



Australian Government
Refugee Review Tribunal

Country Advice

Vietnam

Vietnam – VNM39823 – Protestants –
Citizenship – Employment Discrimination
– Household Registration – Social Services
– State Protection for Women – Passport
Corruption

14 February 2012

1. **Please provide an update of the situation for evangelical Protestant church members since research response number VNM17683 dated 6 December 2005. Are ordinary followers of Protestant Evangelical churches in Vietnam, in particular, in Hanoi, allowed to practice their religion?**

The situation for Protestant church members has improved since *Country Advice VNM17683* was written in December 2005.¹ Government reforms to increase religious freedom have resulted in increased numbers of Protestant denominations being recognised by the Government, the opening of new churches, and the training of new pastors.² Despite this, state authorities continue to interfere with and punish members of unregistered Protestant churches. For example, some Protestant congregations continue to report delays and refusals when applying for government registration. This varies, however, between different regions in Vietnam. No information was found regarding the proportion of Protestant followers in Vietnam who belong to unregistered churches.³

Vietnamese law continues to require religious denominations to be recognised by the Government and individual congregations to be registered with state authorities.⁴ Since 2005, the Vietnamese Government has increased the number of officially recognised Protestant denominations from two (the Southern Evangelical Church of Vietnam and the Evangelical Church of Vietnam North) to nine. In its most recent *July-December 2010 International Religious Freedom* report, the US Department of State noted that the following Protestant denominations are recognised by the Government:

[T]he Southern Evangelical Church of Vietnam (SECV)... [the] Evangelical Church of Vietnam North (ECVN)... [t]he Vietnam Baptism Convention (Grace Southern Baptist), Untied World Mission Church, Vietnam Mennonite Church, Vietnam

¹ RRT Research & Information 2005, *Research Response VNM17683*, 6 December

² US Department of State 2011, *July-December International Religious Freedom Report*, 13 September www.state.gov/g/drl/rls/irf/2010_5/168382.htm - Accessed 15 September 2011; „US Embassy Cables: Concerns over Vietnamese Crackdown’ 2011, *The Guardian*, 12 January <http://www.guardian.co.uk/world/us-embassy-cables-documents/244345> - Accessed 13 February 2012

³ Nature of the research conducted included consulting internal tribunal databases, CISNET and the Factiva database. An internet search of publically available documents was also undertaken including the European Country of Origin Network, Immigration and Immigration and Refugee Board of Canada, UNHCR Refworld, International Crisis Group. A Vietnamese language search was also undertaken using the Google Translate service.

⁴ US Department of State 2011, *July-December International Religious Freedom Report*, 13 September www.state.gov/g/drl/rls/irf/2010_5/168382.htm - Accessed 15 September 2011;

Presbyterian Church, Vietnam Baptist Society (Southern Baptist), Vietnam Seventh-day Adventist Church, and [the] Vietnam Christian Fellowship.⁵

It is noted, however, that according to the abovementioned *July-December 2010 International Religious Freedom* report, Government-recognised Protestant denominations continue to report delays and refusals when attempting to register their congregations with the authorities. The report states that several hundred congregations of the officially recognised Evangelical Church of Vietnam North (ECVN) experienced delays:

Reasons cited for delays in the process or rejection of applications included bureaucratic impediments such as not following correct procedures in completing forms or providing incomplete information. Local authorities also cited vague security concerns and stated either that their political authority could be threatened or that confrontations could occur between traditional believers and recently converted Christians.⁶

Improvements in the Situation for Protestants in Vietnam

One report was found that discusses improvements in the treatment of Protestants in Vietnam. On 12 January 2011, *The Guardian* published an undated⁷ cable by the US Ambassador to Vietnam, Michael Michalak, regarding religious freedom in Vietnam. The cable states that there has been an increase in activity and observance amongst officially recognised Protestant churches. The example is given of the establishment of 1,000 “meeting points” for the officially recognised Southern Evangelical Church of Vietnam (SECV) in the Central Highlands and the opening of a new SECV Christian training centre in Ho Chi Minh City.⁸ The cable also states that the treatment of government-recognised religious organisations more generally, has improved in Vietnam:

Throughout the country, including the Central and Northwest Highlands, officially-recognised religious organizations reported that they were able to operate openly, and followers of these religions report that they were able to worship without harassment.⁹

Variations in the Treatment of Members of Unregistered Churches in Vietnam

Unregistered Protestant Churches in Vietnam

Members of unregistered Protestant churches continue to experience the treatment outlined in *Country Advice VNMI7683* including intimidation and harassment.¹⁰ The extent to which state authorities interfere with and punish members of unregistered Protestant churches continues to vary across Vietnam.¹¹ The US Commission on International Religious Freedom’s *Annual Report 2011: Countries of Particular Concern – Vietnam* reported that unregistered Protestants are subject to surveillance and monitoring by a

⁵ US Department of State 2011, *July-December 2010 International Religious Freedom Report*, 13 September www.state.gov/g/drl/rls/irf/2010_5/168382.htm - Accessed 15 September 2011

⁶ US Department of State 2011, *July-December International Religious Freedom Report*, 13 September, p. 9 www.state.gov/g/drl/rls/irf/2010_5/168382.htm - Accessed 15 September 2011

⁷ Although the cable is undated, it is noted that Michael Michalak was the US Ambassador to Vietnam between August 2007 and February 2011.

⁸ „US Embassy Cables: Concerns over Vietnamese Crackdown’ 2011, *The Guardian*, 12 January <http://www.guardian.co.uk/world/us-embassy-cables-documents/244345> - Accessed 13 February 2012

⁹ „US Embassy Cables: Concerns over Vietnamese Crackdown’ 2011, *The Guardian*, 12 January <http://www.guardian.co.uk/world/us-embassy-cables-documents/244345> - Accessed 13 February 2012

¹⁰ RRT Research & Information 2005, *Research Response VNMI7683*, 6 December

¹¹ RRT Research & Information 2005, *Research Response VNMI7683*, 6 December

special Vietnamese religious police unit known as A41.¹² The same report notes that the Vietnamese Government restricts and discourages participation in unregistered religious groups, including several Protestant organisations:

Unrecognised religious groups in the Central Highlands continue to face severe restrictions, land seizures, discrimination, destruction of property, and other egregious religious freedom abuses that target independent or unregistered Protestant communities.¹³

In its 2011 *Human Rights Practices* report, the US Department of State notes that during 2010 the police broke up gatherings by unregistered Protestant churches:

Many incidents were related to unrecognized Protestant churches seeking to hold services in these provinces. For example, several small house churches affiliated with the Inter-Evangelistic Movement (IEM) continued to report difficulties in several locations in Dien Bien Province, where police in past years broke up meetings of worshippers. Local authorities there refused to register IEM meeting points and pressured followers to abandon their faith.¹⁴

Unregistered Churches Generally in Vietnam

Information was also found on the treatment of unregistered religious organisations generally in Vietnam. The abovementioned *July-December 2010 International Religious Freedom* report states that the treatment of unregistered religious groups continues to vary across Vietnam:

Unregistered religious groups can be vulnerable to coercive and punitive action by national and local authorities. In some parts of the country, local authorities tacitly approved of the activities of unregistered groups and did not interfere with them. In other areas local officials punished the same activities.¹⁵

Similarly, in 2011 the UK Home Office reported:

Members of unregistered religious groups face more difficulties than members of registered communities and individuals may face intimidation and harassment. The levels of ill-treatment suffered will vary depending on the region and attitude of local officials...¹⁶

In contrast to the above, the abovementioned cable by the US Ambassador to Vietnam states that religions not officially recognised by the Government report that „their followers

¹² US Commission on International Religious Freedom 2011, *USCIRF Annual Report 2011: Countries of Particular Concern – Vietnam*, 28 April, UNHCR Refworld website <http://www.unhcr.org/refworld/docid/4dbe90bdc.html> - Accessed 13 February 2012

¹³ US Commission on International Religious Freedom 2011, *USCIRF Annual Report 2011: Countries of Particular Concern – Vietnam*, 28 April, UNHCR Refworld website <http://www.unhcr.org/refworld/docid/4dbe90bdc.html> - Accessed 13 February 2012

¹⁴ US Department of State 2011, *Country Reports on Human Rights Practices 2010: Vietnam*, 8 April, p.3 <http://www.state.gov/documents/organization/160484.pdf> – Accessed 11 April 2011

¹⁵ US Department of State 2011, *July-December 2010 International Religious Freedom Report*, 13 September, p. 4 www.state.gov/g/drl/rls/irf/2010_5/168382.htm - Accessed 15 September 2011

¹⁶ UK Home Office 2011, *Operational Guidance Note: Vietnam*, November, UNHCR website, p. 11 <http://www.unhcr.org/refworld/pdfid/4ed8ab3a2.pdf> - Accessed 13 February 2012

did not face harassment and that the authorities facilitated the legalization of their activities.¹⁷ No other sources were found to corroborate this.¹⁸

Situation for Protestants in Hanoi

The limited information available indicates that the ability of Protestants to practice in Hanoi – much like the rest of the country – depends on whether they belong to an officially recognised Protestant church. In 2011, the US Commission on International Religious Freedom reported that a large Christmas celebration organised by the officially recognised Evangelical Church of Vietnam North (ECVN) in Hanoi was allowed to go ahead in December 2010, attracting over a thousand adherents.¹⁹ The same report notes, however, that several unrecognised Protestant denominations were prohibited from holding large-scale Christmas services in Hanoi.²⁰

Recent news reports were found of an attack on an unregistered Protestant house church near Hanoi in 2011. In November 2011, the *Christian Post*²¹ and *Christian Solidarity Worldwide*²² reported that leaders of the Agape Baptist Church were attacked by a group of men near Hanoi.²³ According to the news articles, leaders of the house church were participating in a ‚spiritual renewal’ meeting at the pastor’s home when a gang intruded and attacked several people. Five male pastors, four female pastors and several children were reportedly seriously injured in the attack.²⁴ It is unclear from these news reports what the motive behind the attack was.

2. Please provide an update on the position since research response number VNM17091 dated 9 November 2004 regarding whether a child with a Vietnamese mother and non-Vietnamese father would gain Vietnamese citizenship.

The nationality legislation referred to in *Country Advice VNM17091*, has been superseded by the *Law on Vietnamese Nationality, No. 24/2008/QH12, 13 November 2008*.

¹⁷ ‚US Embassy Cables: Concerns over Vietnamese Crackdown’ 2011, *The Guardian*, 12 January

<http://www.guardian.co.uk/world/us-embassy-cables-documents/244345> - Accessed 13 February 2012

¹⁸ Nature of the research conducted included consulting internal tribunal databases, CISNET and the Factiva database. An internet search of publically available documents was also undertaken including the European Country of Origin Network, Immigration and Immigration and Refugee Board of Canada, UNHCR Refworld, International Crisis Group. A Vietnamese language search was also undertaken using the Google Translate service.

¹⁹ US Department of State 2011, *July-December 2010 International Religious Freedom Report*, 13 September, p. 16 www.state.gov/g/drl/rls/irf/2010_5/168382.htm - Accessed 15 September 2011

²⁰ US Department of State 2011, *July-December 2010 International Religious Freedom Report*, 13 September, p. 10 www.state.gov/g/drl/rls/irf/2010_5/168382.htm - Accessed 15 September 2011

²¹ The *Christian Post* is a pan-denominational Evangelical Christian newspaper based in Washington DC.

²² *Christian Solidarity Worldwide* (CSW) claims to be a human rights organisation which focuses on religious freedom. CSW describes itself as an advocacy organisation that is independent of any government and that is free from political persuasion.

²³ ‚House Church Leaders Attacked Near Hanoi, Vietnam’ 2011, *Christian Post*, 18 November

<http://www.christianpost.com/news/house-church-leaders-attacked-near-hanoi-vietnam-62355/> - Accessed 13 February 2012; ‚Vietnam: Church Leaders Injured During Gang Attack’ 2011, *Christian Solidarity Worldwide*, 17 November <http://dynamic.csw.org.uk/article.asp?t=press&id=1267&search=> - Accessed 13 February 2012

²⁴ ‚House Church Leaders Attacked Near Hanoi, Vietnam’ 2011, *Christian Post*, 18 November

<http://www.christianpost.com/news/house-church-leaders-attacked-near-hanoi-vietnam-62355/> - Accessed 13 February 2012; ‚Vietnam: Church Leaders Injured During Gang Attack’ 2011, *Christian Solidarity Worldwide*, 17 November <http://dynamic.csw.org.uk/article.asp?t=press&id=1267&search=> - Accessed 13 February 2012

Citizenship in Vietnam is governed by the *Law on Vietnamese Nationality, No. 24/2008/QH12, 13 November 2008*.²⁵ Article 16 of this legislation states that in order for an individual to acquire Vietnamese nationality, at least one parent must be a national of Vietnam at the time of birth of the child. Further, the parents must agree in writing at the time of registration of the birth, that the child will adopt Vietnamese citizenship.²⁶ Based on this, a person whose mother is a citizen of Vietnam and whose father is a non-Vietnamese citizen, would be eligible for citizenship if the parents agree to this in writing at the time of registration of the birth. Article 16 states:

Article 16. The nationality of children either of whose parents is a Vietnamese citizen

1. A child born inside or outside the Vietnamese territory either of whose parents is a Vietnamese citizen and the other is a stateless person at the time of his/her birth or whose mother, at the time of his/her birth, is a Vietnamese citizen and whose father is unknown, has Vietnamese nationality.

2. A child either of whose parents is a Vietnamese citizen at the time of his/her birth and the other is a foreign national has the Vietnamese nationality if so agreed in writing by his/her parents at the time of birth registration. In case a child is born in the Vietnamese territory but his/her parents fail to reach an agreement on the selection of his/her nationality, the child has Vietnamese nationality.²⁷

Two news reports were found which discuss the application of the *Law on Vietnamese Nationality*. On 28 February 2008 an article by *Vietnam Net*²⁸ quoted the Director of the Vietnamese Department of Justice Administration of the Ministry of Justice, Tran That, as stating that:

The Law on Citizenship [the *Law on Vietnamese Nationality, No. 24/2008/QH12, 13 November 2008*] confers citizenship based on consanguinity. In other words, if the parents are Vietnamese citizens, their children will naturally be Vietnamese citizens no matter where the place of birth. If one of the parents is not of Vietnamese citizenship, the parents can choose Vietnamese citizenship for their children.²⁹

In contrast to the above, one news report was found indicating that despite the legal requirement that parents must agree on the citizenship of the child at the time of birth, children with at least one Vietnamese parent will obtain Vietnamese citizenship. An article by the *AFP* from 14 November 2008 (which cites the state-run *Vietnam News Agency*) states that under the *Law on Vietnamese Nationality*, children born overseas to at least one parent of Vietnamese citizenship will be eligible for citizenship.³⁰

²⁵ *Law on Vietnamese Nationality, No. 24/2008/QH12, 13 November 2008*, UNHCR Refworld website, p. 5 <http://www.unhcr.org/refworld/country.LEGAL..LEGISLATION,VNM.4562d8cf2.4ac49b132.0.html> – Accessed 6 February 2012

²⁶ US Department of State 2011, *Country Reports on Human Rights Practices 2010: Vietnam*, 8 April, p. 28 <http://www.state.gov/documents/organization/160484.pdf>, p. 28 – Accessed 11 April 2011

²⁷ *Law on Vietnamese Nationality, No. 24/2008/QH12, 13 November 2008*, UNHCR Refworld website, p. 5 <http://www.unhcr.org/refworld/country.LEGAL..LEGISLATION,VNM.4562d8cf2.4ac49b132.0.html> – Accessed 6 February 2012

²⁸ *Vietnam Net* is a Vietnamese Government newspaper released by the Ministry of Information and Communications.

²⁹ „Lawmakers May Recognise Dual Citizenship for Overseas Vietnamese’ 2008, *Vietnam Net*, 28 February <http://english.vietnamnet.vn/social/2008/02/770835/> - Accessed 6 February 2012

³⁰ „Vietnam to Allow Dual Nationality’ 2008, *AFP*, 14 November, Google News website <http://www.google.com/hostednews/afp/article/ALeqM5iuan6R35sClRgTr-6hWunIwoxv-Q> – Accessed 6 February 2012

3. Please provide information on whether single unmarried mothers are denied employment. Is there updated information on the general treatment of unmarried mothers in Vietnam since VNM38140 of 21 February 2011?

No reports were found which discuss whether single mothers are denied employment in Vietnam.³¹ Limited information was found, however, regarding employment discrimination against women more generally in Vietnam.

There has been no change in the general treatment of unmarried mothers in Vietnam since *Country Advice VNM38140* was written in February 2011.³² Reports indicate that there continues to be a social stigma attached to single motherhood and such women experience societal discrimination.³³

Despite improvements in economic conditions for women in Vietnam, gender-based employment discrimination continues. In 2010, Freedom House reported that although economic opportunities have grown for women, they continue to face discrimination in the areas of wages and promotions.³⁴ In June 2007 Dr Ann Hudock³⁵ reported:

Although social and economic indicators for women in Vietnam are higher than elsewhere in the region, when it comes to employment, Vietnamese women are distinctly disadvantaged compared to men... the “double burden” of work in and outside of the home combined with discrimination in wage and employment opportunities further disadvantages women.³⁶

Similarly, in 2009 Hoang Ba Think³⁷ reported that discrimination against women in recruitment and payment occurs in Vietnam.³⁸ An undated report on the UN International Labour Organisation website states that Vietnamese women have lower incomes than men and constitute a large section of the informal workforce:

In Viet Nam, just like in the developing world in general, women continue to form a large majority of the working poor, earn less income, and are more often affected by under- and unemployment and precarious working conditions than men. Women in Viet Nam are principally found in lower paid occupational sectors or in vulnerable

³¹ Nature of the research conducted included consulting internal tribunal databases, CISNET and the Factiva database. An internet search of publically available documents was also undertaken including the European Country of Origin Network, Immigration and Immigration and Refugee Board of Canada, UNHCR Refworld, International Crisis Group. A Vietnamese language search was also undertaken using the Google Translate service.

³² RRT Country Advice Service 2011, *Country Advice VNM38140*, 21 February

³³ Austrian Centre for Country of Origin and Asylum Research and Documentation 2011, *Vietnam*, 31 January, European Country of Origin Information Network website http://www.ecoi.net/file_upload/response_en_153984.html - Accessed 13 February 2012; US Department of State 2011, *Country Reports on Human Rights Practices 2010: Vietnam*, 8 April, p. 37

<http://www.state.gov/documents/organization/160484.pdf>, p. 28 – Accessed 11 April 2011

³⁴ Freedom House 2010, *Freedom in the World 2010: Vietnam*, 2 May, UNHCR Refworld website

http://www.unhcr.org/refworld/country_COI_VNM_4c0ceacb28_0.html – Accessed 13 February 2012

³⁵ At the time the article referenced was written, Dr Ann Hudock was the Asia Foundation’s Deputy Country Representative in Vietnam.

³⁶ Hudock, A. 2007, ‘In Vietnam: Discrimination Drives Trafficking’, 27 June, *In Asia*, <http://asiafoundation.org/in-asia/2007/06/27/in-vietnam-discrimination-drives-trafficking/> - Accessed 9 February 2012

³⁷ At the time the report was published, Hoang Ba Think worked at the Research Centre for Gender, Family and Environment in Development in Vietnam.

³⁸ Think, H. B. 2009, *Rural Employment and Life: Challenges to Gender Roles in Vietnam’s Agriculture at Present: Paper Presented at the FAO-IFAD-ILO Workshop on Gaps, Trends and Current Research in Gender Dimensions of Agricultural and Rural Employment – Differentiated Pathways of Improvement*, 16 March, p. 16 http://www.fao-ilo.org/fileadmin/user_upload/fao_ilo/pdf/Papers/16_march/Think_final.pdf – Accessed 9 February 2012

employment. The majority of women work as unpaid family workers, and in largely “invisible” areas of informal employment as migrant domestic workers, homeworkers, street vendors and in the entertainment industry.³⁹

4. Has there been any update on the ability to obtain household registration for children born overseas to Vietnamese parents on return to Vietnam, since research response number VNM39759 dated 11 January 2012 which deals with household registration generally?

Limited information was found to update the situation outlined in *Country Advice VNMI7091* of 9 November 2004 regarding whether children born overseas can access household registration (a *ho khau*).⁴⁰ It remains unclear whether such children can gain a *ho khau*. Further, the process for obtaining a *ho khau* for citizens returning to Vietnam is unclear. Reports were found, however, which discuss *ho khau* rights for Vietnamese citizens returning from living abroad and for children with single mothers. It is noted that since *Country Advice VNMI7091* was written, new legislation governing household registration has been introduced in Vietnam. The *Law on Residence 2007* (which came into full effect in July 2007) could not be found.⁴¹ Media reports that discuss the new legislation do not mention whether it creates specific provisions for children born overseas to Vietnamese parents.⁴²

One news report was found indicating that the *Law on Residence 2007* allows Vietnamese citizens living abroad to apply for a *ho khau* upon their return to Vietnam. Based on this, a child born overseas who holds Vietnamese citizenship (as discussed in question two of this response) may be eligible to apply for a *ho khau* upon return to Vietnam. On 19 July 2009, *Saigon Daily* quoted Senior Lieutenant-Colonel and Head of the Police Bureau of Administrative Management on Social Order, Vo Van Nhuan, as stating that:

Based on Article 2 of the Law of Residence [2007], Vietnamese people who live in a foreign country but still retain their Vietnamese citizenship can apply for a *ho khau* when returning to the country to live.⁴³

Household Registration (*ho khau*) of Children with Single Mothers

One report was found that indicates single mothers can register their child for a *ho khau*. In 2005, the United Nations Children’s Fund (UNICEF) reported that Vietnamese single

³⁹ International Labour Organization (undated), *Equality and Discrimination* <http://www.ilo.org/hanoi/Areasofwork/equality-and-discrimination/lang--en/index.htm> - Accessed 9 February 2012

⁴⁰ RRT Research & Information 2004, *Research Response VNMI7091*, 9 November

⁴¹ Nature of the research conducted included consulting internal tribunal databases, CISNET and the Factiva database. An internet search of publically available documents was also undertaken including the European Country of Origin Network, Immigration and Refugee Board of Canada, UNHCR Refworld and International Crisis Group. Legal databases including WorldLii, Foreign law and Governments database of Emory Law School, Foreign and International Law database of Washburn University. A Vietnamese language search was also undertaken using the Google Translate service.

⁴² „Online Exchange Between Police Leader and SGGP Readers About Residence Law Implementation’ 2007, *Saigon Daily*, 29 July <http://www.saigon-gpdaily.com.vn/Law/2007/6/56583/> - Accessed 10 February 2012; „Some Key Points on Law of Residence’ 2007, *Saigon Daily*, 13 June <http://www.saigon-gpdaily.com.vn/Law/New/2007/6/56280/> - Accessed 10 February; „Ha Noi, Ho Chi Minh City to Have More Local Residents Under Residence Law’, *Saigon Daily*, 8 June <http://www.saigon-gpdaily.com.vn/Law/New/2007/6/56167/> - Accessed 10 February 2012

⁴³ „Online Exchange Between Police Leader and SGGP Readers About Residence Law Implementation’ 2007, *Saigon Daily*, 29 July <http://www.saigon-gpdaily.com.vn/Law/2007/6/56583/> - Accessed 10 February 2012

mothers hesitate to register their children for a *ho khau* because they „mistakenly believe that only children of married parents can be registered’.⁴⁴

5. Are children born overseas to unmarried mothers denied access to social services?

No information was found regarding whether children born overseas to unmarried mothers are denied access to social services.⁴⁵ In order to access social services in Vietnam, household registration (a *ho khau*) is required. Based on this, whether a child can access social services depends on if they have a *ho khau*, rather than if they were born overseas to a single mother.

Children without a *ho khau* are denied access to social services. In 2006 Human Rights Watch reported that without a *ho khau*, children can be disqualified from basic social services, including education, poverty assistance, and health care.⁴⁶ Similarly, in 2010, the UN reported that a *ho khau* is required to access subsidised medical care, water, electricity and to participate in national targeted programs for poverty reduction. In 2010, the UN Vietnam Office also noted:

Only those who are registered as permanent residents in the place they reside have full entitlements to government services – the rest must pay for them or are excluded.⁴⁷

6. Please provide information on the capacity of Vietnamese authorities to provide protection to women. Are there reports of the denial of state protection on the basis of religious or marital status?

Sources consulted indicate that the capacity of the state to provide protection for women against domestic violence in Vietnam is limited. Information regarding state protection on the basis of religious status (in particular membership of a Protestant church) is provided in question one of this response. No information was found regarding whether state protection is denied on the basis of marital status (i.e. being a single mother).⁴⁸

Violence and discrimination against women continues to be a problem in Vietnam, despite legal protection⁴⁹ and Government efforts to combat such practices.⁵⁰ In 2011, the US

⁴⁴ UNICEF 2005, *Situation Analysis of Institutional and Alternative Care Programmes in Viet Nam*, UNAIDS website, p. 36 <http://www.unaids.org.vn/resource/topic/children/Published%20AC%20SITAN%20June%202005.pdf> – Accessed 9 February 2012

⁴⁵ Nature of the research conducted included consulting internal tribunal databases, CISNET and the Factiva database. An internet search of publically available documents was also undertaken including the European Country of Origin Network, Immigration and Immigration and Refugee Board of Canada, UNHCR Refworld, International Crisis Group. A Vietnamese language search was also undertaken using the Google Translate service.

⁴⁶ Human Rights Watch 2006, *Children of the Dust; Abuse of Hanoi Street Children in Detention*, November, Vol 18, No. 14, p. 35 <http://www.hrw.org/sites/default/files/reports/vietnam1106webwcover.pdf> - Accessed 9 February 2012

⁴⁷ UN Viet Nam 2010, *Internal Migration: Opportunities and Challenges for Socio-Economic Developments in Viet Nam*, July, pp. 17-18 http://www.un.org.vn/en/publications/publications-by-agency/doc_details/173-internal-migration-opportunities-and-challenges-for-socio-economicdevelopment-in-viet-nam.html - Accessed 15 February 2011

⁴⁸ Nature of the research conducted included consulting internal tribunal databases, CISNET and the Factiva database. An internet search of publically available documents was also undertaken including the European Country of Origin Network, Immigration and Immigration and Refugee Board of Canada, UNHCR Refworld, International Crisis Group. A Vietnamese language search was also undertaken using the Google Translate service.

⁴⁹ Such laws include the *Law on the Prevention and Control of Domestic Violence 2007*.

⁵⁰ US Department of State 2011, *Country Reports on Human Rights Practices 2010: Vietnam*, 8 April, p. 1 <http://www.state.gov/documents/organization/160484.pdf>, p. 28 – Accessed 11 April 2011

Department of State reported that domestic violence is pervasive, with 58 per cent of married women having been victims of physical, sexual, or emotional domestic violence.⁵¹ According to the US Department of State, the legal and police systems in Vietnam are ill-equipped to deal with domestic violence, although Government action is being taken to address this:

NGO and victim advocates considered many of the [domestic violence legal] provisions to be weak. While the police and legal system generally remained unequipped to deal with cases of domestic violence, the government, with the help of international and domestic NGOs, continued to train police, lawyers, and legal systems officials in the [domestic violence] law.⁵²

Similarly, in 2010 the UK Foreign and Commonwealth Office stated that the implementation of the *Law on Prevention and Control of Domestic Violence 2007* remained „patchy.”⁵³ No further clarification is provided.

One news report was found which indicates that there are problems with the domestic violence legal procedures in Vietnam. In 2008, Vietnamese news website *Bao Moi*⁵⁴ (translated from Vietnamese using the Google Translate service), quotes Do Thi Minh Chau from the UN Population Fund as stating:

It takes six to nine months to prepare documents required by the law before sending a person committing Domestic Violence to education centres. During the time, the victim would continue to suffer.⁵⁵

Country Advice VNM38140 of February 2011 (referred to in question three of this response) provides an overview of state protection for women in Vietnam.

The Vietnamese Government is taking steps to raise awareness and educate the public about the problem of domestic violence. For example, during 2010 the Vietnamese Government (in conjunction with international and domestic NGOs) held workshops and seminars to educate women and men about domestic violence and women’s rights in general.⁵⁶

7. Is there any country information on the role and influence of the Vietnamese army in the immigration and passport process?

⁵¹ US Department of State 2011, *Country Reports on Human Rights Practices 2010: Vietnam*, 8 April, p. 36 <http://www.state.gov/documents/organization/160484.pdf>, p. 28 – Accessed 11 April 2011

⁵² US Department of State 2011, *Country Reports on Human Rights Practices 2010: Vietnam*, 8 April, p. 36 <http://www.state.gov/documents/organization/160484.pdf>, p. 28 – Accessed 11 April 2011

⁵³ UK Foreign and Commonwealth Office 2010, *Human Rights and Democracy: The 2010 Foreign and Commonwealth Office Report*, 31 March, UNHCR Refworld website <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=4d9989c72&skip=0&coi=VNM&querysi=single%20mothers%20employment&searchin=fulltext&display=50&sort=date> – Accessed 13 February 2012

⁵⁴ *Bao Moi* is a news website which collates information from 100 online newspapers in Vietnam.

⁵⁵ Tung, L. 2008, „Culture of Silence Aids Domestic Violence in Vietnam’, *Bao Moi* <http://en.baomoi.com/Info/Culture-of-silence-aids-domestic-violence-in-Vietnam/3/8410.epi> – Accessed 13 February 2012

⁵⁶ US Department of State 2011, *Country Reports on Human Rights Practices 2010: Vietnam*, 8 April, p. 37 <http://www.state.gov/documents/organization/160484.pdf>, p. 28 – Accessed 11 April 2011

No information was found regarding the role and influence that the Vietnam People's Army (VPA) plays in the immigration and passport process.⁵⁷ Two reports were found, however, which discuss corruption amongst officials generally in the passport process.

In 2011, the US Department of State noted that „officials occasionally delayed citizens' access to passports in order to extort bribes.”⁵⁸ Similarly, a research response prepared by the Immigration and Refugee Board of Canada from 22 February 2007, quotes the Executive Director of the Boat People SOS⁵⁹ as stating that officials can make it difficult for people seeking to obtain passports by demanding „thousands of dollars' in bribes, particularly from citizens the officials feel are „desperate' to get out of the country.⁶⁰ The report also notes that people may go into debt to pay the bribes required to obtain a passport.⁶¹

References

„Ha Noi, Ho Chi Minh City to Have More Local Residents Under Residence Law', *Saigon Daily*, 8 June <http://www.saigon-gpdaily.com.vn/Law/New/2007/6/56167/> - Accessed 10 February 2012

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⁵⁷ Nature of the research conducted included consulting internal tribunal databases, CISNET and the Factiva database. An internet search of publically available documents was also undertaken including the European Country of Origin Network, Immigration and Refugee Board of Canada, UNHCR Refworld and International Crisis Group. A Vietnamese language search was also undertaken using the Google Translate service.

⁵⁸ US Department of State 2011, *Country Reports on Human Rights Practices 2010: Vietnam*, 8 April, p. 28 <http://www.state.gov/documents/organization/160484.pdf>, p. 28 – Accessed 11 April 2011

⁵⁹ Boat People SOS (BPSOS) is a Vietnamese American community organisation which aims to „empower, organize, and equip Vietnamese individuals and communities in their pursuit of liberty and dignity.’ The BPSOS has offices in the US, Southeast Asia and Taiwan.

⁶⁰ Immigration and Refugee Board of Canada 2007, *VNM10147.E: Vietnam*, 22 February <http://www.unhcr.org/refworld/publisher,IRBC,.,VNM,469cd6c21e,0.html> - Accessed 10 February 2012

⁶¹ Immigration and Refugee Board of Canada 2007, *VNM10147.E: Vietnam*, 22 February <http://www.unhcr.org/refworld/publisher,IRBC,.,VNM,469cd6c21e,0.html> - Accessed 10 February 2012

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