‘In 2008, the Institute for Studies of Society, Economy and Environment (ISEE) surveyed 3,000 gay, lesbian and transgender Vietnamese. Twenty percent of the respondents said they had been beaten by their family members. Nguyen Thi Thu Nam, a senior researcher at ISEE, said that administrative prejudices have hindered international organizations from providing assistance to Vietnamese homosexuals. “There have been major barriers from medical workers - not just doctors but administrators and other officials working at medical facilities,” she said. Nam said 25 medical workers in Ho Chi Minh City and Hanoi were trained by Family Health International (FHI) about how to detect and diffuse discrimination against homosexuals. However, the trainees have reported that the practice continues to exist in their hospitals and clinics. According to a joint report by the United States Agency for International Development (USAID), ISEE and FHI, discrimination against men who have sex with men (MSM) persists among medical workers.’ **[60c]**

See also Section 25: Medical issues HIV/AIDS – [anti-retroviral treatment](#) for information regarding discrimination against persons who were diagnosed HIV.

- 20.19 In December 2011 a Viet Nam news article cited the case of a young gay man, taken to a counsellor by his mother who was looking for a “cure” after finding out that her son was gay. The article stated that, ‘...he had wanted the counsellor to help him find ways to explain to his mother his sexual orientation and make her accept the fact, but was otherwise disappointed because the counsellor did not understand anything about homosexuality. “She said we had to wait until I reached 28 years old to be sure whether I was gay or not, which led my mum to believe that I could still become “normal”...’ **[61c]**
- 20.20 The same article added: ‘Many other LGBT people also expressed their desperation in persuading their family to accept their sexuality. Le Van (not his real name), another gay youth, was even locked at home once after his family found out he was gay. He said his family’s opposition pushed him to seek counselling as he wanted to find the courage to confront his parents.’ **[61c]**
- 20.21 According to the Gay Times website, accessed on 17 May 2013, ‘...there has been a burgeoning gay scene developing in Ho Chi Minh City (Saigon) and to a lesser extent a smaller scene in Hanoi. In both cities various bars and clubs have opened catering to gays.’ **[31a]**
- 20.22 A report by the Canadian Immigration and Refugee Board (IRB), dated 8 January 2010, stated, ‘...sources report that overt hostility towards homosexuals [in Vietnam] is not common... the majority of Vietnamese are largely unaware of homosexuality.’ **[6a]**
- 20.23 On 18 December 2009 Radio Free Asia reported, ‘Communist-ruled Vietnam is home to an increasingly vibrant gay community, but homosexual men who “come out” and acknowledge their orientation are still subject to social stigma and workplace discrimination... Most gay support groups operate independently and receive financial assistance from NGOs.’ **[41a]**

[See also Section 25: Medical issues - HIV/AIDS – anti-retroviral treatment](#)

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Lesbians

Information on the legal rights and treatment of lesbians was limited, or could not be found by COI Service amongst the sources accessed in this section, at the time of writing (July 2013).

To help understand the position of lesbians and bisexual women in Vietnam, please refer to the sections on [Women](#) and [Children](#), for an overview of the status of women and girls in Vietnamese society in general.

- 20.24 An article by Vietnam News, dated 12 December 2011, reported:

‘According to Nguyen Van Anh, director of the Centre for Studies and Applied Sciences in Gender – Family – Women and Adolescents (CSAGA), also a counsellor from LinkTam, a counselling centre for lesbians, the suicide rate of LGBT was 13 times higher than that of heterosexual people. She said out of thousands of lesbians who called her centre for advice, 10 per cent had attempted to commit suicide and the

remaining 90 per cent had considered it. A major reason for those intentions was social discrimination.’ **[61c]**

- 20.25 A report by the Canadian IRB, dated 8 January 2010, referred to ‘a gay man who opinions that lesbians “have it even worse than gay men” due to greater social and family pressure on women’. The report went on to record that ‘Online gay magazine Gay Times also notes that “life has become much easier for gays and lesbians” in the last ten years.’ The same source continued, ‘...there are “little pockets of LGTB [lesbian, gay, transgendered and bisexual] expression in the smaller cities like Hoi An and Hue”.’ **[6a]**

Transgender persons

- 20.26 The Institute for Studies of Society, Economy and Environment (iSEE) report, *Aspiration to Be Myself, Transgender people in Vietnam: realities and legal aspects*, 2012, stated:

‘It is difficult to establish the prevalence of transgender people in Vietnam, especially when the concept of “transgender” is not restricted to only those who have had sex change surgery; it also includes people who have a clear sense their true gender differs from their biological sex, and have the tendency/desire to change, though this may not have happened or may never happen. There has been no survey on the number of transgender people in Vietnam. Around the world, surveys show varied results, claiming that from 0.1 to 0.5% of the population are transgender. Latest preliminary statistics show that approximately 0.3% of the US population are transgender (Gates 2011). Transgender people are categorised into two groups, namely male-to-female transgender (Male to Female – MTF, or Trans Girl/Woman) and female-to-male transgender (Female to Male – FTM, or Trans Guy). MTF transgender people in Ho Chi Minh City often call each other “bóng” (shadow), “bóng lộ” (open shadow). In Hanoi, they often use the word “Tigi” (Vietnamese pronunciation of the acronym TG for transgender). FTM transgender people often refer to others and themselves as “trans” and “trans guy”.’ **[80b] (p15)**

- 20.27 In a Thanh Nien online news article, dated 7 March 2013, it reported that, ‘A 2008 survey by the Ministry of Health found that around 7,000 people in Vietnam were unclear about their gender identity, though insiders said the actual number was much higher.’ Adding that:

‘Several celebrities said they have faced many difficulties, despite many people knowing about their identification as transgender people. Singer Cindy Thai Tai, who admitted that she was a transgender more than ten years ago, said she had transferred ownership of her assets to relatives before coming out as a female to avoid potential legal entanglements.’ **[32c]**

- 20.28 The Thanh Nien newspaper article cited the case of Pham Le Quynh Tram, observing that:

‘Tram’s case has grabbed headlines over the past several months after Binh Phuoc Province authorities attempted to revoke the decision issued by the Chon Thanh District People’s Committee in 2009. Tram, who went by the male name Pham Van Hiep before undergoing gender reassignment surgery, is still the only transgender person in Vietnam to have her female identity recognized by the country’s authorities. Although she received the decision more than four years ago, initially word of her case spread primarily through the LGBT (lesbian, gay, bisexual, transgender) community and only

became known to the public more recently, after Binh Phuoc Province sought to revoke the decision. Tram maintains that she was an intersex before taking the steps to become a female.’ **[32c]**

- 20.29 Reporting on the case of Pham Van Hiep, VietNamNet Bridge observed that, ‘The attempt by Binh Phuoc provincial authorities to not recognise Pham Le Quynh Tram’s sex change has stirred public opinion and raised issues about people’s right to express their individuality.’ Adding that:

‘An official from the Ministry of Justice said that they would protect and support transgender people and were currently waiting for the NA’s [National Assembly] approval of some new regulations relating to the issue.

‘Dr. Tran That, director of the ministry’s Administrative Department made the statement following a case [which] involved the Binh Phuoc provincial authorities attempting to roll back transgender recognition of Pham Van Hiep...

‘We’ve issued a document to require the provincial Department of Justice to provide a report on the case. I think the decision to allow Pham Van Hiep to change his name was correct. I’ve been invited to attend several seminars on homosexual, transgender and bi-sexual people. During these occasions, I’ve reiterated that related authorities should reconsider related regulations. Regulations are currently too rigid and based on prejudices...

‘After receiving a report from the Binh Phuoc provincial Department of Justice, we’ll study Hiep’s case and may work directly with him. If this is a genuine desire on his part, we’ll just let him get on with his life.

‘Binh Phuoc [Province] authorities said the recognition of Hiep’s transgender status was illegal as it conflicted with Decree 88/2008 on the issue.’ **[60b]**

- 20.30 The Global Commission on HIV and the Law publication, ‘Human Rights, the Law, and HIV among Transgender People. Working Paper’ prepared for the Third Meeting of the Technical Advisory Group of the Global Commission on HIV and the Law, 7-9 July 2011, by Stefan Baral, Chris Beyrer, and Tonia Poteat, stated:

‘Vietnam’s Decree 88/2008/ND-CP forbids sex reassignment according to an individual’s perception of their identity or their desire to change sex. As a result, transgender people cannot undertake sex reassignment surgery in Vietnam. If they have such surgery outside Vietnam, they cannot register their identity or renew their personal identity papers. Thus when a transsexual woman who had completed genital reconstruction surgery reported being raped, the crime was not prosecuted because she was legally male, despite her female body. Legally, only females can be victims of rape in Vietnam.’ **[79a]**

See also Section 22: Women – Violence against women.

- 20.31 In September 2012 Vietnam News cited the experience of Tran Ngoc Ly, a male-to-female transgender person and one of nearly 170,000 transgender people in Viet Nam. Ly said that: “No matter what happens, I feel comfortable and happy in myself. I am proud to live according to my gender identity, not my biological gender.” The article further added:

'Ly used to try to hide her gender identity by pretending to be a boy. However, by doing so, all she felt was irritation and depression. Her increasingly subconscious feminine actions and lifestyle choices eventually revealed her gender identity to her high school peers, which Ly describes as the "darkest period" of her life. Ly recalls the times she had dirty water poured on her and had her test papers and textbooks thrown away by the other kids. She had no friends and couldn't ask anyone for help, not even her teachers whose prejudices made them think Ly had mental problems. As a result, Ly decided to give up on her study, however, her parents forced her to return to school. They assumed Ly was merely lazy and failed to notice her situation.' **[61f]**

The [GlobalGayz](#) website has additional news and reports on LGBT issues in Vietnam **[18a]** See also the website: [Look at Vietnam](#) **[66a]**

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21. Disability

This Section should be read in conjunction with Section 23: Children – [Health and welfare](#) for additional information about facilities for children with disabilities.

21.01 According to Article 67 of the 1992 [Constitution](#), amended in 2001:

'The State grants preferential treatment to war invalids, sick soldiers and families of fallen combatants, creates conditions for the rehabilitation of disabled soldiers' working ability, to help them find employment suited to their health conditions and lead a stable life.

'Persons or families who have rendered services to the country shall be commended and rewarded and shall receive proper attention.

'Old people, disabled persons and orphans with no family support are entitled to assistance from the State and society.' **[73b] (Chapter V)**

21.02 The US State Department's 2012 Country Report on Human Rights Practices (USSD Report 2012), Vietnam, published on 19 April 2013, noted that:

'The constitution provides for the protection of persons with physical disabilities. The law prohibits discrimination against or maltreatment of persons with physical and mental disabilities, encourages their employment, and requires equality for them in accommodation, access to education, employment, health care, rehabilitation, local transportation, and vocational training. There was no similar provision regarding persons with sensory or intellectual disabilities...

'The government supported the establishment of organizations aiding persons with disabilities and consulted them in the development or review of national programs, such as the national poverty reduction program, vocational laws, and various educational policies. The National Coordination Committee on Disabilities and its ministry members continued to work with domestic and foreign organizations to provide protection, support, physical access, education, and employment. The government operated a small network of rehabilitation centers to provide long-term, inpatient physical therapy. Several provinces, government agencies, and universities had specific programs for persons with disabilities.' **[2a] (Section 6 - Persons with Disabilities)**

Further information on the rights of children with disabilities is provided in the report, [The Rights of Children with Disabilities in Viet Nam, Bringing Vietnam's Laws into Compliance with the UN Convention on the Rights of Persons with Disabilities](#), December 2009, prepared for UNICEF [United Nations Children's Fund] by Eric Rosenthal and Mental Disability Rights International. **[10c]**

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22. Women

Overview

22.01 Vietnam became a signatory to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 29 July 1980; which was ratified on 17 February 1982. (United Nations Treaty Collection, accessed 29 May 2013) **[52a]** In addition, the CEDAW, Concluding comments of the Committee on the Elimination of Discrimination against Women: Viet Nam, report published on 2 February 2007, stated:

'The Committee commends the State party for the adoption of a number of new laws that aim at eliminating discrimination against women and promoting gender equality in compliance with the State party's obligation under the Convention. In particular, the Committee welcomes the adoption of the Law on Gender Equality of November 2006, which will enter into force on 1 July 2007, the 2003 amendment to the Land Law and the Law on Marriage and Family.' **[53b]**

22.02 The Institute for Studies of Society, Economy and Environment (iSEE) report, Assessment on the Access to and Utilization of Legal Services by Ethnic Minority Women, October 2010, observed that, '... on November 21st, 2007, it [Vietnam] passed the Law on Domestic Violence Prevention and Control (DVL). These two laws have laid a strong foundation to protect equal rights of women and men in all aspects of life.' **[80a]**

Further information on the CEDAW Treaty and other Vietnam and UN Treaty Bodies can be located on the [Office of the United Nations High Commissioner for Human Rights \(OHCHR\)](#) website. **[53a]**

22.03 The Central Intelligence Agency (CIA) World Factbook, updated 10 July 2013, accessed on 12 July 2013, noted that Vietnam's estimated population of 92,477,857 was made up of:

'0-14 years: 24.6% (male 11,931,623/female 10,807,661)

'15-24 years: 18.4% (male 8,796,395/female 8,215,536)

'25-54 years: 44.4% (male 20,554,252/female 20,551,460)

'55-64 years: 7% (male 2,936,340/female 3,517,538)

'65 years and over: 5.6% (male 1,986,839/female 3,180,213) (2013 est.)' **[4a]**

22.04 The World Economic Forum, Global Gender Gap Index, 2012, taking into account economic participation, opportunity, educational attainment, health and survival, and

political empowerment, ranked Vietnam 66th out of 135 countries (1 having the smallest gender gap and 135 the greatest). **[45a]**

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Legal rights

- 22.05 Article 63 of the Vietnamese Constitution, amended in 2001, states, 'Male and female citizens have equal rights... All acts of discrimination against women and all acts damaging women's dignity are strictly banned.' **[73b]** 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)**

- 22.06 Vietnamese law does not recognize common-law marriages. The US State Department's Bureau of Consular Affairs, accessed on 31 May 2013 noted that:

'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 and 18 for women... Divorce records are maintained by the courts where they were issued.' **[2d]**

The Institute for Studies of Society, Economy and Environment (iSEE) report, Assessment on the Access to and Utilization of Legal Services by Ethnic Minority Women, October 2010, provides further information on the access to legal services to ethnic minority women. **[80a]**

Political rights

- 22.07 The USSD Report 2012 stated, 'The law provides the opportunity for equal participation in politics by women and minority groups. There were 122 women (approximately 24 percent) in the National Assembly, two female ministers in the 28-member cabinet, one woman in the 14-member Politburo, and no women in the 17-member Supreme People's Court.' **[2a] (Section 3 - Participation of Women and Minorities)**
- 22.08 Where women were involved in political circles, the World Bank Report, Vietnam Country Gender Assessment, published on 8 November 2011, observed that the figures provided by the Office of the National Assembly showed the National Assembly was represented by 25.76 per cent women during the years 2007 to 2011, slightly less than between 2002 to 2007 when 27.30 per cent were women. **[12b] (p78)**

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Social and economic rights

- 22.09 The US State Department's 2012 Country Report on Human Rights Practices (USSD Report 2012), Vietnam, published on 19 April 2013, noted that:

'The law provides for gender equality in all aspects of life, but women continued to face societal discrimination. Despite the large body of law and regulation devoted to the protection of women's rights in marriage and the workplace, as well as provisions that call for preferential treatment, women did not always receive equal treatment. They continued to experience discrimination since they were not allowed to work in all the same industries or for the same hours as men (due to pregnancy or nursing). Moreover, no laws prohibit employers from asking about family status during job interviews. Women are expected to retire at age 55, compared with age 60 for men...

'The Women's Union and the government's National Committee for the Advancement of Women 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 government's April 2011 National Strategy Plan for Gender Equality 2011-15 aimed to move beyond advancement to recognize broader inequities in access to social services and focus on developing indicators; placing more women in senior ministry positions and the legislature; and increasing literacy rates, access to education, and health care.' **[2a] (Section 6 - Discrimination)**

- 22.10 The Overview of The Asia Foundation's Vietnam program, undated, accessed on 11 June 2013, reported that:

'As the pace of export-led, market oriented economic growth intensifies, women, in particular, are a significant source for low-wage labor in the cities, in factories, and for labor export, informally to nearby countries such as China and Cambodia or through official channels to other parts of Asia and the world. Demand for employment far outstrips legitimate opportunities putting many at risk of being exploited or trafficked.'

[9a] (p3)

- 22.11 The Organisation for Economic Co-operation and Development's Social Institutions and Gender Index (SIGI), Country Profile on Vietnam, accessed on 31 May 2013, noted:

'Women and men in Viet Nam have equal ownership rights, including access to land. However, the government of Viet Nam does not legally recognise privately owned land. Instead, the Land Law grants individuals long-term leaseholds through land-use right certificates. According to the government's CEDAW [Elimination of All Forms of Discrimination against Women] report, women accounted for only 10 – 12% of registrations on agricultural land use certificates which were provided to 91.74% of the 12 million farmer households which were allotted agricultural land by the end of 2002. This reflects women's limited awareness of their right to access land and traditional customs that place the husband as the head of the household. Vietnamese women have equal access to property other than land. Some ethnic minority groups favour male ownership; others follow matriarchal systems in which women control family property.

'Officially, women in Viet Nam have legal access to bank loans, but many women have only a limited understanding of their financial possibilities and lack the capacity to formulate the effective business plans needed to acquire commercial loans. These

issues may be addressed by the recent establishment of lending institutions that specifically target women borrowers.’ **[54a] (Restricted Resources and Entitlements)**

See also Section 17: Corruption - Land/property seizure and property restitution

- 22.12 The World Bank Report, Vietnam Country Gender Assessment, published on 8 November 2011, observed that, ‘Women’s ability to participate in public decision-making processes goes beyond the formal political and policy domain.’ Adding:

‘The Ordinance on Grassroots Democracy Decree, passed by the National Assembly in 2007, is intended to provide a framework to promote democratic participation at the local level, ‘to allow citizens to know, to discuss, to act and to monitor socio-economic development’. There is also greater emphasis on decentralizing decision-making about development programs and projects to district and commune level to achieve a closer fit between needs and design. In fact, involving women in development projects and programs has provided a widely used route to increasing their participation in public life. Information on women’s participation community affairs is extremely limited but what exists suggests very slow pace of progress.’ **[12b] (p88)**

- 22.13 The Freedom House (FH) report, Freedom in the World 2013 - Vietnam, covering events in 2012, published in January 2013, stated: ‘Women hold 122 seats in the National Assembly. Women generally have equal access to education and are treated similarly in the legal system as men. Although economic opportunities have grown for women, they continue to face discrimination in wages and promotion. Many women are victims of domestic violence, and thousands each year are trafficked internally and externally and forced into prostitution.’ **[29a]**

- 22.14 The Agulhas Applied Knowledge report on the “Paris Declaration/Hanoi Core Statement Phase 2 Evaluation”, Vietnam Country Evaluation, January 2011, by Marcus Cox, Tran Thi Hanh Tran Hung and Dao Dinh, an evaluation mission that was conducted over a 3-week period from 19 July to 7 August 2010, which involved key informant interviews with a wide range of Government of Vietnam stakeholders and Development Partners, as well as independent observers, noted:

‘In some aspects of gender equality, in particular access to services, Vietnam has performed very well. At 83%, the labour force participation rate of working age women is extremely high. The figure of 26% female representatives in the National Assembly is the highest in the ASEAN region, although the proportion of women in ministerial or equivalent posts in government is only 4.5%, down from 12% in the previous term of government. There are still major equity issues in land, with only 11% of women in rural areas registered as joint title holders for their land, despite laws requiring their registration. Family violence is a serious concern, particularly in remote and mountainous areas, and trafficking in women and children has become a growing problem, the true extent of which is unknown. There are acute problems of gender equity among the minority populations, particularly for women heading households while their husbands are absent as migrant labourers.’ **[21a] (p5-6)**

- 22.15 Pham Van Thuan, vice director of the Party Central Committee’s Commission for Organisation’s Personnel and Organisation Department, while attending a conference organised as part of a project implemented by the unions in the provinces of Quang Binh, Phu Tho, Kon Tum, Kien Giang, Binh Phuoc and Hai Phong, to strengthen the rate of women’s participation in leadership positions in agencies, organisations and political posts, launched in 2010, observed that: ‘The traditional role of women in the

family sometimes makes them reluctant to apply for higher positions, so it was necessary to raise awareness among women and their families about the issue.’ Adding that ‘Maternity leave, child-rearing and various features of leadership posts including frequent travel and working aboard were common barriers.’ (Viet Nam News, updated 30 December 2011) **[61a]**

Reproduction and abortion rights

- 22.16 The US State Department’s 2012 Country Report on Human Rights Practices (USSD Report 2012), Vietnam, published on 19 April 2013, noted that:

‘The constitution obliges society, families, and all citizens to implement “the population and family planning program.” The law affirms an individual’s right to choose contraceptive methods; access gynecological diagnosis, treatment, and health check-ups during pregnancy; and obtain medical services when giving birth at health facilities, and the government generally enforced these provisions. Nonetheless, unmarried women of reproductive ages continued to have limited or no access to subsidized contraceptives due to a lack of available government-approved contraceptives throughout the country. The social stigma attached to unmarried women who seek contraceptives further limited access. The government allocated additional resources for family planning services in 2010 with a goal of increasing the contraceptive prevalence rate to 80 percent by 2015.

‘The Population and Reproductive Health Strategy for 2011-20 - applicable to all citizens - set a target of maintaining the average number of children per reproductive-age couple at 1.8. The government, primarily through broad media campaigns, maintained its strong encouragement of family planning. There was also anecdotal information that authorities did not promote government officials who had more than two children. A decree issued by the Politburo in March 2011 subjects CPV members to reprimand if they have three children, to removal from a ranking position if they have four children, and to expulsion from the CPV if they have five children, as well as to an increased likelihood of job termination and a decreased likelihood of promotion.’ **[2a]**
(Section 6 - Reproductive Rights)

- 22.17 RH Reality Check, in a report of 17 December 2008 called Vietnam’s Two-Child Policy: Bad for Women, Bad for the Country, noted:

‘A policy of population control seems directly at odds with the government’s concerns about the country’s growing gender imbalance. Vietnam has far more males than females. The international ratio at birth is about 105 boys for every 100 girls, but in Vietnam, echoing trends in China and India, the imbalance has grown to 110 boys for every 100 girls and is as high as 120 boys in some provinces. Vietnam has one of the highest abortion rates in Asia, if not one of the highest in the world. Abortion in Vietnam has been legal and available since the early 1960s, for pregnancies up to 12 weeks, and sometimes later, with the average woman having two abortions in her lifetime. Research indicates that couples resort to abortion to achieve their desired family composition.’ **[48a]**

- 22.18 The report continued, ‘As a signatory of the CEDAW Convention, the Government’s policy denies women their right to decide the number and spacing of their children. The CEDAW Committee has in fact explicitly stated that the decision whether or not to have a child should not be limited by Government. Sexuality Policy Watch has also criticized

the Government's focus on women's bodies and sexualities as vehicles for its project of nation building.' [48a]

See also subsection on [Health and wealthfare](#)

[See also Section 23: Children](#)

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Access to education and employment

- 22.19 The International Journal of Innovative Interdisciplinary Research, Issue 1, Dec 2011, 'The Changes of Women's Position: The Vietnam Case', by Nguyen Thanh Binh from the Free University of Berlin, Germany, stated:

'The percentage of highest educational level achieved by women is fairly good at some education levels. In 2006, for every 100 women age 15 and over, there are 23.7 primary graduates, 27.2 lower secondary graduates and 11.5 upper secondary graduates. Respective figures in male population are 24.4, 30.3 and 13.8. The difference between men and women is big in technical worker with 2.0 percent in women and 4.7 percent in men. The figure at college and university level is 3.8% in women and 5.0% in men. At post-graduate level, the percentage of women is half as many as men (0.1% in women and 0.2% in men).

'In conclusion, impressive achievements have been made in regards to gender equality in education in recent years in Vietnam. The literacy rate of Vietnamese people is high with a very small difference between men and women. However, there are still many problems such as it is more difficult for ethnic minority women and girls in remote and mountainous areas to gain access to education than men and boys. The percentage of highest educational level achieved by women is fairly good at some education levels, but the signs of sex segregation are becoming more obvious, with females clustering in pedagogy, social sciences, and linguistics, while males dominate technical and scientific courses.' [47a] (p130)

- 22.20 A report of January 2008 by HealthBridge and the Institute of Social Development Studies called Women's Economic Contribution through their Unpaid Work in Vietnam, considered women's unpaid work in the home:

'Despite the much improved economic position, women continue to face disadvantages in the reform process, as seen in gender segregation in the labour market as well as by persistent gender inequality in wage and job mobility. In addition, it has been argued that the emphasis on each individual household as an autonomous economic unit as the primary focus of Doi moi restructuring has reinforced the Confucian belief and practices regarding the rightful place of men and women in the household and in the wider society...

'[It has been noted by researchers] that in comparison with men, women continue to shoulder more of the obligations within the household. This has been especially true in terms of their traditional tasks, such as caring for others and domestic work, at a time when the attendant state services have either been cut back, commercialised or partially privatised.

‘Studies have revealed that although women are mainly responsible for decisions surrounding the management of the household, they still have to consult their husbands prior to any financial expenditure.’ **[49a]**

22.21 Vietnam Industrial Park Investment Promotion, in a report of 9 August 2009, called Women still lack equality at work, noted:

‘Female labourers are still not treated fairly by many companies in HCM City [Ho Chi Minh City] and Dong Nai Province, even though the State has created policies to protect them, women workers and their representatives told the National Assembly’s Committee for Social Issue late August [2009].

‘At a conference in HCM City and Dong Nai Province on the implementation of fair-labour laws, female workers issued the following complaints: they are paid less than their male counterparts; they are not given the same access to training courses; they face age discrimination; their employers don’t offer them adequate housing; and they are fired when they become pregnant or give birth.

‘According to a recent survey of 92 industrial zones in 12 cities and provinces, females – typically aged 18 to 35 – make up 61 per cent of all workers. Some sectors have a disproportionately higher percentage of female workers, including footwear, with 80 per cent. The percentage of females in the overall labour force has increased by about 20 per cent each year since 2003.

‘Even so, female workers’ representatives said many enterprises are not paying attention to gender equality, flouting a series of Government decrees, some of which date back to 1996.

‘Female workers did not get as many chances as male workers to increase their salaries, labour representatives said. Many companies did not make public their policies on allowances, bonuses and social insurance for female labourers – who then often wind up ignorant of how much extra pay and benefits they were entitled to receive. The overtime pay for female shift-workers is very low, and not commensurate with their labour.

‘Women are not given priority to attend extra-skills training courses. Many worksites with female-heavy labour forces lack warning and guide signs, as well as training courses on safety and hygiene. When hiring females, many companies show clear bias for those aged 18 to 25.

‘Motherhood brings further inequities for women labourers. Under the law, pregnant women and new mothers are supposed to receive extra allowances and pay raises. But some enterprises not only shirk those obligations, but also have even docked the wages for such workers.

‘Some companies fired women who became pregnant or give birth, which was illegal, said Nguyen Thai Thanh, deputy chairman of Labour Union at industrial and export processing zones. Others had fallen into the habit of issuing one-year contracts for their female workers, and renewing them perpetually until the women became pregnant or give birth, at which point the firms refused to sign new contracts. Although this practice violated a law allowing companies to sign a maximum of two contracts with workers, the women had no recourse once their contracts expired, Thanh said.

‘Disregarding regulations for female workers with young children, many enterprises do not offer the requisite apartment buildings, kindergartens, enough toilets or child-care support.’ **[50a]**

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Violence against women

Domestic and sexual violence

- 22.22 The Freedom House (FH) report, Freedom in the World 2013, Vietnam, covering events in 2012, published in January 2013, stated that ‘Many women are victims of domestic violence, and thousands each year are trafficked internally and externally and forced into prostitution.’ **[29a]** In Human Rights and Democracy: The 2010 Foreign & Commonwealth Office (FCO) Report, published on 31 March 2011, the FCO stated, ‘The first-ever national study on domestic violence in Vietnam was completed in 2010. It reported that almost 35% of women who took part in the survey had experienced physical or sexual violence by their husbands and more than 50% reported emotional abuse. Although a Law on Prevention and Control of Domestic Violence was passed in 2007, implementation remained patchy.’ **[8a]**
- 22.23 The Immigration and Refugee Board of Canada (IRB) noted in a Response to Information Request (RIR), dated 8 January 2010, that: ‘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...’ **[6b]**
- 22.24 A news report by Viet Nam News on 18 December 2012, observed that:
- ‘Violence against women in Viet Nam is often fueled by a pervasive association of masculinity with toughness and dominance, which men typically acquire in adolescence, researchers said at a workshop on gender discrimination yesterday. Men believed they were expected to look manly, be decisive and confident and never do “women’s work” such as housework and childcare, according to one study presented at the workshop. Carried out in Ha Noi, HCM City, Da Nang City and central Quang Nam Province, the study focused on exploring the attitudes and perceptions of male and female adolescents toward gender equality and masculinity. “Masculinities are socially constructed and have a material existence at several levels: in culture and institutions, in personality and in the social definition and use of the body,” said Vu Thanh Long, member of the research team. “In Viet Nam, masculinity is often defined by characteristics such as aggressiveness, dominant behavior, decisiveness and sexual capability. Research also indicate [sic] that men are often driven to prove or legitimise their masculinity through their ability to drink, earn money and “tame” their wives and discipline their children.” In general, the results showed that most young people agreed with all of these gender inequitable statements, Long said, suggesting that these perceptions are incredibly pervasive among young people.’ **[61d]**
- 22.25 Further adding, ‘Violence was not necessarily socially acceptable in Viet Nam, but men’s control and authority over their wives was widely legitimised, according to the

third study presented at the workshop, in which researchers interviewed men and women in Ha Noi and Hue City to explore the connections between masculinities, gender and power.’ **[61d]**

22.26 The USSD Report 2012 stated,

‘Domestic violence against women was common. A 2010 UN report found that 58 percent of married women had been victims of physical, sexual, or emotional domestic violence. Authorities treated domestic violence cases as civil ones, unless the victim suffered injuries involving more than 11 percent of her body. The law specifies acts constituting domestic violence, assigns specific portfolio responsibilities to different government agencies and ministries, and stipulates punishments for perpetrators ranging from warnings, from probation for up to three years to imprisonment for three months to three years. However, NGO [non-governmental organisation] and survivor advocates considered many of the provisions weak, and the government did not release arrest, prosecution, conviction, or punishment statistics. Officials acknowledged domestic violence as a significant social concern, and the media discussed it openly during the year.’ **[2a] (Section 6 – Rape and Domestic Violence)**

22.27 The IRB response, dated 8 January 2010, also noted that:

‘Domestic violence is reportedly present in all areas of the country and across the social spectrum... In June 2008, the Vietnamese Ministry of Culture, Sports and Tourism and the United Nations (UN) Children’s Fund (UNICEF) jointly published the Result of Nation-wide Survey on the Family in Viet Nam 2006, which was conducted in collaboration with the Vietnamese General Statistics Office and the Viet Nam-based Institute for Family and Gender Studies... According to the survey, approximately 21 percent of married couples stated that they had experienced some form of domestic violence in their marriage... Sources report that from 50 to 70 percent of divorces throughout Vietnam have been linked to domestic violence...

‘Various sources note the continuing prevalence of traditional values which encourage wives to be subordinate to their husbands... 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...’ **[6b]**

22.28 A press release of 25 November 2010, by the General Statistics Office of Vietnam entitled, New study shows high prevalence of domestic violence in Viet Nam, stated:

‘34 percent, of ever-married women report that they have suffered physical or sexual violence from their husbands at some time in their lives, according to the National Study on Domestic Violence Against Women in Viet Nam, launched today by the Government of Viet Nam and the United Nations. Ever-married women who are currently experiencing either of these two types of violence amount to 9 percent.

‘When all three main types of partner violence – physical, sexual and emotional – are considered, more than half (58 percent) of Vietnamese women report experiencing at least one type of domestic violence in their lifetime. The study findings also show that women are three times more likely to be abused by a husband than by any other person...

'New data from the study highlight the fact that most women in Viet Nam are potentially at risk of domestic violence at some point in their lives. In some regions of the country, the home is not a safe place for four out of ten women. In the South East region, for example, 42 percent of women report having experienced physical or sexual violence by their husbands at some time. However, while there are regional variations, greater differences are evident between different ethnic groups, with reported lifetime prevalence rates of domestic violence ranging from 8 percent (H'Mong) to 36 percent (Kinh).

"Although domestic violence is widespread, the problem is very much hidden," said Ms. Henrica A.F.M. Jansen, the lead researcher of the study. "Besides the stigma and shame causing women to remain silent, many women think that violence in relationships is "normal" and that women should tolerate and endure what is happening to them for the sake of family harmony." In fact, one in two women said that before the survey interviews, they had never told anyone about instances of violence by their husbands...

'It is clear that domestic violence has serious consequences on both the physical and mental health of women. In Viet Nam, one in four women who were physically or sexually abused by their husbands reported suffering physical injuries, and more than half of them reported being injured multiple times. Compared to women who have never been abused, those who have experienced partner violence are almost two times more likely to report poor health and physical problems, and three times more likely to have ever thought of suicide.

'Pregnant women are also at risk. According to the report, about 5 percent of women who had been pregnant reported being beaten during pregnancy. In almost all of these cases, the women had been abused by the father of the unborn child.' [39b]

22.29 A report on the Inter Press Service (IPS) dated 9 March 2009 called Gender Equality Far Off Despite Political Will, noted:

'According to statistics over 20 percent of households suffer from domestic violence. The United Nations Development Fund for Women (UNIFEM) believes the figure to be higher. "There's an issue of underreporting and people not recognising a situation as domestic violence," April Pham, a gender specialist with UNIFEM, told IPS.

'With increased media reports about domestic violence in Vietnam, many of them focusing on the worst cases, and the recently enacted law, it is an issue which is coming to prominence in the communist country, albeit slowly.

"I think it's (domestic violence) a big problem here," said [hairdressing] salon owner Huong. The other women in her salon agreed. "But we don't really want to talk about these problems. Everyone has good and bad in their lives."

'It's this reticence, and the belief that it is both a private issue and the "right" of husbands, which has seen the problem go unrecognised and often accepted. Confucianist values, which hold a wife to be the temperate yin to her husband's fierier yang, have also been blamed by both gender experts and local media.

'Hanoi, with a population of over three million, has only two centres for victims of domestic violence.

“(They’re) very new for Vietnam. So people don’t know much about them,” Bich Ngoc Vu, the programme manager in Vietnam for the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), told IPS.’ **[46a]**

22.30 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.’ **[6b]**

Prosecution

22.31 Article 111 (para 1) of the Penal Code, states, ‘Those who use violence, threaten to use violence or take advantage of the victims state of being unable for self-defense or resort to other tricks in order to have sexual intercourse with the victims against the latter’s will shall be sentenced to between two and seven years of imprisonment.’ **[73a]**

22.32 The US State Department’s 2012 Country Report on Human Rights Practices (USSD Report 2012), Vietnam, published on 19 April 2013, noted that:

‘The law prohibits using or threatening violence against women or taking advantage of a person who cannot act in self-defense. It also criminalizes rape, including spousal rape. Rapists are subject to two to seven years’ imprisonment. In severe cases of rape, including organized rape, a repeat offense, or extreme harm to the victim, sentences may range from seven to 15 years in prison. Authorities reportedly prosecuted rape

cases fully, but the government did not release arrest, prosecution, conviction, or punishment statistics.’ **[2a] (Section 6 - Rape and Domestic Violence)**

22.33 The USSD Report 2012 further added:

‘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. During the year the UN Office on Drugs and Crime and national experts developed a domestic violence prevention training module for use at the National People’s Police Academy. Twenty academy lecturers and professors received that training in April, and it was included in mandatory curricula at the People’s Police University in Ho Chi Minh City.’ **[2a] (Section 6 - Rape and Domestic Violence)**

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Trafficking of women

This subsection should be read in conjunction with Section 24: [Trafficking](#) where further information can be located on this topic.

22.34 The Vietnam Human Rights Network, Annual Report 2012, stated that:

‘Trafficking of women for use in prostitution are common forms of domestic as well as transnational trafficking. According [to] statistics taken by the Government of Vietnam in 2012, there were nearly 500 cases of human trafficking involving more than 800 subjects, who cheated and sold more than 850 victims. Comparing to the number of victims in 2011 and the 7- year total number of trafficking victims (2005- 2011), the number of victims in 2012 did not decline. It should be noted that the above statistics reflect only a fraction of the actual cases of trafficking, as there are cases that were not reported or discovered by law enforcement agencies. In a recent survey by the local police, there were about 22,000 women and children who have been absent for a long time for unknown reasons; many among them were suspected of being traded although evidence is not readily available.’ **[62a] (p41 – Human Trafficking)**

22.35 The same source added:

‘The main and direct cause of Vietnamese women and children being tricked into becoming sex slaves both in and out of Vietnam was poverty, a consequence of the unjust social policies created by the red capitalists. This sad situation has expanded significantly after Vietnam chose to follow the open trade system which facilitates corruption among the government cadres and villains to carry out their illegal activities. The ill-planned urbanization, the farmers’ land expropriation, and the government’s inability to create jobs have resulted in so many socioeconomic difficulties for the families who have to flock to urban areas or emigrate abroad in the search for food. Their victims, sometimes even girls under 10 years of age, were either tricked by rogues or sold by their own destitute parents who were forced to do so in a desperate attempt to relieve their poverty. They were mostly given sweet promises of high-waged jobs abroad. Some were issued legal exit papers while others were discreetly led through forests to China or Cambodia or kept in containers crossing the borders.’ **[62a] (p41 – 42 - Human Trafficking)**

22.36 When referring to women, children and newborn babies trafficked to China, the website of the United Nations Inter-Agency Project on Human Trafficking (UNIAP), accessed on 4 July 2013, observed that:

‘Women, children and newborn babies are trafficked for marriage, labor exploitation, sex work and adoption. Wives from Vietnam are in demand, due to both demographic and economic factors, such as China’s “female deficit” and bride prices. Social pressure for marriage and to have children are risk factors for rural women. The use of violence, abduction and anesthetic seems on the rise by increasingly organized networks. The majority of the trafficked women and children come from Vietnam’s northern provinces through unofficial paths or border gates in Lang Son, Quang Ninh and Lao Cai, but also Cao Bang, Ha Giang and Lai Chau. Across the border, Bang Tuong, Dong Hung, Quang Xi, Nam Ninh, Ha Khau are receiving communities. But, destinations for trafficking now extend beyond the border provinces of Yunnan and Guangxi to inland provinces such as Henan, Hebei, Anhui, Jiangsu and Guangdong. According to official estimates, trafficked women into China account for 70% of the total number of trafficked women abroad, but the nature and numbers remain difficult to determine.’ **[30a] (From Vietnam to China)**

Prosecution

22.37 Article 119 of the Penal Code, states:

‘1. Those who traffic in women shall be sentenced to between two and seven years of imprisonment.

‘2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between five and twenty years of imprisonment:

‘a) Trading in women for the purpose of prostitution;

‘b) In an organized manner;

‘c) Being of professional characters;

‘d) For the purpose of sending them overseas;

‘e) Trafficking in more than one person;

‘f) Trafficking more than once.

‘3. The offenders may also be subject to a fine of between five million and fifty million dong, to probation or residence ban for one to five years.’ **[73a]**

[See also Section 24: Trafficking - Prosecution](#)

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Assistance available to women

22.38 For assistance to women who experienced domestic and sexual violence, the USSD Report 2012, stated:

‘Several domestic and international NGOs [non-governmental organisations] worked to address domestic violence. Hotlines for victims operated by domestic NGOs existed in major cities. The Center for Women and Development, supported by the Women’s Union, also operated a nationwide hotline, although it was not widely advertised in rural areas. As of September 15 [2012], the national hotline conducted 2,228 consultations. Although rural areas often lacked the financial resources to provide crisis centers and hotlines, a law establishes “reliable residences” to allow women to turn to another family while local authorities and community leaders attempt to confront the abuser and resolve complaints. There were 300 such residences in the country, all established through the Women’s Union at the commune level. 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, continued to support workshops and seminars aimed at educating women and men about domestic violence and women’s rights in general and highlighted the problem through public awareness campaigns. Local NGOs affiliated with the Women’s Union remained engaged in women’s concerns, particularly violence against women and trafficking of women and children.’ **[2a] (Section 6 - Rape and Domestic Violence)**

22.39 The IRB response, dated 8 January 2010, noted that:

‘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.’ **[6b]**

[See also Section 23: Children](#)

[See also Section 24: Trafficking](#)

Health and welfare

- 22.40 The World Bank Report, Vietnam Country gender assessment, published on 8 November 2011, observed that:

'The greater likelihood of women than men seeking health care is to be found in all age groups, except the young and old in rural areas. A similar pattern was reported for 2004 and 2006... This may have to do with gender differences in patterns of health needs. Generally speaking, women have higher rates of utilization during childbearing years, but when males are very young or very old they are more likely to get services. When men do get services, it is more likely to be for curative care; women have higher rates of preventative care...

'Around 58% of women had health insurance, compared to about 62% of men, a disadvantage for women that was also observed in 2004 and 2006... Health insurance appears to serve as an important determinant of the extent to which people seek health care. The highest rates of access to health care are observed for people who have health insurance as policy beneficiaries and people with other voluntary health insurance. People with coverage under these insurance types tend to be older, on average, than people covered by other types of health insurance... Some of the lowest rates of health care access are found for individuals with no health insurance and for individuals covered by student health insurance, especially in the urban sector. The female advantage in access to health care services holds across most types of health insurance in the rural and urban sectors (in keeping with the 2006 VHLSS) , [Viet Nam Household Living Standards Survey] and it is largest for rural residents with non-state health insurance.' **[12b] (p30)**

- 22.41 With regards to access to maternal healthcare, the National Bureau of Asian Research (NBR) report, Maternal and Newborn Health: A Vietnam Roundtable Discussion, 2 February 2010 stated:

'Vietnam has experienced significant success in reducing maternal and newborn mortality rates. However, many regional disparities exist that serve as barriers to accessing services and quality of care. For example, the newborn mortality rate in rural areas is 50% higher than in urban areas. Numerous Roundtable participants emphasized that scaling-up quality care for women and their newborns in remote areas, particularly in mountainous regions, is a key factor in reducing disparities.' **[87a] (p3 – Discussion Summary)**

- 22.42 The United Nations Population Fund (UNFPA) report on The State of the World's Midwifery 2011, Country Background on Vietnam, published in 2012, additionally stated that:

'Densely populated, Viet Nam is experiencing rapid economic growth, which has led to higher living standards and significant rural-to-urban migration. A vigorous population policy has led to a significant fertility decline in the past 20 years, accompanied by improvements in health indicators. Maternal mortality has decreased 66 percent since 1990, and the country will meet its MDG 5 [Millennium Development Goals Target 5: Improve maternal health] target. However, maternal mortality remains significantly higher in remote regions with ethnic minorities. Further progress is expected with full implementation of the maternal and newborn health programme in these areas. The country has several midwifery schools and a strong midwifery workforce. A new three year direct-entry programme was established three years ago. A new decree makes

licensing compulsory for all health professionals. Enhanced collaboration between education institutions and training sites and between school faculty and mentors in health facilities would contribute to strengthening the educational programmes.' **[86a] (p148)**

- 22.43 The midwifery workforce included 35,162 midwives (including nurse midwives), 1,801 health professionals with some midwifery competencies, 5,000 obstetricians, and 101,508 community health workers with some midwifery training. (The State of the World's Midwifery 2011) **[86a] (p148)**

[See also subsection on Reproduction and abortion rights](#)

[See also Section 25: Medical issues](#)

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23. Children

Overview

Basic statistical information can be obtained on the United Nations Children's Fund ([UNICEF](#)) website **[10b]**

- 23.01 From a population estimated to be at 92,477,857 in July 2013, 24.6 percent are minors aged between 0-14 years. Of these, 11,931,623 were male and 10,807,661 were female. (CIA World Factbook, updated 10 July 2013, accessed 12 July 2013) **[4a]**

[See also Section 22: Women - Reproduction and abortion rights](#)

- 23.02 The United Nations Children's Fund (UNICEF) webpage describing the situation of children of Vietnam, undated, accessed on 13 June 2013, stated:

'Life is much better for the 26 million Vietnamese children today than it was just two decades ago. Viet Nam's population is young with 14.3 per cent of the total male and 13.4 per cent of the total female population under 16 years of age. Most attend primary and secondary school; most have access to adequate health care and can expect to live longer than their parents. High immunisation coverage helped eradicate polio in 2000 and maternal and neonatal tetanus in 2005. Measles incidence has plunged by 95 per cent since 1990, but a recent upsurge in 2008 and 2009 has shown the need for continuous diligence. Cases of Vitamin A deficiency have become very rare.' **[10d]**

- 23.03 The same source added, 'In 2006, 40 per cent of children living in rural areas were poor, compared with about 10 per cent of children living in cities. Child poverty rates were highest in the Northern mountainous regions, up to 78 per cent in the North West and North East, and in the Mekong River Delta as much as 60 per cent of children were identified as poor. Disparities persist in education with about 75 per cent of urban children attending pre-school compared with only 51 per cent of those in rural areas.' **[10d]**

23.04 The UNICEF Overview on child protection, accessed on 14 June 2013, noted:

‘Children are often on the frontline of vast changes. In 2010 the Ministry of Labour, Invalids and Social Affairs (MOLISA) reported that more than 4.3 million children were living in “special circumstances,” which is nearly 18 per cent of all Vietnamese boys and girls. It includes 1,353,458 children with disabilities, nearly 300,000 children affected by HIV and AIDS with 5,704 children living with HIV, 126,248 abandoned children and orphans without care of their biological parents, 28,910 children working in hazardous conditions, more than 21,230 street children, 1,805 abused children and 21,500 children living in institutions. According to the Ministry of Public Security, in 2011 there were 13,600 juveniles in conflict with the law. It should be noted that there is a lack of a comprehensive data monitoring system and reliable data on many child protection issues, including data on child prostitution, child trafficking or maltreatment which are significant, without the exact number able to be determined.’ **[10a]**

See also subsection on [Childcare and protection](#)

Basic legal information

23.05 The US State Department’s 2012 Country Report on Human Rights Practices (USSD Report 2012), Vietnam, published on 19 April 2013, noted that:

‘By law the government considers anyone born to at least one Vietnamese citizen parent to be a citizen, although persons born to non-Vietnamese parents may also acquire citizenship under certain circumstances. Not all births were registered immediately, sometimes reportedly due to a lack of incentive or knowledge among the populace. A birth certificate is required for public services, such as education and health care, and the choice by some parents, especially ethnic minorities, not to register their children affected the ability to enroll them in school and receive government-sponsored health care.’ **[2a] (Section 6 – Birth Registration)**

See also Section 27: [Citizenship and Nationality](#)

23.06 At the United Nations Committee on the Rights of the Child (CRC) Sixtieth session, 29 May–15 June 2012, Consideration of reports submitted by States parties under article 44 of the Convention Concluding observations: Viet Nam, it was noted that:

‘The Committee is aware of the significant increase of birth registration rates in recent years due to multiple legislative and administrative measures adopted by the State party. These include the legal recognition of the right to birth registration in the 2004 Law on Protection, Care and Education of Children, as well as the abolishment of the birth registration fee as of 2007. However, the Committee expresses its concern at the persisting geographical and ethnic disparities in birth registration rates whereby the lowest rate remains in the two poorest regions, the North West and Central Highlands. The Committee is further concerned that parents, particularly in remote areas, are not always aware of birth registration requirements and of the importance attached to birth registration.’ **[53d] (p8 - Birth Registration)**

23.07 With regards to the legal age of marriage and consensual sex, the USSD Report 2012 observed that:

‘The legal minimum age of marriage is 18 years for girls and 20 years for boys, and the law criminalizes organizing marriage for, or entering into marriage with, an underage

person... The minimum age of consensual sex is 18. Statutory rape is illegal and may result in life imprisonment or capital punishment. Penalties for sex with minors between the ages of 16 and 18, depending upon the circumstances, vary from five to 10 years in prison. The government enforced the law, and convicted rapists received harsh sentences. The production, distribution, dissemination, or selling of child pornography is illegal and carries a sentence of three to 10 years' imprisonment.' **[2a] (Section 6 – Children)**

See also subsection on [Violence against children](#)

23.08 Article 18 of the [Civil Code](#), accessed 22 May 2013, noted: 'Persons who are full eighteen years old or older are adults. Persons who are not yet full eighteen years old are minors.' (Vietnam Embassy, USA, 2005) **[73c]** While Article 20 states

'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.' **[73c]**

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Legal rights

23.09 At the United Nations Committee on the Rights of the Child (CRC) Sixtieth session, 29 May–15 June 2012, it was noted that:

'The Committee welcomes the introduction of the principle of the best interests of the child in the 2004 Law on the Protection, Care and Education of Children, and notes that various draft laws, including the draft amendment of the 2004 Law, fully incorporate this principle. The Committee, however, is concerned that the principle has not yet been included in all legislation affecting children, that the knowledge of the principle remains inadequate, and that it is not sufficiently applied in judicial and administrative decisions.' **[53d] (p6 - Best interests of the child)**

23.10 The Committee however, expressed concern that an individual was considered a child only until the age of 16, according to the current 2004 Law on the Protection, Care and Education of Children.' **[53d] (p5)** Article 12, paragraph 2 of the [Penal Code](#), accessed on 1 July 2013, observed that 'Persons aged full 14 or older but under 16 shall have to bear penal liability for very serious crimes intentionally committed or particularly serious crimes.' **[73a]**

Further information on the provisions applicable to juvenile offenders can be located in Chapter X of the [Penal Code](#) **[73a]**

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Violence against children

This Section should be read in conjunction with Section 22: Women – [Trafficking of women](#) and Section 24: [Trafficking](#)

- 23.11 At the United Nations Committee on the Rights of the Child (CRC) Sixtieth session, 29 May–15 June 2012, it was noted that:

‘While noting that national legislation contains various provisions on violence against children and bans child abuse, the Committee remains concerned about the lack of inclusion of all forms of child abuse and neglect in its national legislation in line with the definition provided in article 19 of the Convention. The Committee expresses its concern at the widespread violence against and abuse of children and in particular girls; the lack of appropriate measures, mechanisms and resources to prevent and combat domestic violence, including physical and sexual abuse and the neglect of children; the lack of child-friendly reporting procedures; the limited access to services for abused children; and the lack of data on the aforementioned.’ **[53d] (p12 - Violence against children, including abuse and neglect of children)**

- 23.12 The USSD Report 2012 stated:

‘Sexual harassment of children under age 16 is illegal. The law criminalizes all acts of sale, fraudulent exchange, or control of children as well as all acts related to child prostitution and forced child labor. Sentences range from three years’ to life imprisonment, and fines range from VND five million to VND 50 million (approximately \$240 to \$2,400). The law also specifies prison sentences for acts related to child prostitution, including harboring prostitution (12 to 20 years), brokering prostitution (seven to 15 years), and buying sex with minors (three to 15 years). Similarly, the law prohibits all acts of cruel treatment, humiliation, abduction, sale, and coercion of children into any activities harmful to their healthy development and provides for the protection and care of disadvantaged children.’ **[2a] (Section 6 – Sexual Exploitation of Children)**

- 23.13 Thanh Nien news reported in May 2012 that the Ministry of Labor, War Invalids and Social Affairs quoted in a report that around one thousand children are sexually abused each year. Adding that:

‘Nearly two-thirds of the 1,000 cases involve rape, with street children and school dropouts bearing the worst sufferers. Violence against children, including at home, also seems to be on the rise – statistics are patchy - with 3,000-4,000 cases now reported annually. The ministry has launched the Month of Action for Children to improve awareness of protecting children to ensure their full physical and mental development... On May 16 the Ministry of Public Security held a conference in the Mekong Delta city of Can Tho to review a five-year-old campaign against criminals targeting children and teen crime. According to a report released at the conference, police found more than 7,800 cases of sexual abuse between 2006 and 2011, with 8,400 children falling prey. More than 9,600 people have been arrested. The largest number of cases of sexual abuse and violence against children are reported in Hanoi, Ho Chi Minh City, Dong Nai, Dak Lak, and Kien Giang.’ **[32b]**

- 23.14 An Integrated Regional Information Networks (IRIN) article from August 2008 highlighting the rise in child abuse cases in Vietnam, remarked that there was no accepted definition of “child abuse”. Adding:

'There are no social workers. There are no specific laws against physical punishment, according to Duong Tuyet Mien, a professor at Hanoi Law University, and other experts in the field. Disciplining children by striking or humiliating them has traditionally been a normal part of good parenting in Vietnam. It is a part of good teaching. Indeed, it would be irresponsible not to use physical punishment if a child misbehaved, according to parents interviewed by IRIN and authorities at the Ministry of Labour, Invalids and Social Affairs (MOLISA).' [51a]

- 23.15 Nguyen Hai Huu, director of the Ministry for Labour, Invalids and Social Affairs' child-protection unit was quoted in an article from Time magazine online from July 2010 that: 'We don't consider beating a child to be violence against children'. The article added: 'Disciplining children has traditionally been considered a family matter and officials are still loath to interfere. Under the current law, a criminal case of child abuse can only be filed if a child suffers injuries on more than 11% of his or her body.' [38a]

Information on trafficking of children can be located in [Section 24: Trafficking](#)

Street children

- 23.16 At the United Nations Committee on the Rights of the Child (CRC) Sixtieth session, 29 May–15 June 2012, it was noted that:

'The Committee is concerned about the lack of reliable information on children deprived of their family environment, whether they are in street situations, orphans, abandoned children or displaced children, including information on the identification of children in such situations, on preventive measures to limit the number of these children, and on efforts to improve their situation and reintegrate the children with their families.' [53d] **(p10 - Children deprived of a family environment)**

- 23.17 The USSD Report 2012 noted: 'Independent NGOs [non-governmental organisations] estimated that 23,000-25,000 children lived on the streets and were sometimes abused or harassed by police.' [2a] **(Section 6 – Displaced Children)**

See also [Section 22: Women - Trafficking of women](#) and [Section 24: Trafficking](#)

Childcare and protection

- 23.18 At the United Nations Committee on the Rights of the Child (CRC) Sixtieth session, 29 May–15 June 2012, it was noted that:

'The Committee welcomes the progress made towards the deinstitutionalisation of care for children deprived of a family environment including the development of specific social assistance policies. Nevertheless, it is concerned at the high prevalence of institutionalisation of children, in particular children with disabilities, children with HIV, children whose both parents or one of them is deceased, as well as abandoned and unwanted children. The Committee is further concerned about the unreliable data related to the magnitude of child institutionalisation in the State party. While being aware of the development of National Minimum Standards of Care in residential facilities, the Committee is highly concerned about: the lack of adherence to the Convention's principles in most of the residential care facilities; reports of physical abuse and sexual exploitation of children in residential institutions; and the long periods during which children deprived of family environment are placed in institutions.' [53d] **(p11 - Alternative care)**

23.19 The USSD Report 2012 stated, ‘There were no shelters designed specifically for child victims of trafficking or abuse. Instead, authorities continued to place them in facilities with survivors of domestic violence or adult trafficking. The government allocated VND 1.25 trillion (approximately \$59.5 million) to the National Program of Action for Children for the period 2011-20 and focused on assisting disadvantaged children in the 12 poorest provinces.’ **[2a] (Section 6 – Institutionalized Children)**

23.20 In an article by Time magazine from July 2010, it noted:

‘Vietnam has launched a massive effort to overhaul its social-support system over the next 10 years. In May [2010], social work was officially recognized as a profession, a vital legal distinction in Vietnam’s communist society, in which nothing can happen without the central government’s assent. The country plans to offer counseling services, set up crisis hotlines, revamp its social-protection laws, educate the police and spend \$123 million to train tens of thousands of social workers in dealing with problems ranging from domestic violence to drug addiction. “Until now, the government didn’t recognize social workers and didn’t think they were necessary,” says Le Hong Loan, head of UNICEF Vietnam’s child-protection department, which has been working with the government for more than a decade to develop a social-work system as well as write tougher laws and encourage their enforcement.

‘It’s not that Vietnam doesn’t have existing social-welfare offices. There are hundreds of centers across the nation. But staff members have no formal training in counseling or providing intervention services, says Loan. Their skills are more focused on ensuring that poverty-alleviation programs are properly carried out or immunization quotas are met. They would rarely get involved if a child dropped out of school or a woman was suspected of being a victim of domestic abuse.’ **[38a]**

23.21 The US State Department’s Bureau of Consular Affairs, accessed on 31 May 2013, noted that: ‘Documents relating to adoptions in Vietnam, such as birth certificates, abandonment reports, relinquishment agreements, and investigative reports are generally issued by orphanage directors, local People’s Committees, Provincial Departments and the Ministry of Justice, Department of Adoptions (MOJ/DA). The facts asserted in these documents are not verified by the issuing officials.’ **[2d] (Documents Relating to Adoptions)**

[See also Section 28: Forged and fraudulently obtained official documents](#)

The US Embassy Hanoi, provides information on [“Adoption Legislation and Administrative Structure”](#) in Vietnam (Country Fraud Profile), 25 April 2008 **[2e]**

Further information on the rights of children with disabilities is provided in the report, [The Rights of Children with Disabilities in Viet Nam, Bringing Vietnam’s Laws into Compliance with the UN Convention on the Rights of Persons with Disabilities](#), December 2009, prepared for UNICEF [United Nations Children’s Fund] by Eric Rosenthal and Mental Disability Rights International. **[10c]**

See also [Section 21: Disability](#)

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Education

23.22 According to Article 59 of the 1992 Constitution, amended in 2001:

‘Education is a right and obligation of citizens. Primary education is to be compulsory and free of charge. Citizens have the right to general and vocational education in various forms. The State and society encourage gifted pupils and students in their studies with the view to develop their talents. The State is to adopt policies on tuition fees and scholarships. The State and society are to provide conditions for handicapped and other specially disadvantaged children to enjoy appropriate general and vocational education.’ **[73b]**

23.23 The Globserver Vietnam Education Profile 2012, stated:

‘Vietnam's education system can be divided into 5 categories: pre-primary, primary, intermediate, secondary, and higher education.

‘Pre-primary education

‘Public kindergartens usually admit children from the age of 18 months to 5 years. Children at 4 or 5 years of age are sometimes taught ABC and basic math. This level of education is only popular in major cities (Ha Noi, Ho Chi Minh City, Da Nang, Hai Phong, Can Tho, etc.).

‘Primary education

‘Children normally start their primary education at the age of six. Education at this level lasts 5 years and it is compulsory for all children. This compulsory education may be one of the reasons why, despite remaining a less developed country, the literate proportion of the country's population is very high, over 90% on average.

‘Intermediate education

‘Middle schools teach students from grade 6 to 9. To graduate, they have to pass the Intermediate Graduation Examination [IGE] presented by the local Department of Education and Training (which was abolished in 2006). This educational level is generalized throughout most of the country--except in very remote provinces, which expect to popularize and standardize middle education fully within the next few years. Intermediate is also a non compulsory schooling form in Vietnam.

‘Secondary education

‘Most students manage to pass the IGE. High school, which consists of grades 10, 11 and 12 is standardized in all major urban regions, but is not uniform in rural provinces. After 3 high school terms, all students must attend a graduation test, held by Province's education service. This test often consists of 6 subjects differently selected each year but has to contain the 3 compulsory ones: Foreign Language (mostly English), Mathematics and Literature. The Vietnamese government intends to merge this test with the university entrance test in 2009.

‘Higher education

‘University Entrance Examination [UEE] is very important in Vietnamese students' lives. High school graduates have to take it after the SGE and get high results to be admitted

to universities. The pressure on the candidates remains very high despite the measures that have been taken to reduce the heat around these exams, since securing a place in a public university is considered a major step towards a successful career for young people, especially those from rural areas or disadvantaged families. In the year 2004, it was estimated that nearly 1 million Vietnamese students took the UEE, but on average only 1 out of 5 candidates succeeded. Normally, candidates take 3 exams, each lasts 180 minutes for the fixed group of subjects they choose.' **[83a]**

23.24 The USSD Report 2012 observed that, 'Education is compulsory, free, and universal through age 14. Nevertheless, authorities did not always enforce the requirement, especially in rural areas, where government and family budgets for education were strained and children's contributions as agricultural laborers were valued.' **[2a] (Section 6 – Education)**

23.25 Europa World, Country Profile: Vietnam, accessed on 15 July 2013 noted:

'In 2011 enrolment in primary schools included 99% of children in the relevant age-group, while enrolment in secondary schools included an estimated 65% of children in the relevant age-group in 2002. According to preliminary official figures, in 2011/12 a total of 3.3m. pupils attended pre-primary institutions, at which 174,000 teachers were employed. In the same year a total of 7.1m. pupils attended primary schools, at which 366,000 teachers were employed; and 7.7m. students were enrolled in secondary level institutions, at which 462,100 teachers were employed. In 1989 Viet Nam's first private college since 1954, Thang Long College, was opened in Hanoi to cater for university students. In 2011/12 2.2m. students were enrolled at 419 universities and colleges, at which 84,200 teachers were employed. The adult literacy rate was 93.2% in 2010. Of total planned budgetary expenditure by the central Government in 2012, US \$274m. (20% of total expenditure) was allocated to education. The Government also announced that \$16.3m. would be allocated to education development until 2020.' **[1a]**

23.26 A July 2010 Media Release on the 2009 Population and Housing Census, by the Statistics Documentation Centre - General Statistics Office of Vietnam, noted that:

'Literacy rate for the population aged 15 years and over increased by 3.7 percentage points (from 90.3% in 1999 to 94.0% in 2009). The female literacy rate increased 4.9 percentage points while the male literacy rate increased 2.2 percentage points, significantly narrowing the literacy rate gap between men and women. Ha Noi, Hai Phong and Ho Chi Minh City have the highest literacy rate (97.9%) while Lai Chau has the lowest (59.4%). This data shows the literacy rate was not only increased quite rapidly but also express successes of Vietnam's gender equality work in the education sector.

'According to the 2009 Census results, there are only nearly four million people who have never attended school (5.0% of the total population aged 5 years and over) and as compared with the 1999 Census this number has decreased 5 percentage points (6.9 million people, account for 10.0% of population aged 5 and over). This shows the significant progress of the Vietnam's education sector in minimizing the number of people who never go to school.' **[39a]**

23.27 IRIN news reported on December 2011 that, 'With Vietnamese the official language for education, school remains inaccessible for many ethnic minorities, who comprise 13 percent of the population and are among the country's most impoverished.' **[51b]**

23.28 With regards to education for children with special needs, the report on The Rights of Children with Disabilities in Viet Nam, Bringing Vietnam's Laws into Compliance with the UN Convention on the Rights of Persons with Disabilities, December 2009, prepared for UNICEF [United Nations Children's Fund] by Eric Rosenthal and Mental Disability Rights International, stated:

'Viet Nam has long valued the importance of education, and the Vietnamese government invests a high proportion of its national budget towards educational services for children. However, a large percentage of children with disabilities receive no education at all. According to some statistics, only fifty-two percent of children with disabilities have access to education, while thirty-three percent of children with disabilities are illiterate. Other studies have shown a much lower percentage (twenty percent) of children with disabilities who receive an education. Of the children with disabilities who do receive an education, the education system segregates children with disabilities by placing them in separate schools or classrooms. Although some efforts have been made to create an inclusive education system, technical and financial support is lacking. A lack of teacher training and information also contributes to the lack of inclusive education. Finally, many children with disabilities do not receive the reasonable accommodations that would enable them to learn in either special or inclusive schools.' **[10c] (p14 – Education)**

Further background information on the education system in Vietnam can be located in the UNESCO report [World data on Education, 7th edition, 2010/11, November 2010](#), accessed 15 July 2013 **[20a]** and on the Vietnam [Ministry of Education and Training](#) website, accessed 17 June 2013. **[84a]**

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Health and welfare

23.29 The Foreign and Commonwealth (FCO) 2012 Report on Human Rights and Democracy, published in April 2013, stated: 'In February, Vietnam became a State Party to the Hague Convention on Adoption. Vietnam has introduced a number of measures focusing on protecting children, including UNICEF's work with Vietnam to achieve a better social welfare structure.' **[8b] (p253)**

23.30 The World Health Organization (WHO) Representative Office in Vietnam, in an undated Factsheet on child health, accessed on 18 June 2013, observed that:

- 'In Viet Nam, the under-5 mortality rate, infant mortality rate and malnutrition rates are all decreasing, and Viet Nam is on track to achieve MDG4 (reducing child mortality by two thirds by 2015, from the 1990 level).
- 'Nationally, the under-5 mortality rate dropped from 53 per 1000 live births in 1990 to 16 per 1000 live births in 2011. In the same period, infant mortality decreased from 44 to 14 per 1000 live births.
- 'Immunization, which protects Vietnamese children every year against diseases such as measles, polio, diphtheria and tetanus, has contributed significantly to this success.
- 'Disease control programmes have also addressed important conditions such as diarrhoea, acute respiratory infection, malaria and malnutrition.

- 'Children under 6 are covered by health insurance.' **[11c]**

23.31 For those children living with and affected by HIV, the National Committee for Aids, Drugs, and Prostitution Prevention and Control, Viet Nam AIDS Response Progress Report 2012, Following up the 2011 Political Declaration on HIV/AIDS, Reporting period: January 2010- December 2011, stated:

'Government policy and strategy have shifted from HIV-specific and vertical support for children living with and affected by HIV to strengthening integrated social protection to include these children. The Government continued to prioritize prevention, treatment, care and support for these children...

'... MOLISA [Ministry of Labour, War Invalids and Social Affairs] has made progress in the implementation of Decree No. 67/2007/NĐ-CP, dated 13/4/2007, of the Government on support for groups of people eligible for subsidies, including orphans, abandoned children, children living with HIV from poor families and people living with HIV who are unable to work from poor families. People belonging to these groups register with MOLISA at their place of residence to receive subsidies in line with the Decree.' **[33a] (p31-36)**

23.32 The Report on The Rights of Children with Disabilities in Viet Nam, Bringing Vietnam's Laws into Compliance with the UN Convention on the Rights of Persons with Disabilities, December 2009,

'The issue of the lack of accessibility for people with disabilities in Viet Nam is particularly serious for children with disabilities, as it creates barriers to health care, education, recreation, culture, sports and other activities essential to a child's development. Specifically, children with disabilities have cited a lack of accessibility to public transportations, schools, hospitals, toilets, cultural buildings, and other buildings. There is also a lack of access to information and communication for people with visual and auditory impairments. Children with visual and auditory impairments are not able to access school curriculum or other information because it is not in Braille, large font, or closed-captions. Sign language interpreters are scarce, and people with disabilities have to rely on the volunteer efforts of teachers who work with people who are deaf. While Viet Nam Television (VTV) offers a nightly closed-captioned news program, closed-captioned programs do not appear to [be] readily available otherwise.' **[10c] (p13 – Accessibility)**

[See also Section 21: Disability](#)

[See also Section 22: Women](#)

[See also Section 25: Medical issues](#)

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24. Trafficking

This Section should be read in conjunction with Section 22: Women – [Trafficking of women](#)

Overview

24.01 The Vietnam Human Rights Network, Annual Report 2012, stated that:

‘In 2012, concurrent with the introduction of the Law on the Prevention, Suppression Against Human Trafficking, the 8th Senior officials’ Meeting of the Mekong sub-region on anti-human trafficking was held in Hanoi on November 2 with the participation of 150 delegates from Vietnam, China, Laos, Cambodia, Thailand, and Myanmar. Many state officials were hopeful that with the signing of the bilateral agreement between Vietnam and Cambodia, China, and Thailand, the aforementioned state activities would curb the proliferation of human trafficking. By the end of the year, however, reports on human trafficking situation do not lead to such a positive conclusion. According to an article on the Saigon Liberation, the Ministry of Public Security acknowledged that, “victims of seduction, deception and cross-border trafficking is growing strongly again,” and now the number of human trafficking cases has increased by 1.5 times compared to the period before the 130/CP Program, and the number of victims of fraud and illegal trades increased threefold.’ **[62a] (p41 – Human Trafficking)**

24.02 The Child Exploitation and Online Protection Centre (CEOP), in association with the British Embassy, Hanoi, published a report in 2011 about the trafficking of women and children from Vietnam, which observed that:

‘Between 2005 and 2009, approximately 6,000 women and children were identified as being trafficked from Vietnam (official Vietnamese government figure from Programme 130 [Vietnamese government’s cross-cutting response to human trafficking]). Some 3,190 were trafficked to China (mainly from north and central provinces of Vietnam) for the purposes of forced marriage, or to be sexually exploited in brothels. Other victims were trafficked to Cambodia (mainly from southern provinces of Vietnam), Malaysia and onwards to the rest of the world. It is thought that a significant number of victims are trafficked directly, or through Cambodia, to Lao Peoples Democratic Republic (PDR), but figures have not been quantified.’ **[82a] (p4 - Executive Summary)**

24.03 The report further noted however, that, ‘The official figures do not accurately reflect the scale or demographics of the problem - for example, they do not account for men who have been trafficked. Draft legislation on male trafficking victims was referred back, for revision, to the drafting Committee during the last session of the National Assembly. Support mechanisms and research for male victims needs to be developed.’ **[82a] (p4 - Executive Summary)**

24.04 The US State Department’s Trafficking in Persons Report 2013, published 19 June 2013 (USSD TiP Report 2013), stated:

‘Vietnamese children from rural areas are subjected to commercial sexual exploitation. Children also are subjected to forced street hawking, forced begging, or forced labor in restaurants in major urban centers of Vietnam, though some sources report the problem is less severe than in years past. Some Vietnamese children are victims of forced and bonded labor in factories run in urban family houses and in privately run rural gold mines. NGOs [non-governmental organisations] report that traffickers’ increasing use of

the Internet to lure victims has led to a rising number of middle-class and urban-dwelling Vietnamese falling prey to human trafficking. According to a 2012 UNICEF-funded survey on the commercial sexual exploitation of children, Vietnam is a destination for child sex tourism with perpetrators reportedly coming from Japan, South Korea, China, Taiwan, the UK, Australia, Europe, and the United States.' **[2c] (Country Narratives: T-Z, p395, Vietnam - Prevention)**

24.05 With regards to the trafficking of male victims, the CEOP report stated:

'The focus on preventing and rehabilitating victims in Vietnam is currently centred on females. This is likely to be reflective of the scale and visibility of trafficking women and girls, but also reflects cultural perceptions relating to labour exploitation and of inhibitions of males coming forward as victims. This is beginning to change and amendments to the Penal Code now refer to 'human beings' rather than 'women and children'. The International Organisation for Migration (IOM) is already conducting a research project into the trafficking of men and boys. 80 trafficked boys were identified and interviewed for the report. The survey showed that many were trafficked internally for labour purposes, including begging, working in factories in Ho Chi Minh City, brick kilns and gold mines. In the 2010 CEOP STA [Strategic Threat Assessment], the trafficking of Vietnamese boys to the UK, mainly to work in cannabis growing operations, was highlighted as a recent trend.' **[82a] (p11 - Trafficking of men and boys)**

24.06 The Foreign and Commonwealth (FCO) 2012 Report on Human Rights and Democracy, published in April 2013, stated: 'Human trafficking, particularly of young women from Vietnam to elsewhere in the region, remains a serious concern. Vietnam's anti-trafficking legislation, introduced in 2011, had led to a significant number of successful prosecutions of traffickers. Vietnam ratified the UN Convention against Transnational Organized Crime and acceded to the Palermo Protocol on Human Trafficking in June 2012.' **[8b] (p252)**

24.07 The USSD TiP Report 2013 placed Vietnam in the Tier 2 Watch List. The USSD TiP report defined Tier 2 Watch List as:

'Countries whose governments do not fully comply with the TVPA's [Trafficking Victims Protection Act] minimum standards, but are making significant efforts to bring themselves into compliance with those standards AND:

'a) The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing;

'b) There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or

'c) The determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.' **[2c] (Tier Placements)**

24.08 The USSD TiP Report 2013, stated:

'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. During 2012, the government used existing laws to criminally prosecute some labor trafficking offenses; in many cases prosecutors relied on Article 139, "Appropriating Properties

Through Swindling.” Additionally, two separate decrees were issued during the reporting period on victim identification and victim shelters. Rehabilitation centers for drug users and people in prostitution, run by the Vietnamese government, continued to subject residents to forced labor in agriculture, construction, and manufacturing despite continued international criticism. The Government of Vietnam failed to provide adequate remedies to overseas workers who experienced debt bondage or other forms of forced labor.’ **[2c] (Country Narratives: T-Z, p393, Vietnam)**

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Debt bondage

24.09 The CEOP report of 2011, stated:

‘Victims and their families who are duped by traffickers into believing they are travelling abroad for work opportunities are frequently put under debt bondage. Debt bondage occurs when a victim is illegally bound to financial debt determined by the trafficker / trafficking network. The victim is then obliged to carry out the trafficker’s wishes, often labour or sexual exploitation, until the debt is deemed settled. The debt commonly covers the inflated cost of travel arrangements, accommodation, food, a work arrangement fee and miscellaneous trafficker fees.

‘This debt can often be set at an inflated rate and it may take several years to work off. In CEOP’s 2010 STA [Strategic Threat Assessment], the level of debt attributed to Vietnamese children trafficked to the UK was identified in two cases as £17,000 and £20,000. The girl who stated she had a £17,000 debt was told she would have to work two years in a cannabis factory to pay off this debt, which demonstrates the extent of the exploitation considering the risks, isolation and time spent working at these venues levied against the high turnover by these criminal enterprises. AAT [Alliance Anti-Traffic’s] believe current levels of indebtedness are approximately double the amount of debt, in relative terms, put upon children who were trafficked to the UK three or four years ago.

‘IOM [International Organization for Migration] state that debt bondage is extremely common for children trafficked from rural regions in central and south Vietnam. Debts may not be placed on the victim in their entirety – in many cases parents are expected to pay half of the fees. These families are not able to borrow money from banks, so turn to relatives or money lenders. Money lenders are often connected to the trafficking networks and act as an extra mechanism to further exploit the vulnerable victim and their family, as the debts are often subject to high interest rates. Families will be forced to sell their property to pay off the debts, particularly those secured through banks. Those family members who cannot pay off the debts have been subject to Prevention violence and maiming, and some may have been killed. In one case a girl’s hand was burned in a fire as a warning for her family to pay their debts to the traffickers.’ **[82a] (p17-18)**

Prevention

24.10 The USSD TiP Report 2013, stated:

‘The Government of Vietnam made some efforts to prevent human trafficking during the reporting period. Under the prime minister’s Decree 1427, the Ministry of Information

and Communication (MIC) and VWU maintained anti-trafficking campaigns through online media, community based antitrafficking posters, workshops, billboards, art performances, pamphlets, school programs, and neighborhood meetings. Of the two decrees issued during the reporting year, the first, Decree No 62/2012/ND-CP provided guidance in victim identification under the trafficking in persons law. The decree provides a formal legal procedure for victim identification but does not specify its proactive application to high-risk populations. In addition, the decree states that in the absence of conclusive documentation or evidence of a victim's exploitation or trafficking, identification can be made based upon a victim's discovery or known overlapping presence with other identified victims, physical and psychological traits showing signs of sexual abuse or forced labor, reports made by relatives made to the authorities, or other information contributing to a reasonable belief the person may be a victim of trafficking.'

[2c] (Country Narratives: T-Z, p393, Vietnam)

- 24.11 The United Nations Inter-Agency Project on Human Trafficking [UNIAP] website, accessed on 4 July 2013, reflected on the counter-trafficking work carried out in Vietnam and noted that:

'The main target groups are young people in rural areas, mostly in southern and northern Vietnam, but also authorities at various levels and the general public. Many stakeholders carry out this work, which involves awareness-raising campaigns, education and training, vocational and job opportunity provision, life-skills and technical training, and poverty alleviation projects through micro-credit schemes. The sending of Vietnamese laborers abroad is considered a pro-poor development strategy, however, the laws and regulations are also in place as part of the Government's strategy to prevent exploitation and protect migrant workers. In addition, the contribution of the tourism sector towards prevention of child sex tourism and counter trafficking has been emphasized.' **[30b]**

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Prosecution

- 24.12 The USSD TiP Report 2013, stated:

'The Government of Vietnam sustained its law enforcement efforts to combat trafficking in 2012. Despite Vietnam's comprehensive anti-trafficking law, which went into effect in January 2012, criminal penalties have not yet been established; this has to be done by the issuance of guidance by the Supreme People's Court. The expanded definition of trafficking in persons in the new law was not applied during the reporting period because the government has not yet issued necessary guidance to law enforcement personnel.

'As the new law had not yet been implemented, the majority of traffickers were prosecuted under pre-existing articles of the penal code, which are vague in scope but could potentially be used to prosecute some forms of trafficking. Article 119 of the penal code criminalizes trafficking in women but does not appear to define "trafficking." Article 120 prohibits "trading in, appropriating, or exchanging children," which are also not defined. These articles prescribe sufficiently stringent punishments of two to seven years' imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious offenses, such as rape. Judicial officials have interpreted these provisions to apply only to cases that involve a third-party exchange of payment.

Other cases were administratively punished under the country's labor laws, which do not provide criminal penalties.

'Vietnam's central data collection systems remained inadequate to provide law enforcement statistics on trafficking prosecutions and convictions during the year segregated by type of trafficking. Statistics provided on prosecution, convictions, and victims identified did not correspond between the Supreme People's Procuracy and the Supreme People's Court. The Supreme People's Procuracy reported that authorities prosecuted 232 cases of trafficking and related offenses in 2012 under Articles 119 and 120. The government reported that in calendar year 2012 the Supreme People's Court brought to trial, convicted, and sentenced 490 defendants. Of these, seven defendants received sentences between 20 and 30 years in jail, 38 between 15 and 20 years, 137 between seven and 15 years, 265 less than seven years', 48 defendants were put on probation, and one was fined. Three hundred and ninety-one defendants were tried under Article 119 and 85 under Article 120. The government continued to pursue prosecutions primarily in transnational sex trafficking cases, and overall law enforcement efforts were inadequate to address all forms of human trafficking in Vietnam.' **[2c] (Country Narratives: T-Z, p393-394, Vietnam - Prosecution)**

24.13 The Foreign and Commonwealth (FCO) 2012 Report on Human Rights and Democracy, published in April 2013, stated: 'Vietnam's anti-trafficking legislation, introduced in 2011, had led to a significant number of successful prosecutions of traffickers. Vietnam ratified the UN Convention against Transnational Organized Crime and acceded to the Palermo Protocol on Human Trafficking in June 2012.' **[8b] (p252 – Women's rights)**

24.14 The UNIAP website, accessed on 4 July 2013, stated:

'Prosecution involves police investigations, the criminal justice system and other governmental institutions in Vietnam and abroad. There is a specialized counter-trafficking police unit under the Criminal Police Department (MPS) and selected provinces. In addition, UNODC [United Nations Office on Drugs and Crime], ARTIP [Asia Regional Trafficking in Persons], UNIAP [United Nations Inter-Agency Project on Human Trafficking], IOM [International Organization for Migration] and some other international agencies are involved in providing training and capacity-building of law enforcement agencies.' **[30b] (Prosecution)**

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Protection

24.15 The USSD TiP Report 2013, stated:

'The Vietnamese government made some progress in its efforts to protect victims, primarily those subjected to transnational sex trafficking, but it did not make efforts to adequately identify victims among vulnerable populations or protect victims of labor trafficking or trafficking that occurred wholly within the country. Two decrees drafted to guide the implementation of the trafficking in persons law concerning victim protection were completed and issued during the reporting year: Decree No. 62/2012/ND-CP on the grounds for victim identification and protection of victims and their relatives and Decree No. 09/2013/ND-CP detailing the implementation of articles in the trafficking in persons law regarding victim support facilities, mechanisms, procedures, and proceedings. The government did not develop or employ systematic nationwide

procedures to proactively and effectively identify victims of trafficking among vulnerable populations, such as women arrested for prostitution and migrant workers returning from abroad, and victim identification efforts remained poor across all identified migration and trafficking streams.

'MPS [Ministry of Public Security] reported that 883 Vietnamese trafficking victims were identified by authorities between January and December 2012. During this period, border guards coordinated with other government agencies to rescue and receive 201 victims of trafficking; of these victims, 119 were identified and repatriated by foreign governments or NGOs and 38 self-identified. There were no specific protections from deportation in Vietnam's law and no provisions for granting residency status for foreign nationals who are victims of trafficking. When Vietnam is a transit or destination country for foreign victims, the government liaises with the sending country for the victims' safe return to Vietnam.' **[2c] (Country Narratives: T-Z, Vietnam, p394 - Protection)**

24.16 With regards to offering shelters for male and female victims of trafficking, the USSD TiP Report 2013, stated:

'The government's Vietnamese Women's Union (VWU), in partnership with NGOs [non-governmental organisations] and with foreign donor funding, continued to operate three trafficking shelters in Vietnam's largest urban areas; the shelters provided counseling and vocational training to female sex trafficking victims. The VWU and border guards also operate smaller shelters that provide temporary assistance to migrants in need at some of the most heavily used crossing points. At times victims were housed in Ministry of Labor, Invalids, and Social Affairs (MOLISA) social protection centers that provide services to a wide range of vulnerable groups, although officials acknowledged that victims were better served in trafficking specific shelters.' **[2c] (Country Narratives: T-Z, Vietnam, p395 - Protection)**

24.17 The USSD TiP Report 2013 added:

'In many areas shelters are rudimentary, underfunded, and lack appropriately trained personnel. There are no shelters or services specifically dedicated to assisting male victims, child victims, or victims of labor trafficking, although existing shelters reportedly provided services to some male and child victims. NGOs report some victims opt not to stay at a victim support facility or receive social services due to a fear of social stigma from identifying as a trafficking victim. Trafficking victims are eligible for a cash subsidy up to the equivalent of approximately \$50, paid through local authorities; the government did not provide statistics on the number of victims who received this benefit.' **[2c] (Country Narratives: T-Z, Vietnam, p395 - Protection)**

24.18 The UNIAP website, accessed on 4 July 2013, stated:

'This work consists of identification, rescue, legal proceedings, repatriation, recovery, reception and reintegration of trafficked women and children particularly from abroad. The local-level sub-committee and international organizations provide medical care, counseling and initial support. As of May 2011, there are 9 shelters and reception centers which are located in Ha Noi, Quang Ninh, Lao Cai (2), Lang Son, An Giang (2), Can Tho and Ho Chi Minh City. These shelters and centers provide food, accommodation, medical care, counseling and vocational training. The victim protection agencies involved in the Reintegration Network to support returned victims of trafficking in Vietnam attempt to strengthen referral systems and capacity-building for social

workers, police, hotline operators and others... 60% of VoT [Victims of Trafficking] were self-returnees, 19% were rescued and 21% were repatriated.' **[30b] (Protection)**

[See also Section 22: Women – Trafficking of women](#)

[See also Section 23: Children](#)

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25. Medical issues

Overview

25.01 The Globserver Vietnam Health Profile 2012, stated:

'The Ministry of Health is the government agency exercising state management in the field of people's health care, including preventive medicine; consultation and treatment; rehabilitation; traditional medicine; pharmaceuticals, including vaccine production; hazardous effects of cosmetics on human health; food hygiene and safety; medical equipment; health facilities; population and family planning; and health system development and management.

'Organization of health services and delivery systems

'The health system is a mixed public-private provider system, in which the public system plays a key role in health care, especially in policy, prevention, research and training. The private sector has grown steadily since the 'reform' of the health sector in 1989, but is mainly active in outpatient care; inpatient care is provided essentially through the public sector.

'The health care network is organized under state administrative units: central, provincial, district, commune and village levels, with the Ministry of Health at the central level. In the public sector, there are 774 general hospitals, 136 specialized hospitals and 11 576 primary health centres. The establishment of the grassroots health care network (including commune and district levels) as the foundation for health care has yielded many achievements, especially that of contributing towards attainment of national health care goals for the entire population. The health stations in communes provide primary health care services, including consultation, outbreak prevention and surveillance, treatment of common diseases, maternal and child health care, family planning, hygiene and health promotion. The total number of private facilities rose from 56 000 in 2001 to 65 000 in 2004. In 2008, there were 83 private hospitals, accounting for 8.64 % of the total number of hospitals nationwide, with 5429 beds, accounting for 3.4% of the total number of hospital beds nationwide.' **[83b]**

25.02 The World Health Organisation (WHO) Health Service Delivery Profile, Viet Nam, 2012, accessed on 26 June 2013, stated:

'Currently, Viet Nam's health system consists of a highly unregulated public-private mix. In the public system there are four levels: national, provincial/municipal, district, and commune. At each of these levels, the system delivers three types of services: 1. Medical examination & treatment, 2. Primary health care, preventive medicine & National Health target Programs, and 3. population and family planning. The

development of the private health sector is strongly encouraged by the government to reduce pressures on the public system but at present consists mainly of a large number of outpatient clinics and pharmacies with a few hospitals.' **[11a] (p2 - Service delivery model)**

- 25.03 The Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health on his mission to Viet Nam (24 November to 5 December 2011), published on 4 June 2012, stated:

'The Vietnamese health system, until the early stages of doi moi [renewal], was funded and administered entirely by the State and was available to Vietnamese free of charge. In 1989, however, Viet Nam instituted partial user fees as a method of financing public health-care goods and services. In 1993, the Regulation on Health Insurance issued under Decree No. 299 provided for the first time an insurance-based system in the country. Since the introduction of the national health insurance programme, Viet Nam has moved towards a more mixed public/private system of health-care financing and provision...

'The Special Rapporteur notes with appreciation that Viet Nam is still laudably committed to providing health care for all. This is demonstrated by National Assembly resolution 18, which commits the Government to ensure the growth rate of spending on health consistently exceeds the growth rate of overall government spending, and the fact that Government spending on health has risen from 4.8 per cent to 10.2 per cent between 2002 and 2008.' **[52c] (p6 - Health systems and financing)**

- 25.04 The Report of the Special Rapporteur added: 'Privatization and decentralization have resulted in partial private ownership of public hospitals. In some instances, this has led to an increase in the abuse of services, including unnecessary testing and the use of high-tech services, over-prescription of medicines and patient overload. These results are exacerbated by the predominant use of the fee-for-service payment mechanism in Viet Nam.' **[52c] (p8 - Health systems and financing)**

- 25.05 The Report of the Special Rapporteur also noted:

'As part of the shift from a fully public health-care system to a mixed one, the Government has developed a national social health insurance programme (SHI) and instituted user fees. Commendably, the Government has also attempted to address some of the concerns arising from this restructuring by introducing programmes specifically targeting the poor and the near poor, such as the Health Care Funds for the Poor policy, which has now been incorporated into the SHI as health insurance for the poor (HIP). As currently implemented, the SHI comprises two types of insurance: compulsory health insurance and voluntary health insurance. Compulsory health insurance, created in 1992, was initially limited to formal sector employees, retirees, war veterans, the disabled and select other groups. However, it has since expanded to include the poor, near poor, ethnic minorities, and persons from communes in difficult socio-economic circumstances, through Health Care Funds for the Poor, and children under 6, through a pre-existing policy providing free health-care for this group. Formal sector employees are compulsorily enrolled and a premium is drawn from their salary accounts, while those covered under HIP receive 100 per cent support for their premium from the State and children under 6 do not pay any premium at all. Voluntary health insurance currently covers all persons ineligible for compulsory health insurance, including students and farm workers.' **[52c] (p9 - Health systems and financing)**

Availability of medical treatment and drugs

25.06 The WHO Health Service Delivery Profile, Viet Nam, 2012, stated:

'The health-care system includes 13 500 public curative care facilities and a large and growing private facilities is mainly in the form of clinics and pharmacies. The public sector plays a leading role in providing inpatient health services in 1087 hospitals with 188 613 patient beds, compared to only 102 private hospitals, 7124 private beds. In 2010, number hospital beds per 10 000 inhabitants is 21.9,

'Most inpatient care is provided by public hospitals, but there is a growing number of private hospitals in municipalities and provincial capitals providing an important source of competition. Tertiary care is still largely provided by national hospitals, although some provincial hospitals and even private hospitals have capacity to provide highly specialized care. For outpatient care, private clinics account for a large share of patient visits although many patients still prefer to use public hospitals. Despite efforts to provide care for common conditions at lower levels of the health system, provincial and national hospitals continue to account for a very large share of all inpatient services.'

[11a] (p3 - The provider network)

25.07 The Report of the Special Rapporteur stated:

'The Special Rapporteur notes with satisfaction the Government's commitment to the poor under HIP [health insurance for the poor], however, there are a number of concerns regarding both the scope and coverage of the programme. While HIP provides full health insurance coverage for the poor and 50 per cent coverage for the near poor, it appears to have reduced out-of-pocket expenditures only by 13 per cent. This reduction is not sufficient to ensure financially accessible health care required under the right to health, because out-of-pocket expenditures account for nearly 50 per cent of all household health expenditures in Viet Nam...

'The poor and near poor, especially those in rural and mountainous areas predominantly populated by ethnic minorities, are often burdened by additional expenditures on food, travel and accommodation in order to access basic health services. In many instances, these expenditures amount to more than the cost of the health services sought. The Special Rapporteur was informed by the Government of its decision to increase the level of reimbursement for basic health services for the near poor from 50 per cent to 70 per cent since 2012, along with subsidies for travel and food expenses for the poor. The Special Rapporteur commends this development, but cautions that there is a need for more robust support for the poor and near poor in order to fully realize their right to health.' **[52c] (p10 - Health systems and financing)**

25.08 The Report of the Special Rapporteur also noted:

'Prices for some medicines in Viet Nam are substantially higher than in other countries that are similarly economically situated, and in many instances even higher than similar medicines in high-income countries. Although Viet Nam has reduced poverty levels considerably, per capita gross domestic product (GDP) remains relatively low and a sizeable portion of the population is still impoverished. The country's per capita GDP is currently about US\$ 1,300 per year, placing it in the world's bottom third. As previously indicated, the majority of health-care expenditures are out-of-pocket expenditures, and medicine purchases constitute the bulk of those expenditures.' **[52c] (p11-12 - Health systems and financing)**

25.09 When reporting in May 2013 on the 2.5 million people living close to the poverty line in the Mekong Delta region, the World Bank noted that, 'For them, paying for health insurance was also a challenge. In 2006 however, the Mekong Regional Health Support Project supported by the World Bank, made health insurance more affordable for vulnerable households'. Adding:

'Implemented from 2006 to mid-2012, the project aimed to improve health services in the region and to enhance access to these services, especially for vulnerable people. The project contributed an additional 30 percent of health insurance premiums on top of the 50 percent government subsidy, leaving individuals to pay only the remaining 20 percent. By the end of 2009, about 70 percent of people living close to the poverty line in the region were covered by health insurance, up from 10 percent in 2006. In addition, around 25,000 poor patients have received financial support to have medical care and heart surgery.' **[12a]**

25.10 The World Bank Report, Vietnam Country gender assessment, published on 8 November 2011, stated:

'In terms of health care availability, VHLSS [Viet Nam Household Living Standards Survey] 2008 data suggests that the majority of those who reported an illness were able to visit a health care worker or centre, suggesting that health care provision is keeping up with the needs of the population. However, there has been an apparent decline in access since 2006. Among individuals reporting an illness, the percentages of men and women who visited a health provider declined from 77% and 78% respectively to 61% and 65%.' **[12b] (p30)**

25.11 An article on The Global Health Check website, posted by Anna Marriott, Health Policy Advisor for Oxfam GB, on 24 October 2011, reproduced with permission from an article published in the [Oxford Analytica Daily Brief](#) on September 27, 2011, observed that:

'The national health insurance scheme currently covers an estimated 60% of the population. Today, about 35 million Vietnamese are uninsured and at high risk of falling into poverty when encountering major medical expenses. The 53 million insured can in principle benefit from their health insurance. However, in reality, the poor and the exempted groups still find services unavailable without informal fees, known as "envelope" payments, to doctors, nurses, midwives or other health staff. Indeed, a recent national survey shows that 65% of respondents experienced corruption at local health services and 70% of the medical staff interviewed admitted that they have asked patients to pay bribes. Due to this endemic corruption, the access of poorer Vietnamese to healthcare services remains limited.' **[28a]**

See also Section 11: Arrest and detention – legal rights for information regarding government detention centres where those dependent on illegal drugs can be held.

See also Section 22: Women – Health and welfare

See also Section 23: Children – Health and welfare

Traditional medicine

25.12 The WHO Health Service Delivery Profile, Viet Nam, 2012, accessed on 26 June 2013, stated that: 'Traditional medicine has been integrated into the national health system since the 1950s. It involves two components: a plant remedy-based form of medicine

(southern medicine) based on indigenous medicine from 54 ethnic groups, and a Chinese-Vietnamese system of healing (northern medicine), which includes herbal medicine, acupuncture, massage and exercise techniques.' [11a] (p2 - **Service delivery model**) Adding:

'Traditional medicine is widely used, but of special importance to people who face difficulty in accessing primary health care services, either due to cost or distance, as they can rely on locally available herbs and other remedies. The most commonly used forms are herbal medicine, acupuncture, traditional Chinese medicine, and Tam quat. Efforts have been made to increase knowledge of traditional treatments through mass media and increasing availability at public health facilities. In 2010, the Ministry of Health reported the proportion of consultations relying on traditional medicine to be 25% at the commune level, and 9% at the provincial and district level. Most commune health stations (79.3%) offer traditional medicine services. In addition to affordability and accessibility, traditional medicine is considered effective, especially for treatment of chronic disease.' [11a] (p4 - **The provider network**)

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Drug addiction

This Section should be read in conjunction with Section 12: Prison Conditions - [Drug detention centres](#).

25.13 The Human Rights Watch (HRW) report, *The Rehab Archipelago*, published on 7 September 2011, stated:

'Beginning in the mid-1990s, the intensification of a broad campaign against "social evils" triggered frantic legislative activity. The government adopted detailed regulations in an effort to control an array of activities, ranging from sex work to vagrancy to the influence of foreign culture, going so far as to ensure karaoke rooms had transparent glass doors and that advertising signage had larger Vietnamese lettering than foreign language lettering.

'In January 1993, the Vietnamese government issued resolutions 05/CP and 06/CP on "the prevention and control of prostitution" and "strengthening the guidance in drug control" respectively. In resolution 06/CP, drug use was described as "opposed to the moral tradition of the nation." The resolution, in line with the 1989 health law and the 1992 Vietnamese constitution, stated that people dependent on drugs must be compulsorily treated for their dependency.

'The Vietnamese government put in place a complex set of laws formalizing the principle of forced treatment for drug dependency. For example:

- 'Decree 53/CP of 1994 empowered the chairman of the People's Committees at the provincial and city levels to impose a range of administrative sanctions against people dependent on drugs, including the authority to "issue a decision to take him or her to a medical treatment center or detoxification center for forcible labor."
- 'The 1995 Ordinance on the Handling of Violations of Administrative Regulations imposed compulsory treatment on people dependent on drugs in specific

conditions. It established that, “Frequent drug abusers and prostitutes who have been reprimanded by local authorities and people without showing any repentance shall be sent to medical treatment establishments for treatment, education and manual labor for from three months to one year.”

‘At the end of 2000, the national Law on Preventing and Combating Narcotic Drugs (the Drugs Law) was adopted, incorporating many elements of the existing legal regime of compulsory drug treatment. The law is still in force.

‘The Drugs Law establishes that a person dependent on drugs must report his or her dependency to his or her local administration or workplace. He or she has a legal obligation to register for detoxification. What the law calls “opposing or obstructing drug detoxification” is strictly prohibited. Family members of a person dependent on drugs must report their relative’s drug use to local authorities, monitor their relative’s drug use, and “prevent them from illicit drug use or any act that disturbs social order and safety.”

‘Family members must either assist in home-based detoxification, or

‘support the competent agency/agencies in sending such addicted family members to a compulsory detoxification institution and contribute funds to cover the cost of detoxification as stipulated by law.

‘Compulsory detention is mandated for an individual over 18 “who still indulges in his/her drug-taking habit after being subjected to detoxification at home and/or in the local community or educated repeatedly in his/her own commune, urban ward or district township or who has no fixed place of residence.” The duration of “detoxification” is stipulated as being between one and two years...

‘In June 2009, criminal punishment for drug use was eliminated, reinforcing Vietnam’s approach of administrative penalties. One consequence of this approach is that being held in drug detention centers in Vietnam, unlike detention under criminal procedure law, is not subject to due process and judicial oversight.’ **[5c] (p14-17)**

HIV/AIDS – anti-retroviral treatment

25.14 The United Nations document, HIV transmission from men to women in intimate partner relationships in Vietnam: a discussion paper, published on 5 May 2011, stated:

‘In 2009, it was estimated that 243,000 people in Viet Nam were living with HIV, with prevalence among adults (ages 15 to 49) at 0.43 per cent of the population. HIV infection is still heavily concentrated among men who use drugs or engage in other high-risk behaviours. In 2009, the number of male adults living with HIV was three times higher than the number of female adults living with HIV, and men still make up the majority of new infections. However, it is estimated that the male-female ratio will gradually decrease, reaching 2.6 by 2012, reflecting the risk of transmission from HIV positive injecting drug users (IDUs) and clients of sex workers to their spouses or regular sexual partners.’ **[52b] (p5, Executive Summary)**

25.15 The UNAIDS HIV Reponse, undated, accessed on 20 June 2013, observed:

‘Viet Nam has made major advances in the response to HIV since the development of its National Strategy on HIV/AIDS Prevention and Control in Viet Nam until 2010 with a

vision to 2020 (approved in early 2004) and the establishment of the Viet Nam Administration for HIV/AIDS Control (VAAC) in 2000.

'The National HIV Strategy specifies achievements to date and remaining challenges. Under the strategy and coordinated by VAAC, nine Programmes of Action (POAs) were called for to provide detailed guidance for the implementation of HIV programmes across a number of sectors.

'This policy framework has enabled Viet Nam to begin implementing the "Three Ones" - a set of principles for the coordination of national AIDS responses in order to achieve the most effective and efficient use of resources, and to ensure rapid action and results-based management." Adding that the opportunities and challenges included:

'Opportunities

- 'Viet Nam's HIV epidemic remains largely concentrated among key populations at higher risk such as injecting drug users, sex workers and their partners, and men having sex with men.
- 'Political barriers hindering effective HIV response have been progressively overcome by stronger commitment of the government through the development of National Strategy on HIV/AIDS Prevention and Control in Viet Nam, the Law on Prevention and Control of HIV/AIDS, Decree 108 and so forth.
- 'A single national executing and coordinating body has been established while multi-sectoral cooperation and coordination is to be further strengthened.
- 'A single national M&E framework has been developed
- 'Massive donor funding has been made available to implement effective HIV services although continued effort is needed to fill the still large gap of funding.
- 'As a result, a comprehensive range of HIV services including needle and syringe programs and methadone maintenance therapy can now be implemented and expanded

'Challenges

- 'Human resource constraints must be addressed.

'Stigma and discrimination in the health care and community settings continue to hamper the efforts to fight HIV.

'Most of the national programs of action have not been well costed and practical normative guidance are yet to be available in many technical areas.

'The programmatic and management capacity of local institutions, including the newly established Provincial AIDS Centres is still largely limited, which obstructs the delivery of effective HIV services for those in need.

'Many HIV services are seriously fragmented and uncoordinated largely due to the project-oriented nature of the national programme.

'Providing prevention, treatment, care and support interventions in closed settings remains a challenge.

'The present responses are either limited in effectiveness or otherwise localized in limited coverage.

'Current HIV/STI (sexually transmitted infections) surveillance system needs to be strengthened and the data collected needs to be better used for planning and monitoring the results of the response, particularly at the provincial level.' **[33b]**

25.16 With regards to the stigma attached to people living with HIV/AIDS, the USSD Report 2012 noted

'The law states that employers may not fire individuals for having HIV/AIDS and doctors may not refuse to treat persons with HIV/AIDS. There was no evidence of official discrimination against persons with HIV/AIDS and no reported denial of medical treatment.

'Societal discrimination, however, did exist. Individuals who tested positive for HIV reported latent social stigma, lost jobs, and suffered discrimination in the workplace or in finding housing, although the number of such reports decreased during the year. With the assistance of foreign donors, national and provincial authorities took steps, albeit inconsistently, to treat, assist, and accommodate persons with HIV/AIDS and thereby decrease societal stigma and discrimination. Faith-based charities could sometimes provide HIV-prevention and home-based care services to persons with or affected by HIV/AIDS.

'In September the government reported approximately 5,100 school-age children with HIV/AIDS. In several cases, pressure from other parents barred HIV/AIDS-positive children or orphans from schools.' **[2a] (Section 6 - Other Societal Violence or Discrimination)**

25.17 The website of the US President's Emergency Plan for AIDS Relief (PEPFAR), accessed on 20 June 2013, listed the progress achieved in Vietnam, through direct PEPFAR support during fiscal year (FY) 2011, as follows:

'36,200 individuals receiving antiretroviral treatment

'113,300 HIV-positive individuals who received care and support (including TB/HIV)

'18,600 orphans and vulnerable children (OVCs) receiving support

'457,200 pregnant women with known HIV status receiving services

'1,300 HIV-positive pregnant women receiving antiretroviral prophylaxis for PMTCT

'710,900 individuals receiving counseling and testing

382 estimated infant HIV infections averted' **[25a]**

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Tuberculosis (TB)

25.18 In a Thanh Nien online news article, dated 25 June 2013, it reported that, 'Tuberculosis is still a major health risk in Vietnam, which ranks 12th in the world for most TB patients with nearly 200,000 new cases and 30,000 deaths recorded every year, according to reports heard at a March 20 [2013] meeting.' Adding:

'One of the challenges to the country's fight against TB is the high number of TB patients who are resistant to medicines prescribed for the disease, heard the meeting, held in response to World TB Day, which is organized on March 24 every year. Vietnam now has 5,000-6,000 drug-resistant TB patients, and it was estimated that up to 20 percent of TB patients cannot be treated due to their resistance to drugs. Dr. Tran Ngoc Buu from Ho Chi Minh City's Pham Ngoc Thach Hospital, which specializes in TB cases, said most TB patients quit treatment when they begin feeling better after having taken the prescribed drugs for a couple of months. The incomplete treatment renders patients susceptible to relapse and likely to have developed resistance to TB drugs, he stressed. It takes 19-24 months to treat drug-resistant TB patients, who may suffer from many unwanted side-effects atypical of the six-months of treatment regular TB patients receive, according to the doctor.' [32a]

The World Health Organisation (WHO) report [Global tuberculosis control 2011](#) provides statistical information on the prevalence of Tuberculosis (TB) in Vietnam. [11b]

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Kidney dialysis

25.19 VietNamNet Bridge reported in January 2013 that, 'According to the Ministry of Health, about 10,000 Vietnamese patients need to have renal failure treated with hemodialysis with the frequency of three times a week, or 30,000 hemodialysis cases in total a week.' Adding:

'It is estimated that for each case of treatment, every patient needs 10 liters of filtration fluid. This means that healthcare centers need to use 300,000 liters of filtration fluid every week which must be imported under the mode of ready made fluid. The average import price is VND15,000 per liter. As such, it is estimated that Vietnam has to spend VND4.5 billion a week on the import filtration fluid alone. If it imports the product in powder and then prepares the fluid in Vietnam, the cost price would be VND10,000 per liter.' [60a]

25.20 The VietNamNet Bridge article, further reported:

'In order to reduce the treatment costs, some domestic healthcare centers have been preparing the fluid with their methods manually, because there has been no equipment which can automatically prepares the fluid. Therefore, the information that Vietnam has successfully created a machine that automatically blends filtration fluid for kidney hemodialysis, which allows to save VND5,000 dong per liter, has been applauded by healthcare centers. As such, Vietnam would be able to reduce the treatment cost by VND700 billion dong because it doesn't need to import filtration fluid any more. According to Dr. Hai, there is no establishment in Vietnam that manufacturers [sic] the equipment to blend filtration fluid automatically. Meanwhile, the imports are expensive and sometimes are not suitable. The equipment created by Hai and associates is

believed to settle the problem; therefore it is suitable in the Vietnamese conditions.’
[60a]

25.21 The Look at Vietnam news website published an article on 8 April 2009, reporting that Vietnam had around 5.4 million people with renal failure, or 6.73 percent of the total population, according to Dr. Nguyen Nguyen Khoi from Hanoi’s Bach Mai Hospital. The article added:

‘While 72,000 of that number in Vietnam are in the final stage where dialysis is the only viable option, the nation’s hospitals can only handle 10 percent of them. The other 90 percent are dying, Dr. Khoi said. HCMC [Ho Chi Minh City] accounts for 32 percent of the patients with renal failure nationwide, said Dr. Ta Phuong Dung from the People’s Hospital 115, where 900 patients are regularly hooked up to the dialysis machines. In all, the city has 19 medical clinics able to treat kidney failure, with 336 dialysis machines between them. Cho Ray, one of HCMC’s biggest hospitals, is treating over 700 chronic cases with 46 dialysis machines operating in four shifts a day, with each shift lasting three to four hours. It treats a further 200 acute kidney failure patients every day, not including 30-40 daily emergency cases. Last year, Vietnam developed a simple device for Continuous Ambulatory Peritoneal Dialysis (CAPD), which merely requires a plastic bag and a catheter and can be used in any clean, well-lit place, Dr. Khoi said.’ [43a]

25.22 The Look at Vietnam news article added:

‘Dialysis and other treatment for kidney failure accounts for over 10 percent of health insurance payouts, said Tong Thi Song Huong, head of the Health Ministry’s health insurance department. Last year, the total compensation exceeded VND1 trillion (US\$55.5 million), Huong told the Artificial Kidneys and the Quality of Dialysis conference. Health insurance pays VND400,000 (\$22.21) each time a patient has dialysis, which translates to an annual expense above VND100 million (\$5,551), according to Huong. Specific cases were also reported at the conference, like the construction engineer in HCMC’s Cu Chi District, who must go to Cho Ray Hospital for dialysis every week, no matter how far he is working from the hospital. “Without health insurance, I could not afford the treatment on my salary for long,” the engineer told visiting urologists from abroad and specialists from 30 Vietnamese hospitals.’ [43a]

Mental health

25.23 The WHO Mental Health Atlas 2011: Vietnam, accessed on 26 June 2013, stated:

‘An officially approved mental health policy doesn’t exist. Mental health is specifically mentioned in the general health policy.

‘A mental health plan exists and was approved or most recently revised in 2010. The mental health plan components include:

- ‘● Timelines for the implementation of the mental health plan.
- ‘● Funding allocation for the implementation of half or more of the items in the mental health plan.
- ‘● Shift of services and resources from mental hospitals to community mental health facilities.
- ‘● Integration of mental health services into primary care.

‘Dedicated mental health legislation does not exist. Legal provisions concerning mental health are also covered in other laws (e.g., welfare, disability, general health legislation etc.).’ **[11a] (Governance)**

- 25.24 The paper on Outcomes and future directions of the national community mental health care program in Viet Nam, 10 June 2011, by Chee Hong Ng, Phong Thai Than, Cuong Duc La, Quang Van Than, and Chu Van Dieu, from the World Psychiatry, official Journal of the World Psychiatric Association, observed that:

‘The mental health system in Viet Nam (population >85 million) has services provided at the central, provincial, district and community levels. There are 31 central and provincial mental hospitals, 27 psychiatric departments in general hospitals, 60 outpatient mental health facilities and 17 social care centres. Its workforce comprises about 950 mental health doctors, 2700 nurses and 800 other staff. Each of Viet Nam’s 10,750 communes has a primary health centre (PHC), and there are over 47,000 primary health staff.’ **[78a]**

- 25.25 Further adding that:

‘Delivering mental health care via the primary care system is endorsed as a suitable option for many developing countries. A national community mental health care (CMHC) program was launched in Viet Nam in 2001 to build up community mental health service by integrating mental health care into PHCs. The components provided were illness identification, basic treatment, relapse prevention, and reduction of risk and disability. Activities included training of PHC staff, screening at the community level, monthly review and medication provision, rehabilitation in activities of daily living, community education and regular interactions between the PHCs and the provincial and central hospitals. In 2009, the National Psychiatric Hospital No. 1 in Hanoi implemented a World Health Organization (WHO)-funded review of the CMHC program. The review consisted of a national workshop of 40 provincial hospitals leaders, site visits of several CMHC services and selective data from the national monitoring system and various community mental health stakeholders.

‘After being initiated in all 64 provinces in Viet Nam, the program has driven the development of country-wide community mental health network and services. It has achieved a national coverage of 64%, reaching about 145,160 patients. The strengths identified include: better access to treatment for community patients especially from remote areas, thus reducing treatment gap; greater opportunities for rehabilitation and reintegration into community; and increased public awareness of mental illness. The main limitations concern human resource and facilities, scope of treatment, scale of service coverage and linkages with families and community.’ **[78a]**

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26. Freedom of movement

This Section should be read in conjunction with Section 29: [Exit and return](#)

- 26.01 Article 68 of the Constitution allows for freedom of movement, stating, ‘The citizen shall enjoy freedom of movement and of residence within the country; he can freely travel abroad and return home from abroad in accordance with the provisions of the law.’ **[73b]**

26.02 The US State Department's 2012 Country Report on Human Rights Practices (USSD Report 2012), Vietnam, published on 19 April 2013, noted that:

'The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government imposed some limits on the movement of certain individuals...

'Several political dissidents, amnestied with probation or under house arrest, were officially restricted in their movements.

'A government restriction regarding travel to certain areas requires citizens and resident foreigners to obtain a permit to visit border areas; defense facilities; industrial zones involved in national defense; areas of "national strategic storage"; and "works of extreme importance for political, economic, cultural, and social purposes."

'Local police require citizens to register when staying overnight in any location outside of their own homes; the government appeared to enforce these requirements more strictly in some Central and Northern Highlands districts. Foreign passport holders must also 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.

'Authorities did not broadly implement residence law, 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.' **[2a]**
(Section 2d - Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons)

26.03 As recorded on the website of the US State Department's Bureau of Consular Affairs, accessed on 31 May 2013, 'Every person residing in Vietnam must be listed on a household registry (Ho Khau), maintained by the Public Security Bureau.' **[2d]**

See also [Section 27: Citizenship and nationality - Passports](#)

26.04 A report by the Immigration and Refugee Board (IRB) of Canada, 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".' [6d]

26.05 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.’ **[6c]**

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27. Citizenship and nationality

27.01 On the Australian Embassy in Vietnam’s website, accessed on 15 July 2013, it stated that:

‘According to the new Citizenship Law of the Socialist Republic of Vietnam which came into effect on 1 January 1999, the Vietnamese Government still does not recognise dual nationality - any person with Vietnamese citizenship (whether or not the person also possesses the citizenship of another country e.g. Australia) is regarded by the Vietnamese government firstly as a Vietnamese national. The only exception to this is where a person has formally renounced their Vietnamese citizenship...

‘Vietnamese citizenship can be acquired by birth or by application to the Vietnamese authorities. Any person born with at least one parent who is a Vietnamese citizen, whether the person was born in or outside Vietnam, is generally considered by Vietnamese law to be a Vietnamese citizen. Children of non-Vietnamese parents born in Vietnam are also eligible for Vietnamese nationality unless the parents choose otherwise. It is possible to relinquish Vietnamese citizenship but experience has shown this can take some time to finalise as it requires approval by the President...’ **[16a]**

Passports

27.02 The US State Department’s Bureau of Consular Affairs, accessed on 19 March 2012 noted that:

‘The following are considered to meet the requirements of INA 101(a)(30) [Related Statutory Provisions]

- ‘A Socialist Republic of Vietnam (SRV) passport (ho chieu, or giay ho chieu). SRV regulations effective November 26, 1997, abolished exit and entry permits in Vietnamese passports.
- ‘A laissez-passer (giay thong hanh or giay xuat canh) permitting only exit from Vietnam.

‘Passports are generally valid for five years and are made of blue plastic-laminated paper with gilt print on the cover. Official passports are dark green, while diplomatic passports are maroon. The bearer’s photo is on an inside page, with a dry impression seal and sometimes a clear plastic laminate over the photo. The issuance page shows the name stamp and “stamp of office” of one of several issuing authorities.’ **[2d]**

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28. Forged and fraudulently obtained official documents

28.01 The US State Department's Bureau of Consular Affairs, accessed on 31 May 2013, noted that:

'Documents relating to adoptions in Vietnam, such as birth certificates, abandonment reports, relinquishment agreements, and investigative reports are generally issued by orphanage directors, local People's Committees, Provincial Departments and the Ministry of Justice, Department of Adoptions (MOJ/DA). The facts asserted in these documents are not verified by the issuing officials. Therefore, all documents issued by the authorities listed above and any other documents containing information not verified by the issuing authority cannot be considered adequate evidence of the facts claimed...'
[2d]

[See also Section 17: Corruption](#)

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29. Exit and return

This Section should be read in conjunction with Section 26: [Freedom of movement](#)

29.01 The US State Department's 2012 Country Report on Human Rights Practices (USSD Report 2012), Vietnam, published on 19 April 2013, noted that, 'The government generally permitted citizens who had emigrated to return to visit, although it refused to allow certain activists or other individuals living abroad to return. Known Vietnamese political activists overseas were denied entry visas or were detained and sometimes deported after entering or reentering the country.'

'The government continued to honor a tripartite memorandum of understanding signed with Cambodia and the UNHCR [UN High Commissioner for Refugees] to facilitate the return from Cambodia of all ethnic Vietnamese who did not qualify for third-country resettlement.' **[2a] (Section 2d - Emigration and Repatriation)**

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

[See also Section 27: Citizenship and nationality - Passports](#)

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30. Employment Rights

30.01 The US State Department's 2012 Country Report on Human Rights Practices (USSD Report 2012), Vietnam, published on 19 April 2013, noted that:

'The government set minimum wages and adjusted them based on consumer price index changes. Starting January 1, the new monthly minimum for unskilled laborers at private enterprises was between VND 1.78 million (approximately \$85) and VND 2 million (\$95) in urban areas, and VND 1.4 million (\$67) and 1.55 million (\$74) in rural areas. Effective May 1, the monthly minimum wage for civil servants and state employees increased from VND 830,000 (\$39.50) to VND 1.05 million (\$50). The

government defined the poverty line for the period 2011-15 as VND 400,000 (\$19) per month for rural households and VND 500,000 (\$24) for urban households.' **[2a]**
(Section 7d - Acceptable Conditions of Work)

30.02 Further adding:

'The law does not allow workers to organize and join independent unions of their choice. While workers may choose whether to join a union and at which level (local, provincial, or national) they wish to participate, every union must affiliate with the country's only trade union confederation, the Vietnam General Confederation of Labor (VGCL). The VGCL, a union umbrella organization controlled by the CPV [Communist Party of Vietnam], approves and manages a range of subsidiary labor unions organized according to location and industry.' **[2a]** **(Section 7a – Freedom of Association and the Right to Collective Bargaining)**

30.03 On 4 May 2009 Human Rights Watch published a report entitled [Not Yet a Workers' Paradise: Vietnam's Suppression of the Independent Workers' Movement](#), in which it documented the Vietnamese government's suppression of activists who have been prominent in trying to form independent labour unions and promote workers' rights. **[5I]**

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Annex A

Chronology of major events

A chronology of major events in Vietnam can be located on the British Broadcasting Corporation (BBC) [Timeline: Vietnam](#) webpage, updated 5 February 2013, accessed on 15 July 2013. **[14a]**

[See also Section 3: History](#)

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Annex B

Prominent people

Main members of the Cabinet:

Prime minister	Nguyen Tan Dung
Deputy prime ministers	Nguyen Xuan Phuc Hoang Trung Hai Nguyen Thien Nhan Vu Van Ninh

Key Ministers:

Agriculture & rural development	Cao Duc Phat
Construction	Trinh Dinh Hue
Culture, sports & tourism	Hoang Tuan Anh
Education & training	Pham Vu Luan
Finance	Dinh Tien Dung
Foreign affairs	Pham Binh Minh
Industry & trade	Vu Huy Hoang
Information & communications	Nguyen Bac Son
Justice	Ha Hung Cuong
Labour, war invalids & social affairs	Pham Thi Hai Chuyen
National defence	Phung Quang Thanh
Natural resources & environment	Nguyen Minh Quang
Planning & investment	Bui Quang Vinh
Public health	Nguyen Thi Kim Tien
Public security	Tran Dai Quang
Transport	Dinh La Thang

(Economist Intelligence Unit (EIU) Country Report, June 2013) **[15b]**

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Annex C

Banned political groups

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

Bloc 8406

A Radio Free Asia article dated 8 May 2013 observed that, ‘The biggest online Vietnamese group pushing for democratic reforms is Bloc 8406. It was organized across the country in 2006, but many of its leaders, including co-founder Roman Catholic priest and dissident Nguyen Van Ly are languishing in prison.

‘Ly was involved in various pro-democracy movements, for which he was imprisoned for a total of almost 15 years. His support for Bloc 8406 led to his latest sentence on March 30, 2007, for an additional eight years in prison, where he was released and then jailed again in 2011.’ **[41I]**

A HRW article of 7 April 2011, stated:

‘Named for its inception date of April 8, 2006, Block 8406 swelled into a movement of thousands through online petitions calling for respect for basic human rights, establishment of a multiparty political system, and guarantees of freedom of religion and political association. Vietnamese authorities respond with harassment and arrests to nonviolent appeals by Block 8406 and other groups advocating for democracy and human rights.’ **[5e]**

A 2009 report on “Vietnam and the Challenge of Political Civil Society”, by professor Carlyle A. Thayer, Professor of Politics, School of Humanities and Social Sciences, University College, University of New South Wales at the Australian Defence Force Academy in Canberra, stated:

‘Bloc 8406 is predominately an urban-centred network, with over half the signatories residing in Hue (38 per cent) and Ho Chi Minh City (15 per cent), with additional concentrations in Hai Phong, Hanoi, Da Nang and Can Tho. These four nodes account equally for 30 per cent of the signatories. The remainder of Bloc 8406 members are geographically dispersed throughout Vietnam in six locations: Bac Ninh, Nha Trang, Phan Thiet, Quang Ngai, Vung Tau and Vinh Long.’ **[65a] (p15)**

Democratic Party of Vietnam (DPV)

The 2009 report on “Vietnam and the Challenge of Political Civil Society” stated:

‘Democratic Party of Vietnam (DPV) was founded in June 2006 as a political discussion group by Hoang Minh Chinh. Also known as the Twenty-first Century Democracy Party (DP XI). The Democratic Party of Vietnam claims that it is the reactivated Vietnam Democratic Party (VDP) founded in 1944, which was one of two non-communist parties to be represented in the National Assembly until it was dissolved in 1985. Chinh was the Moscow-trained former head of the Institute of Philosophy. He was accused of being a pro-Soviet revisionist, imprisoned and then released in 1967. He continued to advocate political change and was jailed again in 1981 and 1995.’ **[65a] (p12)**

People's Democratic Party of Vietnam (PDP-VN)

The 2009 report on “Vietnam and the Challenge of Political Civil Society” also noted that the People's Democratic Party of Vietnam (PDP) ‘...was founded in 2004 after five-years of Internet networking by Cong Thanh Do, a Vietnamese-American living in California, with like-minded Vietnamese in Vietnam. Do used the pseudonym Tran Nam. The PDP's network included leaders of the United Workers-Farmers Association. Do was arrested on 14 August 2006 in Phan Thiet and charged with plotting to blow up the US Consulate in Ho Chi Minh City. This charge was later amended to disseminating anti-government leaflets. Do served one month in jail before he was deported. Shortly after Do's arrest, six Vietnamese-based PDP members were arrested. They were tried by the People's Court in Ho Chi Minh City. Party Chairman, Dr Le Nguyen Sang, journalist Huynh Nguyen Dao and lawyer Nguyen Bac Truyen, were sentenced to five, four and three years respectively.’ **[65a] (p11)**

Vietnam Alliance for Democracy and Human Rights

The 2009 report on “Vietnam and the Challenge of Political Civil Society” noted that the ‘Vietnam Alliance for Democracy and Human Rights was formed on 16 October 2006 between Bloc 8406 and the Unified Buddhist Church of Vietnam. The Alliance was modelled on Daw Aung San Suu Kyi's National League for Democracy in Myanmar. This was reputedly the biggest dissident movement seen in Vietnam since the unification of the country in 1975.’ **[65a] (p14)**

Vietnam Progression Party (VPP)

‘Vietnam Progression Party (VPP) was founded on 8 September 2006 by Le Thi Cong Nhan, Nguyen Phong, Nguyen Binh Thanh and Hoang Thi Anh Dao. Father Nguyen Van Ly was named adviser. Le Thi Cong Nhan is an English-speaking lawyer hired by the British Embassy to defend a Vietnamese-British woman accused of drug smuggling. Cong Nhan was a signatory of the Bloc 8406 appeal. The other founders of the VPP were all based in Hue. The VPP represented a younger generation of political dissidents who rejected Ho Chi Minh's legacy. The VPP issued an Interim Political Platform on 8 September 2006 that called for a multi-party democracy, religious freedom, general elections and protection of private property. In 2007, the VPP joined with the Vietnam Populist Party/For the People Party and formed the Lac Hong Group.’ **[65a] (p13)**

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Annex D

List of abbreviations

AI	Amnesty International
APEC	Asia-Pacific Economic Cooperation forum
ASEAN	Association of Southeast Asian Nations
CDW	Center for Women and Development
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CPV	Communist Party of Vietnam
CRA	Committee for Religious Affairs
CRC	UN Committee on the Rights of the Child
DIA	Department for International Adoptions
DPV	Democratic Party of Vietnam
FCO	Foreign and Commonwealth Office (UK)
FH	Freedom House
FULRO	United Front for the Liberation of Oppressed Races
FPP	For the People's Party
GDP	Gross Domestic Product
HHAC	Hoa Hao Administrative Committee
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
IOM	International Organization for Migration
MPS	Ministry of Public Security (Vietnam)
NCFAW	National Committee for the Advancement of Women
NGO	Non Governmental Organization
PDP	People's Democratic Party
TB	Tuberculosis
TI	Transparency International
UBCV	Unified Buddhist Church of Vietnam
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNIAP	United Nations Inter-Agency Project on Human Trafficking
UNIFEM	United Nations Development Fund for Women
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USSD	United States State Department
UWFO	United Workers and Farmers Organization
VFF	Vietnam Fatherland Front
VGCL	Vietnam General Confederation of Labour
VWU	Vietnamese Women's Union
WHO	World Health Organization
WTO	World Trade Organization

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