



COUNTRY OF ORIGIN INFORMATION REPORT

VIETNAM

2 APRIL 2008

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Preface

- i This Country of Origin Information Report (COI Report) has been produced by COI Service, UK Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The report includes information available up to 2 April 2008.
- ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.
- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more

recent documents. All sources contain information considered relevant at the time this Report was issued.

- viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.
- ix COI Reports are published regularly on the top 20 asylum intake countries. COI Key Documents are produced on lower asylum intake countries according to operational need. UKBA officials also have constant access to an information request service for specific enquiries.
- x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the UKBA as below.

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ADVISORY PANEL ON COUNTRY INFORMATION

- xi The independent Advisory Panel on Country Information (APCI) was established in 2003 to make recommendations to the Home Secretary about the content of the UKBA's country of origin information material. The APCI welcomes all feedback on the UKBA's COI Reports, Key Documents and other country of origin information material. Information about the Panel's work can be found on its website at www.apci.org.uk
- xii In the course of its work, the APCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. The APCI may or may not have reviewed this particular document. At the following link is a list of the COI Reports and other documents which have, to date, been reviewed by the APCI: www.apci.org.uk/reviewed-documents.html
- xiii Please note: It is not the function of the APCI to endorse any UKBA material or procedures. Some of the material examined by the Panel relates to countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be taken to

imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

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Background information

GEOGRAPHY

- 1.01 The Socialist Republic of Vietnam is situated in South-East Asia, bordered to the north by the People's Republic of China, to the west by Laos and Cambodia, and to the east by the South China Sea. The capital is Hanoi. (Europa World, accessed on 14 February 2008) [1]
- 1.02 Vietnam covers an area of 329,247 sq km (127,123 sq miles). A UN estimate in 2007 put the total population of Vietnam at 87.4 million, with life expectancy of 72 years for men and 76 years for women. (BBC News, Country Profile: Vietnam, 26 January 2008) [14a]
- 1.03 Vietnam is divided into 64 administrative units, comprised of provinces and cities. (Website of the Vietnam National Administration of Tourism, accessed on 6 March 2008) [17d]
- 1.04 While the official language of the country is Vietnamese, there are another 101 languages in use. (Ethnologue.com, accessed on 7 March 2008) [24]

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

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

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MAP



Viet Nam Atlas Map
As of May 2005

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



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

ECONOMY

- 2.01 The CIA World Factbook, updated on 12 February 2008, recorded, "Vietnam is a densely-populated developing country that in the last 30 years has had to recover from the ravages of war, the loss of financial support from the old Soviet Bloc, and the rigidities of a centrally-planned economy. Substantial progress was achieved from 1986 to 1997 in moving forward from an extremely low level of development and significantly reducing poverty. Growth averaged around 9% per year from 1993 to 1997." [4]
- 2.02 The same source stated further, "Since 2001, Vietnamese authorities have reaffirmed their commitment to economic liberalization and international integration. They have moved to implement the structural reforms needed to modernize the economy and to produce more competitive, export-driven industries. The economy grew at an average annual rate of 8% in 2005-07... Vietnam joined the WTO [World Trade Organisation] in January 2007, following over a decade long negotiation process." [4]
- 2.03 In its 2007 Country Profile on Vietnam, the Economist Intelligence Unit (EIU) noted:
- "Rapid economic growth since 1990 has raised living standards. The percentage of people living in poverty (as defined by a budget adequate to buy 2,100 calories of food per person per day and a modest amount of non-food purchases) fell from 58% in 1993 to 29% by 2002, with a further fall to 20% by 2004... The reduction in poverty has been accompanied by a modest rise in inequality, and in particular a widening income gap between the urban and rural areas. Concern about rising inequality has prompted the government to pay more attention to rural development, and efforts to combat poverty are now at the centre of the World Bank's extensive activities in Vietnam. Poverty rates are about three times higher in rural areas than in urban areas." [15] (p24-25)
- 2.04 The currency of Vietnam is the Dong (D), and the exchange rate in October 2007 was D16,162: US\$1. (EIU 2007 Country Profile: Vietnam) [15] (p3)

HISTORY

- 3.01 In 1954 Vietnam was divided into the communist north (Democratic Republic of Vietnam) and the western-backed south (Republic of Vietnam). As the North Vietnamese began to use their forces to strengthen the communist movement in the south in order to achieve national reunification, the south became increasingly dependent on the USA, which increased its military commitment as war escalated in the 1960s. (FCO Country Profile, 12 April 2007) [8a] 1957 marked the beginning of the communist insurgency in the south and the US entered the war in 1964. (BBC News, 26 January 2008) [14b]
- 3.02 The numbers of US troops in Vietnam rose to over half a million by 1968, but a withdrawal began thereafter because of the growing domestic unpopularity of the war in the USA and a lack of military success. (FCO Country Profile, 12 April 2007) [8a] The troop withdrawal was completed in March 1973. (BBC News, 26 January 2008) [14b] Although the USA and North Vietnamese reached a peace agreement in 1973, the civil war continued and a North

Vietnamese invasion two years later led to the rapid collapse of the South Vietnamese regime. Subsequently, the country was formally reunified as the Socialist Republic of Vietnam (SRV) in 1976 and Vietnam was admitted to the UN in 1977. (FCO Country Profile, 12 April 2007) [8a]

- 3.03 National reunification did not lead to peace and stability. Relations with the Khmer Rouge government in Cambodia and with their main supporters, the Chinese, soon deteriorated; after a number of border incidents Vietnam invaded Cambodia in 1978 and subsequently installed a friendly regime there. As conflict ensued in Cambodia with resistance groups fighting the Vietnamese and their Cambodian allies during the 1980s, Vietnam experienced a period of international isolation, receiving support only from the USSR and its allies. The conflict further sapped an economy weakened by unpopular socialist reforms, which in turn helped precipitate the exodus of hundreds of thousands of refugees in the late 1970s and early 1980s. (FCO Country Profile, 12 April 2007) [8a]
- 3.04 Following a formal settlement of the conflict in 1991, Vietnam began to normalise its relations with the rest of the world, including the USA in 1995, the same year that Vietnam became a member of ASEAN (Association of Southeast Asian Nations). (FCO Country Profile, 12 April 2007) [8a]

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RECENT DEVELOPMENTS

- 4.01 In its 2007 Country Profile on Vietnam, the Economist Intelligence Unit (EIU) stated, "Despite official calls for independent candidates, the election for the 12th National Assembly in May 2007 was as tightly controlled as in the past. No senior figures lost their seats and only 9% of elected candidates were not party members (down from 10% in the outgoing National Assembly and 12% in the previous assembly). Only one of the 238 'self-nominated' candidates won a seat." [15] (p8) In July 2007 Prime Minister Nguyen Tan Dung was reappointed and promised to push through economic reforms. (BBC News, 26 January 2008) [14b]
- 4.02 In January 2007, after 12 years of talks, Vietnam became the 150th member of the World Trade Organization. In June 2007 President Nguyen Minh Triet made the first visit to the US by a Vietnamese head of state since the Vietnam War ended in 1975. In January 2008 Vietnam took up a two-year, non-permanent seat on the UN Security Council. (BBC News, 26 January 2008) [14b]

CONSTITUTION

- 5.01 As noted by Europa World, accessed on 14 February 2008, "The 1992 Constitution declares the supremacy of the Communist Party." [1] According to Article 4 of the Constitution, "The Communist Party of Vietnam, the vanguard of the Vietnamese working class, the faithful representative of the rights and interests of the working class, the toiling people, and the whole nation, acting upon the Marxist-Leninist doctrine and Ho Chi Minh's thought, is the force leading the State and society." [17a]

- 5.02 A citizen's rights and duties are defined under Articles 50 to 80 of the 1992 Constitution. Regarding the fundamental rights of the citizen, Article 50 claims, "In the Socialist Republic of Vietnam human rights in the political, civic, economic, cultural and social fields are respected. They are embodied in the citizen's rights and are determined by the Constitution and the law." [17a]

POLITICAL SYSTEM

- 6.01 In its Country Profile on Vietnam, updated on 12 April 2007, the Foreign & Commonwealth Office (FCO) noted:

"Vietnam is a one-party state in which the Communist Party of Vietnam (CPV) decides all major policy issues, which are then implemented by the government. The country is led by a triumvirate of CPV General Secretary [Nong Duc Manh], State President [Nguyen Minh Triet] and Prime Minister [Nguyen Tan Dung]. Although the National Assembly is increasingly powerful, it remains firmly subordinate to the CPV. No legal opposition to the regime is permitted in Vietnam, but neither is there much sign of widespread popular opposition. The CPV still enjoys popular support following its success in defeating the French colonialist rulers, resisting American intervention, re-unifying the country, opposing Chinese encroachment and – most importantly – creating and maintaining peace and stability." [8a]

- 6.02 The FCO also recorded:

"There are no free elections in Vietnam. Candidates for election to the National Assembly and local People's Councils must in practice be approved by the CPV. There is, however, an increasing minority of elected representatives who are not CPV members. Vietnam's main legislative body is the National Assembly, which convenes twice per year. It has developed, in recent years, from little more than a 'rubber stamp' body to one increasingly able to scrutinise legislation and hold government to account. It has, on paper at least, wide powers over the state budget and its Members, 25% of whom are full time, are increasingly professional. Ultimately, however, the National Assembly remains firmly under the control of the CPV and thus is still far from being a proper democratic legislature. Elections to the 498-Member National Assembly are held every five years." [8a]

- 6.03 The introductory section of the US State Department Report on Human Rights Practices in 2007: Vietnam (USSD Report 2007) noted, "The CPV's constitutionally mandated primacy and the continued occupancy of all key government positions by party members allows it to set national policy. However, the CPV continued to reduce its formal involvement in government operations and allowed the government to exercise discretion in implementing policy. There were no other legal political parties." [2a]

- 6.04 The same source continued, "The most recent National Assembly elections, held in May [2007], were neither free nor fair, since all candidates were vetted by the CPV's Vietnam Fatherland Front (VFF), an umbrella group that monitored the country's popular organizations." [2a]

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

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Human Rights

INTRODUCTION

- 7.01 The introductory section of the US State Department Report on Human Rights Practices in 2007: Vietnam (USSD Report 2007) recorded:

“The government's human rights record remained unsatisfactory. Citizens could not change their government, and political opposition movements were prohibited. The government continued its crackdown on dissent, arresting a number of political activists and disrupting nascent opposition organizations, causing several political dissidents to flee the country. Police sometimes abused suspects during arrest, detention, and interrogation. Prison conditions were often severe. Individuals were arbitrarily detained for political activities and were denied the right to fair and expeditious trials. The government reinforced its controls over the press and the Internet and continued to limit citizens' privacy rights and freedom of speech, assembly, movement, and association. Overall respect for religious freedom improved during the year, but the government persisted in placing restrictions on the political activities of religious groups. The government maintained its prohibition of independent human rights organizations. Violence and discrimination against women remained a problem. Trafficking in women and children for purposes of prostitution continued. Some ethnic minority groups suffered societal discrimination. The government limited workers' rights, especially to organize independently, and arrested or harassed several labor activists.” [2a]

- 7.02 The USSD Report 2007 also noted:

“The government does not permit private, local human rights organizations to form or operate. The government did not tolerate attempts by organizations or individuals to comment publicly on government human rights practices, and it used a wide variety of methods to suppress domestic criticism of its human rights policies, including surveillance, limits on freedom of the press and assembly, interference with personal communications, and detention... The government criticized almost all public statements on human rights and religious issues by international NGOs and foreign governments.” [2a] (section 4)

- 7.03 As recorded by Amnesty International's Annual Report 2007 (covering events in 2006):

“Restrictions on freedom of expression and association continued. Members of unauthorized churches seen as opposing state policies faced harassment. Dissidents using the Internet were harassed, threatened and imprisoned. Small groups of ethnic minority Montagnards continued to flee human rights violations in the Central Highlands and seek asylum in neighbouring Cambodia; at least 250 remained imprisoned after unfair trials in Viet Nam. Despite proposals to limit the scope of the death penalty, at least 36 death sentences and 14 executions were reported.” [3a]

- 7.04 Human Rights Watch, in its World Report 2008 (covering events in 2007), stated:

“2007 was characterized by the harshest crackdown on peaceful dissent in 20 years. The government, emboldened by international recognition after joining the World Trade Organization in late 2006, moved to suppress all challenges to the Vietnamese Communist Party (VCP) by arresting dozens of democracy and human rights activists, independent trade union leaders, underground publishers, and members of unsanctioned religious groups. This reversed a temporary easing of restrictions in 2006, prior to Vietnam’s hosting the Asia-Pacific Economic Cooperation summit, when independent activism and opposition political parties had surfaced. Of nearly 40 dissidents arrested since the crackdown began, more than 20 were sentenced to prison in 2007, most under Penal Code article 88, conducting anti-government propaganda.” [5a]

- 7.05 The Foreign & Commonwealth Office (FCO), in its Human Rights Annual Report 2007, recorded, “Despite the broadly positive trajectory of change for civil and political rights in recent years, Vietnam remains a country of particular concern to us because of restrictions on freedom of expression and freedom of religion and the continued use of the death penalty.” [8b] In its Country Profile on Vietnam, updated on 12 April 2007, the FCO also stated:

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

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SECURITY FORCES

- 8.01 The US State Department Report on Human Rights Practices in 2007 (USSD Report 2007) recorded, “Internal security is primarily the responsibility of the Ministry of Public Security (MPS); however, in some remote areas the military is the main government agency and provides public safety functions, including maintaining public order in the event of civil unrest.” [2a] (section 1)

- 8.02 The same report continued:

“The MPS controls the police, a special national security investigative agency, and other internal security units. It also maintains a system of household registration and block wardens to monitor the population, including those suspected of engaging, or likely to engage, in unauthorized political activities; however, the system became less pervasive in its intrusion into most citizens’ daily lives. Nevertheless, credible reports suggested there were incidents of local police forces using ‘contract thugs’ and ‘citizen brigades’ to harass and beat political activists and others perceived as ‘undesirable’ or a ‘threat’ to public security.” [2a] (section 1)

POLICE

8.03 The USSD Report 2007 noted:

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

8.04 A report by the Canadian Immigration and Refugee Board (IRB) on 13 December 2006 recorded:

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

See also Section 16: Corruption

AVENUES OF COMPLAINT

8.05 The USSD Report 2007 noted:

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

8.06 The report stated further:

“A Law on Anti-Corruption, which took effect in June 2006, allows citizens to complain openly about inefficient government, administrative procedures, corruption, and economic policy. In regular Internet chats with high-level government leaders, citizens asked pointed questions about anticorruption efforts. However, the government continued to consider any public political criticism a crime, unless the criticism was controlled by the authorities. Attempts to organize those with complaints to facilitate action are considered proscribed political activities and subject the organizers to arrest. Senior government and party leaders traveled to many provinces reportedly to try to resolve citizen complaints. Corruption related to land use was widely publicized in the press, apparently in an officially orchestrated effort to bring pressure on local officials to reduce abuses.” [2a] (section 3)

[See also Section 10: Judiciary](#)

[See also Section 16: Corruption](#)

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MILITARY SERVICE

9.01 Europa World, accessed on 14 February 2008, recorded, “As assessed at November 2006, the active (‘Main Force’) armed forces of Viet Nam had an estimated total strength of 455,000: an estimated 412,000 in the army, an estimated 13,000 in the navy, and 30,000 in the air and air defence forces. Military service is compulsory and usually lasts for two years. Paramilitary forces number in excess of 40,000 and include the urban People’s Self-Defence Force and the rural People’s Militia.” [1] In its report, Refusing to Bear Arms: A worldwide survey of conscription and conscientious objection to military service, War Resisters International (WRI) noted in March 1998, “Women with special qualifications and skills, while not liable to conscription, must register with the reserve forces and may be called up for training... Reservist obligations apply until the age of 45 in the case of men, and until the age of 40 in the case of women.” [19]

9.02 WRI also noted in the same report, “Exemption is possible for medical reasons, domestic reasons and in the case of convicted criminals... In order to meet the recruitment targets, men with criminal records, who should have been exempt from service, have apparently been called up.” [19] The website of the United Nations High Commissioner for Refugees (UNHCR) recorded a law dated June 1994, amending and supplementing a number of articles of the Law on Military Service Duty. Article 29 of the 1994 law stated:

- “1. The following persons are temporarily exempt from 1\Military call-up peace time:
- a. Persons not yet physically fit serve in the army according to the conclusion of the Health Examination Board.
 - b. Persons who are the sole laborers who must directly support other members of their families who have lost their capacity to work or who have not reached the working age.

- c. Persons having siblings living in the same house-hold who are non-commissioned officer or soldier in active service in the army.
 - d. Teachers, medical personnel, members of the Youth Volunteers Organization working in difficult highlands, remote offshore islands as defined by the Government; Government employees in other services and branches, and cadre's of political and social organizations sent to work in the above-mentioned areas.
 - e. Persons engaged in scientific research projects of State level certified by a minister, ahead of ministerial-level agency, or a person in equivalent positions;
 - f. Students in general education schools, vocational schools, vocational secondary schools, colleges and universities as defined by the Government.
 - g. Settlers in a newly opened economic area in the first three years. The persons in the above-mentioned categories shall be subject to annual checks, if the reasons for temporary exemption no longer exist, they would be called up for military service duty. If a man is not called up before he reaches 27 years of age, his name shall be transferred to the reserve force.
2. The following persons are exemption from military call-up in peace time:
- a. Sons of fallen combatants, war invalids or diseased combatants of first degree invalidity with especially serious wounds or diseases.
 - b. One of his elder or younger brothers is a fallen combatant.
 - c. Sons of first or second-degree war invalids or first degree diseased soldiers.
 - d. Members of the Youth Volunteers' Organizations, Government officials or employees, cadre's of political or social organizations having served for more than 24 months in the highlands with special difficulties, remote areas, border areas, remote island as defined by the Government. In case the persons defined at Item 1, Item 2 of this Article volunteer to enlist, they may be selected and called-up." [sic] [17f]

CONSCIENTIOUS OBJECTORS AND DESERTERS

- 9.03 The WRI report dated March 1998 recorded, "The right to conscientious objection is not legally recognized and there are no provisions for substitute service... Under art. 69 of the Law on Military Service, as amended in 1990, draft evasion and desertion are punishable by disciplinary and administrative measures... It is not clear how far draft evasion and desertion are in practice monitored and penalized." [19]
- 9.04 According to the Vietnamese Criminal Code, passed by the National Assembly on 21 December 1999 (Chapter 23: Crimes of Infringing upon the Duties and Responsibilities of Army Personnel), those who evade their duties shall be subject to non-custodial reform for up to three years or between three months' and three years' imprisonment, or, if the offence caused serious consequences, between two and ten years' imprisonment (Article 326). [17e]
- 9.05 The same source stated that those who desert the army, having already been disciplined for such an act previously, or who cause serious consequences in doing so, or who do so in time of war, shall be subject to non-custodial reform for up to three years or between six months' and five years' imprisonment, or,

if the offence caused very serious consequences, between three and twelve years' imprisonment (Article 325). [17e]

- 9.06 The Criminal Code also stated that the death penalty may be imposed on those who disobeyed orders (Article 316), surrendered to the enemy in the course of combat (Article 322), or destroyed military weapons/technical means without authorisation (Article 334), if the offence caused particularly serious consequences. [17e]

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JUDICIARY

ORGANISATION

- 10.01 The US State Department Report on Human Rights Practices in 2007 (USSD Report 2007) recorded:

"The judiciary consists of the Supreme People's Court (SPC); provincial and district people's courts; military tribunals; administrative, economic, and labor courts; and other tribunals established by law. Each district has a people's court, which serves as the court of first instance for most domestic, civil, and criminal cases. Each province also has a people's court, which serves as the appellate forum for district court cases as well as court of first instance for other cases. The SPC, which reports to the National Assembly, is the highest court of appeal and review. Administrative courts adjudicate complaints by citizens about official abuse and corruption. There are also special committees to help resolve local disputes. There was a shortage of trained lawyers and judges, and there was no independent bar association. Low judicial salaries hindered efforts to develop a trained judiciary. The few judges who had formal legal training often had studied abroad only in countries with communist legal traditions." [2a] (section 1)

- 10.02 The report continued, "Government training programs to address the problem of inadequately trained judges and other court officials were underway. Foreign governments and the UN Development Program provided assistance; however, the lack of openness in the criminal judicial process and the continuing lack of independence of the judiciary hampered progress." [2a] (section 1)

- 10.03 The website of the Asia Foundation, accessed on 4 March 2008, stated:

"Since the beginning of doi moi (the renovation policy), Vietnam's law-making process has become increasingly open to public participation. However, despite legal provisions ensuring the public's right to review and comment on draft laws, shortcomings exist that limit the scope and effectiveness of public participation. In response, The Asia Foundation has been supporting efforts by the Office of the National Assembly to increase citizen participation in the law-making process, including the development of a training manual for legislators that outlines basic concepts of public participation and ways for seeking citizen input." [9]

INDEPENDENCE

10.04 The USSD Report 2007 recorded:

“The law provides for the independence of judges and lay assessors; however, in practice the CPV controlled the courts at all levels by retaining effective executive power to appoint judges and often to determine verdicts. Most, if not all, judges were members of the CPV and were chosen at least in part for their political reliability. As in past years, the judicial system was strongly distorted by political influence, endemic corruption, and inefficiency. CPV influence was particularly notable in high-profile cases and others in which a person was charged with challenging or harming the CPV or the state.” [2a] (section 1)

10.05 In its 2007 Country Profile on Vietnam, the Economist Intelligence Unit (EIU) stated, “The judiciary is relatively weak and is not independent of the Communist Party. The country has only about 3,000 lawyers, and trial procedures are rudimentary. There is a growing backlog of unsettled civil lawsuits - the minister of justice, Ha Hung Cuong, has said that the country needs 900 more judges.” [15] (p8)

10.06 In its report, Freedom in the World 2007, Freedom House noted, “Vietnam’s judiciary is subservient to the CPV, which controls courts at all levels.” [29]

FAIR TRIAL

10.07 The USSD Report 2007 recorded:

“The constitution provides that citizens are innocent until proven guilty; however, many lawyers complained that judges generally presumed guilt. Trials generally were open to the public, but in sensitive cases judges closed trials or strictly limited attendance. Juries are not used; judges or panels of judges hear prosecution and defense arguments and make final adjudications. Defendants have the right to be present and have a lawyer at trial, although not necessarily the lawyer of their choice, and this right was generally upheld in practice. Defendants unable to afford a lawyer were generally provided one only in cases with possible sentences of life imprisonment or capital punishment. The defendant or the defense lawyer has the right to cross-examine witnesses; however, there were cases in which neither defendants nor their lawyers were allowed to have access to government-held evidence in advance of the trial, to cross-examine witnesses, or to challenge statements. Defense lawyers commonly had little time before trials to examine evidence against their clients. Convicted persons have the right to appeal. District and provincial courts did not publish their proceedings. The SPC [Supreme People’s Court] has published the proceedings of all the cases it reviewed since 2003. There continued to be credible reports that defense lawyers were pressured not to take as clients any religious or democracy activists facing trial.” [2a] (section 1)

10.08 The report continued:

“The public prosecutor brings charges against an accused person and serves as prosecutor during trials. According to the criminal procedures code, the change in courtroom procedures was to continue from an ‘investigative’

system, in which the judge leads the questioning, to an ‘adversarial’ system, in which prosecutors and defense lawyers advocate for their respective sides. The change was intended to provide more protections for defendants and prevent judges from coercing defendants into confessing guilt; however, implementation differed from one province to another.” [2a] (section 1)

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

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ARREST AND DETENTION – LEGAL RIGHTS

- 11.01 Human Rights Watch, in its World Report 2008 (covering events in 2007), stated:

“Vietnamese law continues to authorize arbitrary detention without trial. Administrative detention decree 31/CP was repealed in 2007, but a more repressive law, Ordinance 44, authorizes placing people suspected of threatening national security under house arrest or in detention without trial in Social Protection Centers, rehabilitation camps, or mental hospitals. Lawyer Bui Thi Kim Thanh, who assisted farmers with land rights complaints, was arrested in November 2006 and involuntarily committed to a mental hospital. She was released in July 2007.” [5a]

- 11.02 The US State Department Report on Human Rights Practices in 2007 (USSD Report 2007) noted:

“The law prohibits arbitrary arrest and detention; however, the government continued to arrest and detain citizens for their political activities... The criminal code allows the government to detain persons without charges indefinitely under vague ‘national security’ provisions. During the year several individuals were arrested for violating Article 88 of the criminal code, which prohibits the ‘distribution of propaganda against the state.’ Those charged with violating Article 88 were typically sentenced to terms of up to five years in prison... Arbitrary detentions, particularly for political activists, remained a problem. A government crackdown on political dissent that started in late 2006 and continued through April [2007] resulted in the arrest and detention of approximately 30 activists. Although some were released, others either remained under investigation and in detention without being formally charged or were tried and sentenced to lengthy prison terms.” [2a] (section 1)

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

“An international human rights lawyer specializing in Southeast Asia who is also the Deputy Director of Human Rights Advocates International, an international public service law group, states in correspondence that the public prosecutor must sign off on Vietnamese arrest warrants... adding that these warrants can be initiated by the police, a representative of the court, or the public prosecutor... However, Human Rights Watch (HRW) reports that

suspects are 'routinely' arrested and detained by police without written warrants (12 July 2006)." [6h]

- 11.04 The USSD Report 2007 noted that one dissident (Bloc 8406 activist) who travelled abroad was not allowed to return and that, in his absence, his family was served with an arrest warrant in case he did return. [2a] (section 2) In its report dated 22 February 2007, the Canadian IRB noted:

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

See also Section 14: Opposition groups and political activists

- 11.05 The USSD Report 2007 noted:

"The Supreme People's Procuracy (the Public Prosecutor's Office) issues arrest warrants, generally at the request of police; however, police may make an arrest without a warrant on the basis of a complaint filed by any person. The procuracy issues retroactive warrants in such cases. The procuracy must issue a decision to initiate a formal criminal investigation of a detainee within nine days; otherwise, police must release the suspect. In practice the nine-day regulation was often circumvented. The investigative period may last from three months for less serious offenses (those punishable by up to three years' imprisonment) to 16 months for exceptionally serious offenses (those punishable by more than 15 years' imprisonment or capital punishment), or 20 months for national security cases. During the investigative period, detainees typically were not allowed access to a lawyer or family members, especially in national security cases. During this period some detainees were strongly compelled to admit guilt in support of the government's case against them. Investigators sometimes used physical isolation, excessively lengthy interrogation sessions, and sleep deprivation to compel detainees to admit guilt. The criminal code further permits the procuracy to request additional two-month periods of detention after an investigation to consider whether to prosecute a detainee or ask the police to investigate further. There was 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 1)

- 11.06 The report continued:

“Although legal counsel is a constitutional right for all persons accused of crimes, a scarcity of trained lawyers and lack of defendant rights made prompt detainee access to an attorney rare. In general only persons formally charged with capital crimes were assigned lawyers. By law detainees are permitted access to lawyers from the time of their detention, but the system often functioned in a way that denied detainees free and open access to legal counsel. Bureaucratic delays frequently limited initial detainee contacts with their attorneys. In national security cases, authorities can delay defense lawyers’ access to clients until after an investigation has ended and the suspect has been formally charged with a crime. Lawyers must be informed of and allowed to attend interrogations of their clients. They must also be given access to case files and be permitted to make copies of documents. Attorneys were sometimes able to exercise these privileges. However, in the case of an interrogation, a defendant first must request the presence of a lawyer, and it was not clear whether authorities always advised defendants of this privilege... Courts may sentence persons to administrative detention of up to five years after completion of a sentence. In addition, police or mass organizations can propose that one of five ‘administrative measures’ be imposed by people’s committee chairpersons at district and provincial levels without a trial. The measures include terms ranging from six to 24 months in either juvenile reformatories or adult detention centers and generally were applied to repeat offenders with a record of minor offenses, such as committing petty theft or ‘humiliating other persons.’ Chairpersons may also impose terms of ‘administrative probation,’ which generally was some form of restriction on movement and travel. In March [2007] the government repealed Decree 31, a provision on administrative probation often used to punish perceived political dissidents. However, authorities continued to sanction some individuals subject to Decree 31 after its repeal. The government also used other decrees, ordinances, and measures, such as Article 88, to detain activists for the peaceful expression of opposing political views.” [2a] (section 1)

- 11.07 In its report, Freedom in the World 2007, Freedom House noted, “Defendants have a constitutional right to counsel, but lawyers are scarce and many are reluctant to take on human rights and other sensitive cases for fear of harassment and retribution by the state. Defense attorneys cannot call or question witnesses and are only infrequently permitted to request leniency for their clients.” [29]

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PRISON CONDITIONS

- 12.01 In its report, Freedom in the World 2007, Freedom House noted, “The police are known to abuse suspects and prisoners, and prison conditions are poor.” [29] The US State Department Report on Human Rights Practices in 2007 (USSD Report 2007) recorded:

“Prison conditions could be severe but generally did not threaten the lives of prisoners. Diplomatic observers reported Spartan but generally acceptable conditions. Overcrowding, insufficient diet, lack of clean drinking water, and poor sanitation nonetheless remained serious problems in many prisons. Prisoners had access to basic health care, with additional medical services available in hospitals at the district and provincial levels. In many cases,

however, family members were prevented from transmitting medication to prisoners. Prisoners generally were required to work but received no wages. Prisoners were sometimes moved to solitary confinement, where they were deprived of reading and writing materials for periods of up to several months. Family members made credible claims that prisoners received better benefits by paying bribes to prison officials.” [2a] (section 1)

- 12.02 The same source stated, “The government generally did not permit the International Committee of the Red Cross or nongovernmental organizations (NGOs) to visit prisons.” The report also noted, “There were unsubstantiated reports of poor prison conditions at Xuan Loc Prison in Dong Nai Province. Allegations included cases of several deaths of prisoners, which could not be confirmed by the international community. Family members of human rights lawyer and Protestant activist Nguyen Van Dai and Catholic activist Father Nguyen Van Ly claimed that the two were denied access to a Bible, allegedly because prison officials feared they would convert other inmates to Christianity.” [2a] (section 1)

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

- 12.03 In its 2008 World Report, Human Rights Watch stated, “Hundreds of religious and political prisoners remain behind bars in harsh conditions throughout Vietnam. Prisoners are placed in solitary confinement in dark, unsanitary cells, and there is compelling evidence of torture and ill-treatment of political prisoners, including beatings and electric shock. A disturbing number of Montagnard prisoners—even those in their thirties—have died shortly after release because of illness attributed to harsh conditions and mistreatment in prison.” [5a]

[See also Section 18: Montagnards](#)

- 12.04 The USSD Report 2007 recorded:

“In late October [2007], as part of a delayed National Day Amnesty, the government amnestied several thousand persons, including 11 under national security charges... Several high-profile prisoners benefited from special release during the year, including political activists Nguyen Vu Binh, Phan Van Ban, and Le Quoc Quan. Binh, a journalist and writer released in June [2007], was detained in 2002 and sentenced to seven years in prison in 2003 after writing articles calling for greater political freedoms. Ban, imprisoned in 1985 after joining an organization that called for political change, was released and deported on May 9 [2007]. Le Quoc Quan, an attorney and democracy activist, was released on June 16 [2007] but remained under strict surveillance.” [2a] (section 1)

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

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DEATH PENALTY

- 13.01 In its report, Freedom in the World 2007, Freedom House noted, “The death penalty is applied mainly for violent crimes, but it has been handed down in

cases involving economic and drug-related offenses.” [29] Amnesty International’s Annual Report 2007 (covering events in 2006) recorded:

“In February the Ministry of Public Security proposed limiting the scope of the death penalty. A proposal submitted for consideration to the central judicial reform commission recommended that economic crimes such as fraud and embezzlement, smuggling, counterfeiting and bribery should no longer be capital offences. It was reported that this would reduce the number of capital offences from 29 to 20. Some discussion by legislators took place in the National Assembly. However, by the end of the year the proposal had not become law. At least five women and six men convicted of economic crimes were believed to remain on death row. According to media monitoring at least 36 death sentences were imposed and 14 executions carried out, including five women, the majority for drug trafficking offences. The true number is believed to be much higher. Classification of statistics on the death penalty as a ‘state secret’ prevented full and transparent reporting.” [3a]

13.02 In April 2007, the Foreign & Commonwealth Office (FCO) stated:

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

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POLITICAL AFFILIATION

FREEDOM OF POLITICAL EXPRESSION

14.01 As documented by the US State Department Report on Human Rights Practices in 2007 (USSD Report 2007):

“The constitution does not provide for the right of citizens to change their government peacefully, and citizens could not freely choose and change the laws and officials that govern them. All authority and political power is vested in the CPV [Communist Party of Vietnam], and the constitution recognizes the leadership of the CPV. Political opposition movements and other political parties are illegal... The government continued to severely restrict public debate and criticism to certain aspects of individual, state, or party performance determined by the CPV itself. No public challenge to the legitimacy of the one-party state was permitted; however, there were instances of unsanctioned letters critical of the government from private citizens, including some former senior party members, that circulated publicly... Small opposition political groupings established in 2006 were broken up, with scores of arrests and detentions, decimating the leadership of

most of these prodemocracy groups and driving them underground.”
[2a] (section 3)

- 14.02 The same report noted, “There were no reliable estimates of the number of political prisoners. The government claimed it held no political prisoners, only lawbreakers. The government held at least 30 political detainees at year’s end, although some international observers claimed the numbers ranged into the hundreds.” [2a] (section 1)
- 14.03 As noted by Freedom House in its report, Freedom in the World 2007, “Vietnam is not an electoral democracy... The CPV [Communist Party of Vietnam] is the sole legal political party, and no opposition parties are permitted.” [29]

See also Section 6: Political system

FREEDOM OF ASSOCIATION AND ASSEMBLY

- 14.04 The USSD Report 2007 recorded:
- “The government severely restricted freedom of association. Opposition political parties were neither permitted nor tolerated. The government prohibited the legal establishment of private, independent organizations, insisting that persons work within established, party-controlled mass organizations, usually under the aegis of the VFF [Vietnam Fatherland Front]. However, some entities, including unregistered religious groups, were able to operate outside of this framework with little or no government interference.” [2a] (section 2)
- 14.05 The same report noted:
- “The right of assembly is restricted by law, and the government restricted and monitored all forms of public protest or gathering. Persons wishing to gather in a group are required by law and regulation to apply for a permit, which local authorities can issue or deny arbitrarily. In practice only those arranging publicized gatherings to discuss sensitive issues appeared to require permits, and persons routinely gathered in informal groups without government interference. In general the government did not permit demonstrations that could be seen as having a political purpose, and the government restricted the right of several unregistered religious groups to gather in worship.” [2a] (section 2)
- 14.06 In its 2008 World Report, Human Rights Watch stated, “Decree 38 bans public gatherings in front of places where government, Party, and international conferences are held, and requires organizers to obtain advance government permission. In July [2007] Ho Chi Minh City police dispersed a month-long peaceful protest by hundreds of farmers—many of them elderly women—against government land seizures.” [5a]

OPPOSITION GROUPS AND POLITICAL ACTIVISTS

- 14.07 The CIA World Factbook, updated on 12 February 2008, named the following as groups that advocate democracy but are illegal and not recognised by the government: 8406 Bloc; Democratic Party of Vietnam (DPV); People’s

Democratic Party Vietnam (PDP-VN); Alliance for Democracy. There are no recognised opposition parties or groups in Vietnam. [4]

- 14.08 Amnesty International's Annual Report 2007 (covering events in 2006) recorded:

"Political dissidents, including those using the Internet to talk about human rights, democracy and political change, were harassed, threatened and imprisoned under national security legislation... Despite these constraints, in April [2006] activists launched an online petition signed by 118 democracy activists calling for peaceful political change and respect for human rights. This Internet-based pro-democracy movement became known as Group 8406, or Bloc 8406. A further 2,000 people went on to sign the petition. Several of the original signatories subsequently faced harassment, interrogation, restrictions on movement and confiscation of computers for attempting to publish a bulletin named Freedom and Democracy (To Do Dan Chu)." [3a]

- 14.09 As reported by Asia Times on 14 September 2006:

"On that day [8 April 2006] hundreds of democratic-minded Vietnamese took the courageous step of publicly declaring and signing their names to a 'Manifesto on Freedom and Democracy for Vietnam', coincident with the Communist Party's 10th National Congress in Hanoi. Since then the group has grown into a thousands-strong pro-democracy movement popularly known as Bloc 8406, named after the date the group first publicly called for a political transition toward more participatory democracy... On August 22 [2006], Bloc 8406 publicly declared its four-phase proposal for Vietnam's democratization, including demands for the restoration of civil liberties, the establishment of political parties, the drafting of a new constitution and, finally, democratic elections for a new representative National Assembly that would be charged with choosing a new national name, flag and anthem... Scores of Bloc 8406's members have in recent weeks been harassed, interrogated and, in the case of Ho Chi Minh City member Vu Hoang Hai, brutally tortured. Other high-profile members have had their telephone lines cut or mobile phones confiscated. On August 12 [2006], security agents rounded up and interrogated five Bloc 8406 members in Hanoi who had planned to launch a new online political magazine aptly called Freedom and Democracy." [16]

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

"On the eve of Bloc 8406's first anniversary, members of the group, which calls for greater political freedom in Vietnam, still face harassment and abuse, including imprisonment... The group's name, Bloc 8406, derives from the 8th of April 2006, when it published its 'Manifesto for Freedom and Democracy.' Two days earlier, it had also issued an 'Appeal for Freedom of Political Association.' These documents, which were initially signed by more than 100 people, challenged the Vietnamese government to uphold individuals' rights to free expression, association, and participation in political affairs. By August 2006, an additional 2,000 people had signed the statements. Among the Bloc's founders are Father Nguyen Van Ly, an outspoken supporter of religious freedom, writer Do Nam Hai, and professor Nguyen Chinh Ket. 'Several key organizers of Bloc 8406 and their families have been harassed and imprisoned, showing that the Vietnamese government is still trying to silence its critics,' said Sophie Richardson, deputy Asia director at Human

Rights Watch. 'Targeting the most vocal, visible activists sends a message to the others: don't speak out, or you'll suffer the same fate.' Five 8406 members have in the past year been sentenced to actual or suspended jail terms." [5d]

14.11 The USSD Report 2007 noted:

"Bloc 8406, a political activist group that calls for the creation of a multiparty state, continued to exist even though senior members were arrested and jailed in a crackdown early in the year [2007] and others faced severe harassment for their peaceful political activities. Bloc 8406 claimed more than 2,000 supporters inside the country, although this number could not be verified. At least 10 members of the group were in detention at year's end. Authorities continued to arrest members of another activist group, the People's Democratic Party of Vietnam, and a related group, the United Workers-Farmers Organization. Several individuals were tried and sentenced to prison terms, while others were in detention at year's end... Several political dissidents, amnestied with probation or under house arrest, were subject to official restrictions on their movements, but police allowed them to venture from their homes under surveillance or to go to regular interrogation sessions." [2a] (section 2)

14.12 The same report stated, "Several political dissidents affiliated with outlawed political organizations, including Bloc 8406, the People's Democratic Party, People's Action Party, Free Vietnam Organization, Democratic Party of Vietnam, United Workers-Farmers Organization, and others, remained in prison in various locations." [2a] (section 1) The report also indicated that relatives of political prisoners experienced problems with the authorities:

"In April [2007] police prevented the wives of five political prisoners from meeting with a diplomat and a parliamentarian of a foreign country. Two of the women were intercepted and manhandled by plainclothes security agents. In a later incident, security officials intercepted a woman invited to meet with the same diplomat and temporarily detained her. At various times other political activists and family members of prisoners were physically prevented from meeting with foreign diplomatic officials. Tactics used by authorities included setting up barriers or guards outside their residences or calling them into the local police station for questioning." [2a] (section 1)

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

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

[See also Section 28: Exit - entry procedures](#)

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FREEDOM OF SPEECH AND MEDIA

15.01 As documented by the US State Department Report on Human Rights Practices in 2007 (USSD Report 2007):

"The law provides for freedom of speech and of the press; however, the government continued to restrict these freedoms, particularly with respect to

speech that criticized individual government leaders, promoted pluralism or multiparty democracy, or questioned policies on sensitive matters such as human rights, religious freedom, or the border agreement with China. The line between what constituted private speech and public speech continued to be arbitrary. Both the constitution and the criminal code include broad national security and antidefamation provisions that the government used to restrict freedom of speech and of the press.” [2a] (section 2)

- 15.02 The same source reported that the Vietnamese press was able to cover issues such as official corruption, but the freedom to do so remained restricted. [2a] (section 2) In its Country Profile for Vietnam, updated on 26 January 2008, BBC News reported:

“The Communist Party has a strong grip on the media. The Ministry of Culture and Information controls the press and broadcasting. The government has shut down several publications for violating the narrow limits on permissible reporting. Under a 2006 decree journalists face large fines for transgressions which include denying revolutionary achievements and spreading ‘harmful’ information or ‘reactionary ideology’. Internet providers face fines or closure for breaking the rules and ‘cyber dissidents’ have been imprisoned. There are hundreds of newspapers and magazines, but television is the dominant medium. Vietnam Television (VTV) broadcasts from Hanoi and is available via satellite to the wider region. There are many provincial stations. Some foreign channels are carried via cable. State-run Voice of Vietnam (VoV) operates six radio networks, including the VoV 5 channel with programmes in English, French and Russian.” [14a]

- 15.03 As recorded by Reporters Without Borders in its Worldwide Press Freedom Index 2007, Vietnam was ranked 162 out of the 169 countries included in the index (one being the most free and 169 being the least free). [7b] In its 2008 Annual Report, Reporters Without Borders stated:

“The official media, which comprises more than 100 radio and television stations, as many websites and nearly 600 publications did not in 2007 make use of the space for debate opened up ahead of the 2006 Communist Party Congress. On the contrary, the media, including the party newspaper and police newspapers campaigned against ‘agitators’ and ‘terrorists’ from inside and outside the country. Some foreign governments and international organisations like Reporters Without Borders were accused of supporting enemies of the regime.” [7a]

- 15.04 The same report noted, “The country experienced its biggest crackdown since 2002 when, in the space of one week, six cyber-dissidents were sentenced to prison terms of three to five years... It is one of the world’s most authoritarian countries and closely follows the Chinese model when it comes to violations of freedom of expression online. Eight cyber-dissidents are in prison for having exercised freedom of expression on the Web.” [7a]

- 15.05 In its 2008 World Report, Human Rights Watch noted:

“All media in Vietnam is controlled by the government or the VCP. Criminal penalties apply to publications, websites, and internet users that disseminate information that opposes the government, threatens national security, or reveals state secrets. Foreign internet service providers (ISPs) are prohibited

from operating. Internet cafe owners are required to obtain customers' photo identification, which is supplied to Vietnamese ISPs. The ISPs are required to install monitoring software that identifies internet users and their online activities, and store the information for a year. The government monitors online activity and blocks websites covering human rights, religious freedom, democracy groups, and independent media. Website owners must obtain government approval for website content. Internet users such as Truong Quoc Huy, whose trial is expected by the end of the year, have been imprisoned for alleged national security crimes after participating in pro-democracy discussion forums or using the internet to disseminate views disfavored by the government." [5a]

15.06 In a report dated 22 October 2006, Amnesty International stated:

"The legal framework regulating the Internet in Viet Nam is increasing. Many provisions are in breach of Viet Nam's international human rights obligations and in stark contrast to the assurances of respect for the right to freedom of expression included in the government's 2005 human rights report. The most recent legislation, Decree No. 56/2006/ND-CP on 'punishment for administrative violations in the culture and information sector', entered into force on 1 July 2006. A complement to criminal law in the realm of the mass media, it introduced additional prior censorship mechanisms and risks stifling further the embryonic freedom of expression that the Internet has brought to Viet Nam." [3b] (p1)

JOURNALISTS

15.07 The 2008 Annual Report of Reporters Without Borders stated, "Liberal newspapers, such as Tuoi Tre (Youth) tried to push against the limits of official censorship but the government used repressive legislation to bring the most daring to heel. A law passed in 2006 provides for fines and suspensions of licences for media and journalists who defame and attack the 'prestige of the state'." [7a]

15.08 As noted by Freedom House in its report, Freedom in the World 2007:

"Journalists who overstep the bounds of permissible reporting—for example, by writing about sensitive political and economic matters or the CPV's monopoly on power—are brought to court, sent to prison, or harassed. The director of a publishing company was reportedly told to resign in 2005 when the government learned of his plans to publish a memoir, written by former deputy prime minister Doan Duy Thanh, that was critical of the CPV. Foreign media representatives cannot travel outside Hanoi without government approval. Publications deemed offensive or inaccurate are subject to an official ban. A 1999 law requires journalists to pay damages to groups or individuals found to be harmed by press articles, even if the reports are accurate... Media reports on high-level governmental corruption and mismanagement provide a small outlet for public grievances. Under a 2006 decree, journalists face large fines for transgressions of censorship laws, including denying revolutionary achievements, spreading 'harmful' information, or exhibiting 'reactionary ideology.'" [29]

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CORRUPTION

- 16.01 According to Transparency International (TI), in its Corruption Perceptions Index 2007, Vietnam ranked at 123 out of 179 countries (one being the least corrupt country), based on the perceptions of business people and country analysts regarding levels of corruption throughout the world. Vietnam scored 2.6 out of ten (ten representing zero perception of corruption). [26]
- 16.02 The Economist Intelligence Unit's (EIU) Country Profile for Vietnam in 2007 stated:
- "During his first term in office, Mr Manh fostered a less polarised political environment, and his resolve to clamp down on corruption had some effect. During 2000-04, 12,300 government employees were disciplined for corruption, and since 2001 the Communist Party has disciplined over 10,000 members, including seven members of the Central Committee. The minister of agriculture and rural development, Le Huy Ngo, was sacked in May 2004 for allowing a swindle in a firm supervised by his ministry; and the minister of transport, Dao Dinh Binh, resigned in April 2006 for similar reasons. Mr Manh's message was clear: senior officials had been put on notice that they were not beyond the reach of the law... During the [tenth party] congress [in April 2006], Mr Manh stated that corruption is a major threat to the party's survival." [15] (p6)
- 16.03 In its Country Profile on Vietnam, updated on 12 April 2007, the Foreign & Commonwealth Office (FCO) recorded:
- "The CPV [Communist Party of Vietnam] is increasingly concerned at the high level of corruption in Vietnam, which it perceives as a threat not only to economic growth but also to the popular legitimacy of the political system. A major campaign begun in 2006 has netted a number of senior figures (including the Transport Minister and a Deputy Minister of Trade). Prime Minister Nguyen Tan Dung has declared corruption a top priority with a new anti-corruption agency set up under his direction. In a further move, the first Deputy Prime Minister has been put in charge of the Government's anti-corruption effort. Apart from the prosecutions mentioned above, the anti-corruption campaign has made some progress with new procurement rules introduced for government. But international donors and analysts are watching closely, to see if this anti-corruption campaign is genuine in taking on vested political interests or whether some areas remain off-limits to anti-corruption efforts. The state-owned media's freedom to investigate corruption grew significantly in the run up to the last Party Congress, but there is still evidence of pressure on media to censor their investigations." [8a]
- 16.04 The US State Department Report on Human Rights Practices in 2007 (USSD Report 2007) recorded:
- "The law provides for 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 showcased its efforts to fight corruption, including publicizing budgets at different levels of government, developing a

new Asset Declaration Decree, and streamlining government inspection measures. Cases of government officials accused of corruption sometimes were publicized widely.” [2a] (section 3)

16.05 As noted by Freedom House in its report, Freedom in the World 2007:

“As part of the anticorruption campaign, the government allowed the media greater freedom to report on graft and corruption following major bribery and corruption scandals involving officials in the ministry of transportation and the national soccer team...Corruption and abuse of office are serious problems. Citizens complain about official corruption, governmental inefficiency, opaque bureaucratic procedures, and unreasonable land seizures. Although senior party and government officials have publicly acknowledged growing public discontent, the government has mainly responded with a few high-profile prosecutions of officials and private individuals rather than by implementing comprehensive reforms.” [29]

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

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FREEDOM OF RELIGION

17.01 In its International Religious Freedom Report 2007 (IRFR 2007), the US State Department (USSD) noted:

“The Constitution provides for freedom of worship; however, government restrictions still remained on the organized activities of religious groups. The status for the respect of religious freedom and practice continued to experience important improvements during the reporting period. The Government deepened implementation of its 2004 Ordinance on Religion and Belief and supplemental decrees on religious policy issued in 2005, (referred to as the Government's ‘legal framework on religion.’) New congregations were registered throughout the country's 64 provinces; a number of religious denominations were registered at the national level; and citizens were generally allowed to practice religion more freely. Improving economic conditions in the country also allowed for greater access to religious practice and resources. In recognition of its ‘significant improvements towards advancing religious freedom,’ the U.S. Department of State lifted the country's designation as a Country of Particular Concern (CPC) for Religious Freedom in November 2006. Despite progress during the reporting period, problems remained in the implementation of the country's legal framework on religion. These included slowness, and in some cases inaction, in the registration of Protestant congregations in northern Vietnam and the Northwest Highlands; inconsistent application of procedures for congregation registration and other legal requirements; ongoing restrictions on religious recruitment; difficulties in the establishment of Catholic seminaries and Protestant pastor training courses; and unresolved land expropriation claims involving a number of religious denominations. Some provincial authorities were more active, while others appeared not to consider positive and consistent implementation of the legal framework on religion as a priority.” [2b] (p1)

17.02 The same report noted that the government officially recognises the following six religions:

- 1) Buddhist – 11 million adherents
- 2) Catholic – 6 to 8 million adherents
- 3) Protestant – 0.6 to 1.6 million adherents
- 4) Muslim – 50 to 80,000 adherents
- 5) Hoa Hao – 1.2 to 3 million adherents
- 6) Cao Dai – 2.3 to 4 million adherents. [2b] (sections I & II)

17.03 On 18 June 2004 the government issued an Ordinance on Religion. (Human Rights Watch, 18 June 2004) [17c] The USSD's IRFR 2007 recorded:

“The new Ordinance on Religion and Belief which came into effect in November 2004, serves as the primary document governing religious practice. It reiterates citizens' rights to freedom of belief, freedom of religion, and freedom not to follow a religion, and it states that violations of these freedoms are prohibited. However, it advises that ‘abuse’ of freedom of belief or religion ‘to undermine the country's peace, independence, and unity’ is illegal and warns that religious activities must be suspended if they negatively affect the cultural traditions of the nation. The Ordinance continues the practice of government control and oversight of religious organizations. Under its provisions, religious denominations must be officially recognized or registered, and the activities and leadership of individual religious congregations must be approved by the appropriate lower-level authorities. The establishment of seminaries and the organization of and enrollment in classes must also be approved by appropriate authorities. The naming of priests or other religious officials requires the approval of authorities only when a ‘foreign element,’ such as the Vatican, is involved. The ordinance also relaxes government oversight of religion to some extent. For example, religious organizations are required only to inform appropriate authorities of their annual activities or the investiture and transfer of clerics, while in the past this required explicit official approval. Further, the ordinance encourages religious groups to carry out charitable activities in health care and education, which were limited in the past.” [2b] (section II)

17.04 The same source reported further:

“In March 2005 the Government issued an implementing decree (Decree 22) that provided further guidance on the Ordinance on Religion and Belief. Like the ordinance, the decree explicitly bans forced renunciations of faith. It also delineates specific procedures by which an unrecognized religious organization can register its places of worship, its clerics, and its activities and thus operate openly. It further provides procedures for these groups to apply for official recognition from the Government to gain additional rights. The decree specifies that a religious organization must have 20 years of ‘stable religious operation’ in the country in order to be recognized by the Government. It also states that past operation in the country can be counted toward this requirement. The decree further sets out specific time periods for the Government to consider requests from religious organizations and requires officials to give organizations an explanation in writing for any application that is rejected.” [2b] (section II)

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

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

17.06 The report stated further:

“Even as a propaganda document, couched in terms of respect for religious freedom, this paper is highly ambiguous. It contains several promising signs, particularly an acknowledgment of the social and humanitarian contributions of religious organisations, but the underlying approach to religious freedom which it enshrines is wrought with problems. Religious organisations are envisaged as being subordinate to the national interest, and their value is seen in contributing to the enterprise of nation-building. The foreign relations of religious organisations, and particularly human rights defenders within such organisations, are the focus of particular suspicion. Furthermore, significant loopholes still remain within Vietnam’s legislative framework for religion, which allow the arbitrary treatment of different religious groups by local officials in different areas; although a new Law on Belief and Religion is promised, it is not clear that this would address the problem. There is need for Vietnam to invest further in developing an internally coherent framework for religious freedom, which is fully consistent with international standards. The paper must be read in the context of Vietnam’s recent record on religious freedom, including the development and gradual implementation of the cumbersome provisions for registration of religious groups, the slowly-growing acknowledgment of the need for religious freedom and the highly concerning continued crackdown on religiously-affiliated human rights defenders in some parts of the country. Although the positive developments cited in the paper are not evidence of full religious freedom, they nevertheless represent steps in the right direction.” [20]

17.07 In its report, Freedom in the World 2007, Freedom House noted:

“Religious freedom is still restricted, but the situation has improved in recent years in response to international pressure as Vietnam has become more entwined with the global economy. All religious groups and most individual clergy members must join a party-controlled supervisory body. One such body exists for each religion that the state officially recognizes: Buddhism; Roman Catholicism; Protestantism; Islam; Cao Daiism, a synthesis of several religions; and the Hoa Hao faith, a reformist Buddhist church. Religious groups must obtain permission to build or refurbish places of worship; run religious schools or do charitable work; hold conventions, training seminars, and special celebrations; and train, ordain, promote, or transfer clergy. A small number of religious leaders and followers remain in prison or face other forms of government control.” [29]

RELIGIOUS GROUPS:**Buddhists**

17.08 The USSD's IRFR 2007 recorded:

"Buddhism is the dominant religious belief. Many Buddhists practice an amalgam of Mahayana Buddhism, Taoism, and Confucian traditions that sometimes is called the 'triple religion.' The Committee for Religious Affairs cited an estimate of 12 percent (10 million) practicing Mahayana Buddhists, most of whom are members of the ethnic Kinh majority and found throughout the country, especially in the populous areas of the northern and southern delta regions. There are proportionately fewer Buddhists in certain highland areas, although migration of Kinh to these areas is changing this distribution. A Khmer ethnic minority in the south practices Theravada Buddhism. Numbering more than one million persons, they live almost exclusively in the Mekong Delta... In the Mekong Delta, reliable information indicated that at least 10 ethnic Khmer monks were derobed and subjected to disciplinary action, including detention and pagoda arrest, for participation in a protest or protests against the authorities in early 2007." [2b] (sections I & II)

17.09 Amnesty International's Annual Report 2007 (covering events in 2006) recorded, "The Supreme Patriarch of the banned Unified Buddhist Church of Viet Nam, Thich Huyen Quang, 87, exiled for 24 years in remote provinces, was allowed to travel to Ho Chi Minh City for medical treatment and to recover briefly at the Giac Hoa Pagoda there. His deputy, Thich Quang Do, 77, was awarded Norway's Rafto Prize in November for his 'personal courage and perseverance through three decades of peaceful opposition'." [3a]

17.10 The USSD's IRFR 2007 recorded that the government continued to ban and actively discourage participation in certain unrecognised religious groups, including the outlawed Unified Buddhist Church of Vietnam (UBCV). The report noted further, "The Government requires all Buddhist monks to be approved by and work under the officially recognized Buddhist organization, the Vietnam Buddhist Sangha (VBS). The number of Buddhist student monks is controlled and limited by the Committee on Religious Affairs, although the number of Buddhist academies at the local and provincial levels has increased in recent years in addition to several university-equivalent academies." [2b] (section II)

17.11 The same report continued:

"The Government continued to oppose efforts by the outlawed UBCV to operate and continued to restrict the movement of UBCV leaders. In August 2006 the Government allowed Thich Huyen Quang to travel to Ho Chi Minh City for 2 months for medical treatment but discouraged him from returning to Ho Chi Minh City in 2007. However, Thich Quang Do and Thich Huyen Quang were able to receive visits from foreign diplomats. Thich Quang Do was on occasion able to see other UBCV members during the period covered by this report. Thich Quang Do and some other UBCV leaders also were able to maintain contact with associates overseas. However, provincial leaders of the UBCV throughout southern Vietnam came under pressure. In one case a nun on the representative board of the UBCV in Khanh Hoa Province faced severe harassment beginning in March 2006 and reportedly was forced out of the

pagoda she founded. UBCV chapters in central Vietnam were able to gather to celebrate Buddha's birthday in May 2006 and May 2007, but its leaders in HCMC [Ho Chi Minh City] and in Binh Dinh province were unable to organize similar celebrations." [2b] (section II)

17.12 In its 2008 World Report, Human Rights Watch stated:

"Monks from the banned Unified Buddhist Church of Vietnam (UBCV), including top leaders Thich Huyen Quang and Thich Quang Do, have been largely confined to their pagodas, and after Thich Quang Do spoke at the farmers' demonstration in Ho Chi Minh City in July [2007] the government increased its harassment and surveillance of the UBCV. In March [2007] UBCV monk Thich Thien Mien, who formed an association of former political and religious prisoners following his release in 2005 after 26 years in prison, was interrogated by police for alleged anti-government activities." [5a]

Hoa Hao

17.13 The government officially recognises one Hoa Hao organisation. (USSD IRFR 2007) [2b] (section I) However, many believers do not recognise or participate in this government-approved organisation. Their activities are considered illegal by the authorities and they sometimes experience harassment or repression as a result. (USSD IRFR 2007) [2b] (section II)

17.14 The USSD's IRFR 2007 noted:

"According to the Government, there are 1.2 million Hoa Hao followers; affiliated expatriate groups estimate that there may be up to three million followers. Hoa Hao followers are concentrated in the Mekong Delta, particularly in provinces such as An Giang and Dong Thap, where the Hoa Hao were dominant as a social, political, and military force before 1975. The Government-recognized Hoa Hao Administrative Committee (HHAC) was organized in 1999. Some Hoa Hao belong to other sects that oppose the HHAC." [2b] (section I)

17.15 The report also recorded:

"The Government continued to ban and actively discourage participation in one unrecognized faction of the Hoa Hao Buddhists... The Hoa Hao have faced some restrictions on their religious and political activities since 1975, in part because of lingering Communist Party suspicions stemming from the Hoa Hao's armed opposition to communist forces dating back to French colonial rule. After 1975, all administrative offices, places of worship, and social and cultural institutions connected to the Hoa Hao faith were closed. Believers continued to practice their religion at home, but the lack of access to public gathering places contributed to the Hoa Hao community's isolation and fragmentation. In 1999, a new official Hoa Hao body, the Hoa Hao Administrative Council, was formed. In the spring of 2005, the Hoa Hao Administrative Council was expanded and renamed the Executive Committee of Hoa Hao Buddhism. Several leaders of the Hoa Hao community, including several pre-1975 leaders, openly criticized the Committee. They claimed that the committee was subservient to the Government and demanded official recognition, instead, of their own Hoa Hao body, the Hoa Hao Central Buddhist Church (HHCBC)." [2b] (p1 & section II)

- 17.16 The same report continued, “Although still unregistered, on May 4, 2005, the HHCBC held an organizational meeting that was attended by 126 delegates from across the southern part of the country. However, its members faced significant official repression. Frictions between some Hoa Hao activists and government officials in the Mekong Delta continued during the reporting period.” [2b] (section II) In its 2008 World Report, Human Rights Watch stated, “Four Hoa Hao Buddhists in Dong Thap were sentenced to prison terms of four to six years in 2007 for ‘causing public disorder’ after protesting the imprisonment of Hoa Hao members in 2006.” [5a]

Catholics

- 17.17 As noted by the USSD’s IRFR 2007, up to 8 million people in Vietnam are Catholic. The same report stated, “Catholics live throughout the country, but the largest concentrations remain in the southern provinces around Ho Chi Minh City, in parts of the Central Highlands, and in the provinces southeast of Hanoi. Catholicism has in recent years revived in many areas, with newly rebuilt or renovated churches and growing numbers of persons who want to be religious workers.” [2b] (section I)

- 17.18 The USSD’s IRFR 2007 noted further:

“The Government does not permit religious instruction in public schools; however, it permits clergy to teach at universities in subjects in which they are qualified... Several Catholic nuns and at least one Catholic priest teach at Ho Chi Minh City universities. They are not allowed to wear religious dress when they teach or to identify themselves as clergy... Catholic religious education, on weekends or evenings, is permitted in most areas and has increased in recent years in churches throughout the country... Religious groups are not permitted to operate independent schools beyond preschool and kindergarten... In some areas, especially in the south, Catholic priests and nuns operated kindergartens, orphanages, vocational training centers, and clinics and engaged in a variety of other humanitarian projects. In Ho Chi Minh City and Hue, the Catholic Church was involved in supporting HIV/AIDS hospices and treatment centers and providing counseling to young persons... The Ho Chi Minh City archdiocese ran the HIV/AIDS clinic at the Trong Diem drug rehabilitation center on behalf of the city government. The city government and the Catholic Church remained in discussion about how to officially approve new initiatives, such as a walk-in clinic for possible HIV/AIDS victims, but it allowed the Church to pursue these initiatives quietly. Charitable activities by the Catholic Church were much more restricted in northern Vietnam, but during the reporting period, a number of northern provinces were reported to have become more permissive.” [2b] (section II)

- 17.19 The same report noted, “... the Catholic Church reported that the Government generally continued to ease restrictions on church assignment of new clergy, and the Church indicated that it had begun exploring with government authorities the establishment of additional Catholic seminaries.” [2b] (p1) The report also stated:

“The Government technically maintains veto power over Vatican appointments of bishops and exercised that veto authority over the nomination of two bishops in early 2007. For the most part, however, the Government has in

practice cooperated with the Catholic Church in nominations for bishops' appointments. The Church operates 6 seminaries in the country, with more than 1,000 students enrolled, as well as a new special training program for 'older' students. All students must be approved by local authorities for enrolling in a seminary and again prior to their ordination as priests. The Church believed that the number of students being ordained remained insufficient to support the growing Catholic population and indicated it would like to open additional seminaries and enroll new classes more frequently; however, it received no official response from the Government." [2b] (section II)

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

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

Protestants

- 17.20 The USSD's IRFR 2007 noted that the government continued to ban and actively discourage participation in certain unrecognised religious groups, including some Protestant ones. As recorded by the same report:

"The two officially recognized Protestant churches are the Southern Evangelical Church of Vietnam (SECV), and the smaller Evangelical Church of Vietnam North (ECVN). Estimates of the number of Protestants in the country ranged from official Government figures of 610,000 to claims by churches of more than 1.6 million. There were estimates that the growth of Protestant believers has been as much as 600 percent over the past decade, despite past Government restrictions on proselytizing and other church activities. Some of these new converts belong to unregistered evangelical house churches. Based on adherents' estimates, two-thirds of Protestants are members of ethnic minorities, including H'mong, Dzao, Thai, and other minority groups in the Northwest Highlands, and members of ethnic minority groups of the Central Highlands (Ede, Jarai, and Mnong, among others)." [2b] (section I)

- 17.21 The report also stated:

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

- 17.22 As reported by the same source:

"Participation in religious activities throughout the country continued to grow, and Protestant believers in the Central Highlands continued to report

significant improvements in their situation. Approximately 40 Protestant house churches were registered in northern Vietnam and hundreds in southern Vietnam during the reporting period. However, hundreds of other applications remained pending, especially in the Northwest Highlands... The Government registered several new religious denominations during the reporting period, including the Vietnam Seventh-Day Adventist Church, the Grace Baptist Church, the United World Mission Church, one faction of the Mennonite church... Many pastors of Protestant denominations such as the Seventh-day Adventists, Mennonites, Baptists, United Gospel Outreach Church, and Assemblies of God preferred not to join the SECV or ECVN because of doctrinal differences. In many parts of the country, particularly in urban areas, these and other unrecognized Protestant organizations reported that they were able to practice openly and with the knowledge of local officials. While there were exceptions, the level of official harassment of unrecognized house churches from non-SECV and ECVN denominations continued to decline across the country. The Government held discussions about registration and recognition with leaders of a number of Protestant denominations, the Church of Jesus Christ of Latter-day Saints, and the Jehovah's Witnesses." [2b] (p1 & section II)

17.23 The report stated further:

"Reports of abuses of religious freedom continued to diminish during the period covered by this report; however, some religious believers continued to experience harassment or repression because they operated without legal sanction. In a number of isolated instances, local officials repressed Protestant believers in some parts of the Central and Northwest Highlands and other areas by forcing church gatherings to cease, closing house churches, and pressuring individuals to renounce their religious beliefs, often unsuccessfully. Some ethnic minority worshipers in the Central Highlands--particularly in areas suspected to be affiliated with the 'Dega Church'--continue to be prevented from gathering to worship. However, the number of credible reports of incidents was significantly lower compared with previous years and appeared to reflect individual bias at the local level rather than official central government policy. In a number of instances, the local officials involved were reprimanded or fired." [2b] (section II)

17.24 The same source also noted, "The Government continued to remain concerned that some ethnic minority groups active in this region were operating a self-styled 'Dega Church,' which reportedly mixes religious practice with political activism and calls for ethnic minority separatism. This factor complicated and slowed the registration and recognition process for other churches in the Central Highlands." [2b] (section II)

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

[See also Section 18: Ethnic groups, Hmong and Montagnards](#)

Cao Dai

17.25 As noted by the USSD's IRFR 2007, several Cao Dai organizations comprise 1.5 to 3 per cent of the population. [2b] (section I) The same report noted that the government continued to ban and actively discourage participation in

certain unrecognised religious groups, including the unapproved Cao Dai groups. [2b] (section II)

17.26 The report also stated:

“Official government statistics put the number of Cao Dai at 2.3 million, although Cao Dai officials routinely claim as many as four million adherents. Cao Dai groups are most active in Tay Ninh Province, where the Cao Dai ‘Holy See’ is located, in Ho Chi Minh City, and throughout the Mekong Delta. There are 13 separate groups within the Cao Dai religion; the largest is the Tay Ninh sect, which represents more than half of all Cao Dai believers. The Cao Dai religion is syncretistic, combining elements of many faiths.”
[2b] (section I)

Muslims

17.27 Muslims make up less than 0.1 per cent of the population and the government officially recognises one Muslim organisation. (USSD IRFR 2007) [2b] (section I) The USSD’s IRFR 2007 also recorded:

“Mosques serving the country’s small Muslim population, estimated at between 50,000 to 80,000 persons, operate in western An Giang Province, Ho Chi Minh City, Hanoi, and provinces in the southern coastal part of the country. The Government officially estimates there are approximately 67,000 Muslim believers. The Muslim community is composed mainly of ethnic Cham, although in Ho Chi Minh City and An Giang Province it includes some ethnic Vietnamese and migrants originally from Malaysia, Indonesia, and India. Approximately half of the Muslims in the country are Sunnis, concentrated in five locations around the country. An estimated 15,000 live in Tan Chau district of western An Giang Province, which borders Cambodia. Nearly 3,000 live in western Tay Ninh Province, which also borders Cambodia. More than 5,000 reside in Ho Chi Minh City, with 2,000 residing in neighboring Dong Nai Province. Another 5,000 live in the south central coastal provinces of Ninh Thuan and Binh Thuan. The other half of Muslims practices Bani Islam, a type of Islam unique to the ethnic Cham who live on the southern central coast.”
[2b] (section I)

17.28 Muslim groups are allowed to provide religious education to children. Cham Muslims regularly hold religious and language classes outside of normal classroom hours in their mosques, but, like other religious groups, are not permitted to operate independent schools beyond preschool and kindergarten. (USSD IRFR 2007) [2b] (section II)

Ching Hai

17.29 Ching Hai is a Buddhist-influenced personality cult, founded by, named after, and led by a Vietnamese-born woman, now living outside the country. The group is also referred to as the Quan Yin Method (the form of meditation that it advocates) or Thanh Hai Vo Thuong Su (the Vietnamese title for Supreme Master Suma Ching Hai, a title by which its leader is known). (Ching Hai website, accessed on 6 March 2008) [23]

17.30 The Quan Yin Method requires two and a half hours of meditation per day and refraining from killing, lying, stealing, sexual misconduct, and the use of

intoxicants. Followers are also supposed to be strict vegetarians. (Ching Hai website, accessed on 6 March 2008) [23]

- 17.31 The website of Ching Hai also lists representatives of the cult around the world, many of them in the United States. No representatives are listed for Vietnam. [23]

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ETHNIC GROUPS

- 18.01 As recorded by the Economist Intelligence Unit's (EIU) Country Profile for Vietnam in 2007:

"The delta populations are almost entirely ethnic Vietnamese (kinh), but one-sixth of the population belongs to one of the 53 ethnic minorities, including the Tay, Thai, Nung, Muong, Hmong and Dao in the Northern Uplands, the Gia-Rai, Ba-na, Xodang and Ede in the Central Highlands, the Khmer in much of the south of the country and the Hoa (ethnic Chinese) in urban areas... Many ethnic-minority people do not speak Vietnamese, especially in the more remote mountainous areas, and thus remain outside the economic and social mainstream." [15] (p13)

- 18.02 Ethnologue.com, a website specialising in languages of the world, accessed on 7 March 2008, stated that there are 54 official ethnic communities within Vietnam. [24] The website of the Vietnam National Administration of Tourism, accessed on 6 March 2008, also provides information on these ethnic communities. [17d]

- 18.03 The US State Department Report on Human Rights Practices in 2007 (USSD Report 2007) recorded, "Although the government officially was opposed to discrimination against ethnic minorities, longstanding societal discrimination against ethnic minorities persisted. Despite the country's significant economic growth, ethnic minority communities benefited little from improved economic conditions." [2a] (section 5) The report noted further:

"The government continued to implement measures to address the causes of ethnic minority discontent and to initiate new measures as well. These included special programs to improve education and health facilities and to expand road access and electrification of rural communities and villages. The government allocated land to ethnic minorities in the Central Highlands through a special program, but there were complaints that implementation of these special programs was uneven." [2a] (section 5)

- 18.04 The same report stated:

"The government maintained a program to conduct classes in some local ethnic minority languages up to the fifth grade. The government worked with local officials to develop a local language curriculum, but it appeared to implement this program more comprehensively in the Central Highlands than in the mountainous northern and northwestern provinces. The government operated special schools for ethnic minorities in many provinces, including subsidized boarding schools at the high-school and middle-school levels, and

offered special admission and preparatory programs as well as scholarships and preferential admissions at the university level. There were also a handful of government subsidized technical and vocational schools for ethnic minorities. Nonetheless, there were credible cases of discrimination against Christian ethnic minorities, although the law provides for universal education for children, regardless of religion or ethnic group.” [2a] (section 5)

See also Section 17: Catholics and Protestants

- 18.05 The USSD Report 2007 also noted, “The government broadcast radio and television programs in ethnic minority languages in some areas. The government also instructed ethnic Kinh officials to learn the language of the locality in which they worked. Provincial governments continued initiatives designed to increase employment, reduce the income gap between ethnic minorities and ethnic Kinh, and make officials sensitive and receptive to ethnic minority culture and traditions.” [2a] (section 5)

CHINESE (HOA)

- 18.06 The EIU’s Country Profile for Vietnam in 2007 stated:

“The once-sizeable ethnic-Chinese community was depleted after many left Vietnam, often as ‘boat people’, when the government closed down private businesses in the south in 1978. The 1989 census counted 962,000 Chinese, but the figure is now estimated to be more than 1.5m. A large proportion of the inflow of remittances, estimated at well over US\$2bn a year, originates from the overseas Chinese. The Chinese business community remains vibrant, particularly in and around Ho Chi Minh City. There is a high rate of intermarriage, with 30% of Chinese marrying a non-Chinese partner.” [15] (p13)

- 18.07 A report by the Minorities at Risk Project, dated 31 December 2003, stated:

“The Chinese are well integrated into Vietnamese society. There is no history of persistent protest or rebellion; there is little support from kindred elsewhere for such activities. Furthermore, the government of Vietnam does not actively discriminate against or repress the group [sic]... The Chinese are reportedly dispersed across the country, although there are reported to be up to half a million Chinese residing in Ho Chi Minh City. There is limited information available about the cultural characteristics of the Chinese Vietnamese. They speak Mandarin but many are also likely to speak Vietnamese. Referred to as the Hoa in Vietnamese, the Chinese are Buddhists and they are physically distinguishable from the Vietnamese, who are referred to as the Kinh.” [28]

- 18.08 The same source stated:

“Since the early 1980s, political, economic, and cultural restrictions against the Chinese have slowly been lessened. In 1982, for instance, a law was passed which recognized the Hoa [Chinese] as Vietnamese citizens that possess the rights of all other citizens. Restrictions were still maintained on Chinese employment in the security sphere (e.g., armed forces). All employment restrictions were removed in 1986. The Chinese were able to expand their economic influence after Vietnam launched an economic liberalization program late in the decade. Reports indicate that the economically advantaged Chinese control up to 50% of local commercial activities in Ho Chi

Minh City. In the mid-1990s, all official policies that limited the participation of the Chinese in the political sphere were lifted. They possess the same rights as the country's other citizens. There are no known Chinese political, economic, or cultural organizations that are actively pursuing group interests. There have been no reports of tense relations between the Hoa and the Kinh from 1998-2003." [28]

- 18.09 In its World Refugee Survey 2007, the US Committee for Refugees and Immigrants reported that about 9,500 Cambodian refugees of Chinese ethnicity remained in Vietnam since their arrival in 1975. Although the United Nations High Commissioner for Refugees (UNHCR) considered them stateless, the government did not allow them Vietnamese nationality. About 2,400 have lived in four camps in Binh Duong and Binh Phuoc Provinces and Ho Chi Minh City since the 1980s, while the rest have lived mostly in the Ho Chi Minh City area. [21]

See also Section 26: Foreign refugees

HMONG

- 18.10 The USSD Report 2007 recorded that "in the northern region and the Northwest Highlands, local authorities had not acted on registration applications submitted in 2006 by more than 1,000 Protestant congregations among ethnic minority groups, the Hmong in particular." [2a] (section 2)
- 18.11 As noted by the US State Department's International Religious Freedom Report 2007 (IRFR 2007), "Based on adherents' estimates, two-thirds of Protestants are members of ethnic minorities, including H'mong, Dzao, Thai, and other minority groups in the Northwest Highlands... Local officials in several northwestern villages continued to attempt to convince or force H'mong Protestants to recant their faith." [2b] (sections I & II)

See also Section 17: Protestants

MONTAGNARDS

- 18.12 The Montagnards is the collective term used for a number of ethnic minorities that inhabit the Central Highlands of Vietnam. The EIU's Country Profile for Vietnam in 2007 stated, "In early 2001 there were serious demonstrations in the Central Highlands, which were repeated in April 2004 as members of ethnic minorities expressed their frustration at government attempts to restrict their freedom of religion (evangelical Protestantism is rife in the region) and at the gradual loss of land to ethnic Vietnamese who have moved into the area to cultivate coffee, often with government backing." [15] (p12)
- 18.13 In a report dated June 2006, Human Rights Watch recorded ongoing arrests and other abuses of Montagnards since 2001, including the forced renunciation of their religious faith, as well as the mistreatment of returnees from neighbouring Cambodia. The report disputed the claims of UNHCR that returnees had returned safely to their homes. [5b]
- 18.14 However, a report dated 16 June 2006 on the website of the United Nations High Commissioner for Refugees (UNHCR) rejected the claims of Human Rights Watch concerning returnees, stating:

“Frankly, we find the report unbalanced and reject its accusations. The allegations do not tally with our first-hand experience of the Montagnard caseload in Cambodia, nor with our 12 monitoring missions to visit returnees in the Central Highlands of Viet Nam. Those missions continue. Nor do they tally with the visits of foreign diplomats, regional bodies and other respected human rights advocates. The HRW report draws very generalised conclusions from essentially the accounts of five people whose stories cannot be verified by any objective means. Under the terms of an agreement signed in Hanoi in January 2005 between UNHCR, Viet Nam and Cambodia, Montagnards who had arrived in Cambodia and were recognised as refugees could either be resettled to a third country or return to Viet Nam. Viet Nam guaranteed they would not be punished, discriminated against or prosecuted for illegal departure... Our monitoring missions have not revealed the serious mistreatment alleged in the report. Ensuring there was no official presence during the discussion, we have visited people around whom there had been claims of mistreatment. But, the allegations, passed on to us by human rights groups, could not be substantiated. We have now visited more than 64 percent of all returnees, many of them several times. Based on what we have heard, what we have been told, and what we’ve seen for ourselves, we have no reason to change our previous assessment of the situation of the returnees. The allegations contained in the HRW report are not new to UNHCR. HRW relies heavily on the testimony of two ‘double backers’ who returned to Viet Nam, then left again for Cambodia claiming they were tortured and interrogated in Viet Nam. We have had contact with these people and found discrepancies between accounts they related to us and to HRW. There have been no similar allegations of mistreatment from any other returnees, who now total 102 voluntary returnees and 94 deportees.” [22a]

18.15 The same source also stated:

“We can’t rule out that there could be individual cases where there are grounds for refugee recognition. The Vietnamese government has acknowledged there are issues at the root of the discontent in the region and is starting to put in place programmes designed, at least, to address the root concerns. A total of 672 Montagnards were resettled from Cambodia in 2004/2005. There are currently 249 in Phnom Penh. In 2005, 82 Montagnards returned home voluntarily, with a further 20 returning in 2006. A total of 94 persons have been deported.” [22a]

18.16 The USSD Report 2007 noted:

“The government continued to honor a tripartite memorandum of understanding signed with the government of Cambodia and the UNHCR to facilitate the return from Cambodia of all ethnic minority Vietnamese who did not qualify for third-country resettlement. Local government authorities observed but did not hinder fact-finding and monitoring visits by UNHCR and foreign diplomatic mission representatives to the Central Highlands. The UNHCR and foreign diplomats saw some resistance from lower-level officials in permitting private interviews of returnees. Although less frequently than in previous years, local policemen sometimes were present during UNHCR returnee interviews. Provincial governments generally continued to honor their obligations to attempt to reintegrate ethnic minority returnees from Cambodia. The UNHCR continued to report a general feeling of ‘more openness’ during

its monitoring visits and a better flow of information from national to provincial to local government levels, due in part to World Trade Organization accession early in the year. The UNHCR also reported that the overall environment for ethnic minorities in the Central Highlands improved, despite an increase in the number of persons illegally going to Cambodia during the year. It stated that there was ‘no general threat’ of systemic discrimination against ethnic minorities in the Central Highlands.” [2a] (section 2)

18.17 The same source recorded:

“Some members of ethnic minority groups continued to flee to Cambodia and Thailand, reportedly to seek greater economic opportunity or shortcuts to immigration to other countries. Government officials monitored certain highland minorities closely, particularly several ethnic groups in the Central Highlands, because of concern that the form of Protestant religion they were practicing encouraged ethnic minority separatism. The government continued to impose security measures in the Central Highlands in response to concerns over possible ethnic minority separatist activity. There were some reports that ethnic minority individuals using cellular telephones to call the ethnic minority community abroad were a special target of police attention. There were a few reports that ethnic minorities seeking to cross into Cambodia were returned by Vietnamese police operating on both sides of the border, sometimes followed by police beatings and detentions.” [2a] (section 5)

18.18 In its 2008 World Report, Human Rights Watch stated:

“An independent report facilitated by UNHCR in 2007 found ‘severe forms of religion-based punitive action’ against Montagnard Christians in the Central Highlands. During 2007 at least 13 Montagnards were sentenced to prison, joining more than 350 Montagnards imprisoned on national security charges since 2001 for peaceful political or religious activities, or trying to seek asylum in Cambodia. A steady trickle of Montagnard asylum seekers fled to Cambodia, with many forcibly turned back by Cambodian border police. Problems remained in monitoring conditions in the Central Highlands without hindrance: after a UNHCR visit to Dak Lak in June [2007], police detained and beat a Montagnard who had helped translate for the delegation.” [5a]

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

[See also Section 17: Protestants](#)

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LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

19.01 The US State Department Report on Human Rights Practices in 2007 (USSD Report 2007) noted, “A homosexual community existed but was largely underground. There was low public awareness of the issue and little evidence of discrimination based on sexual orientation.” [2a] (section 5)

19.02 As noted by an Agence France Presse report dated 4 August 2003, “Outward discrimination of the kind sometimes found in Western countries is rare in Vietnam, possibly because homosexuality does not yet exist as a firm concept

in Vietnam and also because a large degree of same-sex tactility is accepted as normal in Southeast Asian cultures.” The same report stated, “There are no laws or regulations on homosexuality or homosexuals in Vietnam, and no mention of gays as a risk group for HIV and AIDS.” [18]

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DISABILITY

- 20.01 The US State Department Report on Human Rights Practices in 2007 (USSD Report 2007) recorded:

“The law requires the state to protect the rights and encourage the employment of persons with disabilities. The provision of services to such persons, although limited, improved during the year. During the year the Ministry of Transportation developed accessibility codes for public transportation facilities and trained transportation agency officials and students on use of the codes... Construction or major renovation of new government and large public buildings must include access for persons with disabilities.” [2a] (section 5)

- 20.02 The report stated further:

“The law provides for preferential treatment for firms that recruit persons with disabilities and for fines on firms that do not meet minimum quotas that reserve 2 to 3 percent of their workforce for workers with disabilities; however, the government enforced these provisions unevenly... The government supported the establishment of organizations aiding persons with disabilities... The National Coordination Committees on Disabilities and its ministry members worked 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 those with disabilities.” [2a] (section 5)

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WOMEN

LEGAL RIGHTS

- 21.01 The website of the United Nations Inter-Agency Project (UNIAP) on Human Trafficking in the Greater Mekong Sub-Region, accessed on 4 March 2008, recorded that all forms of discrimination towards women are prohibited by the Vietnamese Constitution and laws, and that Vietnam is a signatory to the UN Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). [30] However, the US State Department Report on Human Rights Practices in 2007 (USSD Report 2007) noted, “Despite the large body of legislation and regulations devoted to the protection of women's rights in marriage and in the workplace, as well as labor code provisions that call for preferential treatment of women, women did not always receive equal treatment.” [2a] (section 5)

POLITICAL RIGHTS

- 21.02 The USSD Report 2007 stated, "The law provides the opportunity for equal participation in politics by women and minority groups. There were 127 women in the 493-seat National Assembly, or 26 percent, a slightly lower percentage than in the previous National Assembly." [2a] (section 3)
- 21.03 The same report also noted, "The Vietnam Women's Union and the National Committee for the Advancement of Women (NCFAW) continued to promote women's rights, including political, economic, and legal equality and protection from spousal abuse. The Women's Union also operated microcredit consumer finance programs and other programs..." [2a] (section 5)

SOCIAL AND ECONOMIC RIGHTS

- 21.04 As recorded by Freedom House in its report, Freedom in the World 2007, "Economic opportunities have grown for women, but they continue to face discrimination in wages and promotion." [29] The USSD Report 2007 noted, "While there is no legal discrimination, women continued to face societal discrimination." [2a] (section 5)
- 21.05 In its 2008 World Report, Human Rights Watch stated, "While Vietnam's National Assembly has among the highest proportion of women representatives of any Asian country and laws prohibiting gender discrimination and trafficking, poor legal enforcement leaves many women disenfranchised and subject to domestic violence, trafficking, landlessness, growing rates of HIV/AIDS, and low school enrollment rates." [5a]
- 21.06 As recorded by the website of the US State Department's Bureau of Consular Affairs, accessed on 15 February 2008, "Vietnamese law does not recognize common-law marriages. Authorities do issue certificates verifying cohabitation but these do not constitute legal marriages. Vietnamese law prohibits marriage between blood siblings, half siblings, first cousins or any two persons related closer than three degrees of separation. The legal age for marriage is 20 for men, 18 for women... Divorce records are maintained by the courts where they were issued." [2d]
- 21.07 As recorded by the website of the United Nations Inter-Agency Project (UNIAP) on Human Trafficking in the Greater Mekong Sub-Region, accessed on 4 March 2008, "Forced marriage, under-age marriage and irregular marriage registration are strictly prohibited by the Vietnamese Marriage and Family Code (2000). Depending on the nature of violations, the penalties on violation can be defined as administrative fine or criminal." [30]

VIOLENCE AGAINST WOMEN

- 21.08 As recorded by Freedom House in its report, Freedom in the World 2007, "Many women are victims of domestic violence, and thousands each year are trafficked internally and externally and forced into prostitution." [29] The USSD Report 2007 stated:

“The law prescribes punishment ranging from warnings to a maximum of two years’ imprisonment for ‘those who cruelly treat persons dependent on them,’ but the police and legal system generally remained unequipped to deal with cases of domestic violence. On November 21 [2007], the National Assembly passed the Law on Domestic Violence Prevention and Control, highlighting the issue and providing additional penalties for abusers and resources for victims. The new law specifies acts constituting domestic violence, assigns specific portfolio responsibilities to different government agencies and ministries, and specifies punishments for perpetrators of domestic violence, although these were considered to be vague. Implementing decrees were scheduled to be written and approved in 2008. Officials increasingly acknowledged the existence of domestic violence as a significant social concern, and this was discussed more openly in the media. Domestic violence against women was considered common, although there were no firm statistics measuring the extent of the problem.” [2a] (section 5)

21.09 The report continued:

“Several domestic and international NGOs worked on the problem. Hot lines operated by NGOs existed in major cities for victims of domestic violence. While rural areas often lacked the financial resources to provide crisis centers and domestic hotlines, many villages established ‘intervention groups’ allowing women to live with another family while men in the women’s families confront the abuser. Approximately two-thirds of divorces reportedly were due in part to domestic violence. The divorce rate continued to rise, but many women remained in abusive marriages rather than confront social and family stigma as well as economic uncertainty. The government, with the help of international NGOs, supported workshops and seminars aimed at educating both women and men about domestic violence and also highlighted the issue through public awareness campaigns. In March [2007] the Vietnamese Women’s Union opened up the government-supported national Center for Women and Development. The center provided services to victims of trafficking, including shelters and vocational training. The center was partly supported by foreign foundations and NGOs.” [2a] (section 5)

21.10 The USSD Report 2007 also noted, “By law it is a crime to use violence, threaten violence, take advantage of a person who cannot act in self-defense, or resort to trickery to have sexual intercourse with a person against that person’s will. This appears to criminalize rape, spousal rape, and in some instances sexual harassment; however, there were no known instances of prosecution for spousal rape or sexual harassment. Other rape cases were prosecuted to the full extent of the law.” [2a] (section 5)

21.11 A report by the Canadian Immigration and Refugee Board (IRB) dated 16 March 2007 stated:

“Domestic abuse is reportedly widespread in Vietnam...The Women’s Union reportedly found that about 40 percent of women have experienced abuse in the home. Also according to Viet Nam News, a survey reportedly conducted by a Vietnamese research organization found that 20 to 25 percent of families have reported incidents of domestic violence... Sources suggest that unless abuse results in ‘serious injury’, it is often accepted - by both men and women - as a ‘normal’ part of domestic life... Therefore, many Vietnamese believe that domestic violence refers only to ‘extreme physical violence’... Several

sources highlight cultural attitudes related to the roles of men and women in Vietnam as a factor in the way spousal abuse is perceived in the country... Rather than face social stigmatization, some women remain in abusive relationships... spousal abuse is not generally considered to be a criminal act deserving of punishment to the same degree as other crimes... According to the results of a four-year research study on domestic violence in Vietnam... women who report domestic violence to the police are often encouraged to return home to reconcile with their partners... In general, police will not intervene in situations of domestic violence unless the victim specifically asks them to... the law forbidding spousal abuse is 'only rarely enforced'." [6j]

21.12 The same report stated further:

"Non-governmental organizations (NGOs) have established some services for victims of domestic abuse... For example, a women's centre for counselling and healthcare runs a hotline that provides counselling to victims of domestic abuse... With the support of international donors, a provincial branch of the Women's Union is educating the public about spousal abuse, providing counselling to and intervention services for abused women, as well as running 'husband and father' clubs... There is a domestic violence hotline in Ho Chi Minh City, as well as several shelters - however these services are reliant on donor funding. Viet Nam News reports that the Women's Union supports 'many' projects to prevent domestic violence and help victims." [6j]

[See also Section 22: Children](#)

[See also Section 23: Trafficking](#)

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CHILDREN

GENERAL INFORMATION

- 22.01 As noted by the US State Department Report on Human Rights Practices in 2007 (USSD Report 2007), "International organizations and government agencies reported that, despite the government's promotion of child protection and welfare, children continued to be at risk of economic exploitation." [2a] (section 5)
- 22.02 The USSD Report 2007 also stated, "The government continued to implement a family planning policy that urged families to have no more than two children, but the policy emphasized exhortation and education rather than coercion. The government can deny promotions and salary increases to public sector employees with more than two children, and some cases of denied promotion or financial penalties were reported, although the policy did not appear to be enforced in a consistent manner." [2a] (section 1)
- 22.03 In its Concluding Observations on Vietnam dated 17 October 2006, the UN Committee on the Rights of the Child (CRC) expressed concern that "some provisions in the Penal Code (including articles 254 to 256 related to child prostitution) refer to children as to those below the age of 16 only." [13] (p3) A report by Human Rights Watch, dated November 2006, stated, "Vietnam's

Penal Code establishes the age of criminal responsibility at 14 for criminal offenses and 12 for administrative offenses. It provides for certain exemptions for juvenile offenders under the age of 16, and allows early release of juvenile offenders who have shown progress and served half their sentence.” [5c] (p15)
The report stated further:

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

22.04 The USSD Report 2007 noted:

“Child labor remained a problem, particularly in the rural areas, where 72 percent of the population resides. The law prohibits most child labor but allows exceptions for certain types of work. The law sets the minimum age for employment at 18, but enterprises may hire children between 15 and 18 if the firm obtains permission from parents and MOLISA [Ministry of Labor, Invalids, and Social Affairs]. In June 2006 MOLISA reported that approximately 30 percent of children between the ages of six and 17 participated in economic activities. Observers noted that the estimate may have understated the number of children who participated in such activities, since many more children worked in the informal sector, usually on family farms or in family businesses not within the scope of the law.” [2a] (section 6)

EDUCATION

22.05 As noted by Europa World, accessed on 14 February 2008:

“Primary education, which is compulsory, begins at six years of age and lasts for five years. Secondary education, beginning at the age of 11, lasts for seven years, comprising a first cycle of four years and a second cycle of three years. In 2001/02 total pre-primary enrolment included 43% of children in the relevant age-group. In the same year enrolment within primary education included 92.9% of children in the relevant age-group (males 97%; females 91%), while secondary enrolment included 64.8% of the relevant age-group. In 2004/05 there were 10,376 pre-primary institutions, 14,518 primary schools and 12,299 secondary schools, as well as 230 higher education institutions at which over 1.3m. students were enrolled.” [1]

22.06 The USSD Report 2007 recorded:

“While education is compulsory and free through the age of 14, authorities did not always enforce the requirement, especially in rural areas, where government and family budgets for education were strained and children's contribution as agricultural laborers was valued. The culture's strong emphasis

on education led parents who could send children to school to do so rather than allow them to work. The 2005 Education Law provides universal access to education for children regardless of gender, religion, race, or ethnicity. The public school system includes 12 grades. More than 90 percent of children attended primary grades, but the percentage attending lower and upper secondary school was much lower; secondary school enrollments were at less than 75 percent of eligible students for lower secondary and less than 50 percent for upper secondary. Enrollments were lower at all educational levels in remote mountainous areas. Some street children in Ho Chi Minh City and Hanoi participated in night education courses. Vocational training programs implemented by NGOs enjoyed some success in Hanoi and other metropolitan areas, notably at the grassroots level, and filled the gap created by a lack of government implementation of existing legislation. Religious groups operated some orphanages, despite the government's prohibition on such activities, and sent the children to public schools during the day." [2a] (section 5)

22.07 The Economist Intelligence Unit's (EIU) Country Profile for Vietnam in 2007 stated, "Although access to higher levels of education has historically been limited, the introduction of near-universal primary education has produced high literacy rates. The Viet Nam Living Standards Survey 2002 found that 92% of the population aged ten years and older were literate—89% of females and 95% of males. Literacy in the urban areas (96%) is only slightly higher than in the countryside (91%)." [15] (p14)

22.08 The same report stated further:

"Vietnam's school enrolment rates have risen to record levels, with particularly rapid growth at the tertiary level. The number of university students rose from 873,000 in 2001 to 1.7m in 2006, including 209,000 students in private institutions. The share of government current spending allocated to education and training rose from just under 5% in 1989 to 23% in 2002. State spending is augmented by large amounts of household spending on fees, tutoring and educational supplies, which is thought to account for as much as half of all educational spending." [15] (p14)

CHILD CARE

22.09 A report by the United Nations Children's Fund (UNICEF) in 2006 stated:

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

understanding of child protection threaten children as well. Accelerating HIV infections also place children at higher risk.” [10a]

22.10 The report continued:

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

22.11 In 2005 the orphan population was estimated at 1.8 million out of a total population of 30.5 million children in Vietnam. (UNICEF, 2005) [10b] In a report dated 12 January 2004, the state-run Vietnam News put the number of orphans at the much lower figure of 160,000, but acknowledged “overload at most orphanages” and that just 6,000 of these children were cared for in such institutions. The report stated:

“Ministry research has found that living in orphanages could affect children in the long run. And the high cost of operating these centres, including expenses for infrastructure upgrades and staff wages, was onerous... A total of 327 orphanages and sponsoring centres for the disabled and elderly operate across the country. Sixty-one of those are dedicated to children only. A shortage of facilities has meant just 6,000 of the 160,000 orphans across Viet Nam were cared for in social centres, the labour ministry's official figures suggest... Each year, the Government spends VND100 billion (\$6.4 million) on social centres and another VND100 billion to help impoverished orphans and elderly and disabled people in their communities. The labour ministry said that amount had fallen far short of the need.” [25]

22.12 The USSD Report 2007 noted, “According to the Ministry of Labor, Invalids, and Social Affairs (MOLISA), there were nearly 23,000 street children, who were vulnerable to abuse and sometimes were abused or harassed by police.” The report also stated:

“Anecdotal evidence suggested that child abuse occurred, but there was no information on the extent of such abuse. Widespread poverty contributed to child prostitution, particularly of girls but also of boys, in major cities. Many prostitutes in Ho Chi Minh City were under 18 years of age. Some minors, such as those from abusive homes, were forced into prostitution for economic reasons. Children were trafficked domestically and to foreign destinations for sexual exploitation. Domestic trafficking also included incidents of child beggars and flower-selling rings, especially in Ho Chi Minh City and Hanoi... The UN Children's Fund (UNICEF) and international NGOs also provided specific training to the government's border guard on methods to identify and combat trafficking in children... An NGO advocate estimated that the average age of trafficked girls was between 15 and 17. Some reports indicated that the ages of girls trafficked to Cambodia typically were lower.” [2a] (section 5)

22.13 The same report noted, “Prostitution is illegal, but enforcement was uneven... There were continued but declining reports that some parents coerced daughters into prostitution or made extreme financial demands that compelled

them to engage in prostitution, since parents often expected the eldest daughter to assume responsibility for a significant part of a family's finances.” [2a] (section 5) In its Concluding Observations on Vietnam dated 17 October 2006, the UN Committee on the Rights of the Child (CRC) stated:

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

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

“The Committee for Population, Family and Children (CPFC) is the ministerial-level state agency with national responsibility for child protection, care, and education of children in need of special protection, including those who have been separated from or unable to live with their parents or guardians. It is also responsible for monitoring the operation of all ‘child support establishments,’ which presumably include Social Protection Centers, to ensure that their operation is consistent with their purposes and legal requirements. Together with the Ministry of Public Security, the CPFC is responsible for overseeing the protection of children's rights... Human Rights Watch's research indicates that none of these systems or governmental bodies is fully meeting its obligations to protect and care for street children and to ensure their rights are protected... Vietnam's social protection system, put in place after de-collectivization in 1988, is responsible for the care of vulnerable people, including homeless children, orphans, children with disabilities, and street children. Social relief policies are developed centrally but implemented at the local level... People's Committees manage ‘social relief beneficiaries,’ who are sent to local Social Protection Centers (as already noted, these are also called Social Charity Establishments or Social Relief Centers), when they face exceptional difficulties or are unable to support or house themselves. The ‘regular social relief regime’ covers the needs of orphans, ‘lonely elderly,’ seriously disabled persons, and chronically-ill mental patients. The ‘irregular social relief regimes’ covers people who fall into hardship because of natural calamities or death of a family member, as well as ‘wandering beggars’—which includes street children.” [5c] (p13-15)

22.15 Regarding ‘social protection centres’, the same report stated:

“A Vietnamese researcher explained how Social Protection Centers work in reality: ‘[They] are places for the temporary custody of those who have been picked up by the district authorities during their campaigns. These centers are for people who have not committed any serious crimes, but whose behavior

and lifestyle may pose a threat to social order and security. They are, therefore, gathered or arrested without any order from the court or from any judiciary bodies.'... According to the Implementation Decree of the Law on Child Protection, 'child support establishments,' which include Social Protection Centers, are required to provide: 'Distinct ... education for [disabled] children; education and re-education for children in conflict with the law; detoxification for drug-addicted children; management, nurturing and education for children of social sponsor groups [i.e. children who are social relief beneficiaries]; provision of accommodation, meals and other services for ... children in special circumstances.' According to Decree 25, which regulates Social Protection Centers, the government is responsible for examining and inspecting the institutions' adherence to the law, handling violations, and settling 'complaints and denunciations about violations of policies and regimes related to operations' of the centers. Organizations and individuals found to have violated laws regulating Social Protection Centers are to be disciplined, administratively sanctioned, or examined for penal liability, depending on the nature and seriousness of their violations." [5c] (p17-18)

22.16 The report stated further:

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

22.17 In conclusion, the report stated:

"On paper, many Vietnamese laws, decrees, and directives are consistent with the Convention on the Rights of the Child and demonstrate the government's stated commitment to care, protect, and educate children. Policies regarding street children largely call for a humanitarian approach that prohibits abuse and promotes rehabilitation and family reunification. In practice, however, the government regularly authorizes campaigns in which street children are arbitrarily rounded up and institutionalized. Government officials turn a blind eye towards the abysmal conditions in the Social Protection Centers,

particularly at Dong Dau, and the physical and emotional abuse street children suffer there. Social Protection Centers in their current form are inappropriate institutions for children and run contrary to policy objectives of protecting and rehabilitating street children and helping to reunite them with their families.” [5c] (p66)

- 22.18 The USSD Report 2007 noted, “There were increasing reports that parents received payments in exchange for giving up their infant children for adoption. In addition, there was evidence that small children and infants were sometimes kidnapped and sold to traffickers in China and other countries. The media highlighted a number of cases of children trafficked from northern provinces to China. Because of China’s strict one-child policy and growing need for agricultural and factory workers, children in border provinces remained at risk.” [2a] (section 5)

See also Section 23: Trafficking

- 22.19 As recorded by the US State Department’s Bureau of Consular Affairs in August 2006:

“According to the Vietnamese ‘Law on Marriage and the Family,’ adoptive parents must be at least 20 years older than the children they wish to adopt. Only one single person or one married couple may adopt. S/he or they must meet all of the following requirements: have not had their parental rights restricted by authorities, have good ethical qualities, and have the capacity to care for, support, and educate the adoptive child. If married, both persons must meet all requirements. Children up to and including the age of 15 can be adopted. Under Vietnamese law, a child over age nine must consent in writing to his/her adoption... Vietnam law permits adoption by married couples (one man, one woman) and single heterosexual persons. Vietnam law prohibits homosexual individuals or couples from adopting Vietnamese children.” [2e]

HEALTH ISSUES

- 22.20 The website of One World, accessed on 7 March 2008, stated:

“To fulfil its commitment to child protection, the government introduced a new regulation in January 2005 under which children up to six years old should receive primary healthcare, medical check-ups and treatment free of charge. However, there are signs that the necessary funding has not yet materialized at the level of individual health centres and a more concerted effort will be needed to address child health problems and malnutrition, particularly in the impoverished remote communities and amongst children in urban areas.” [27]

- 22.21 The USSD Report 2007 noted, “The government provided medical care equally for both boys and girls, although medical services were constrained by limited budgets and geography in remote rural areas.” [2a] (section 5)

- 22.22 The website of the World Health Organisation (WHO), accessed on 4 March 2008, recorded:

“The infant mortality rate (IMR) has fallen rapidly in the past two decades: from 55.0 per 1000 live births in 1983 to 17.8 in 2005. In the past five years (2000-2005), it has declined at an average rate of 3.78% per year and is now lower

than other Asian countries at a similar level of economic development... The under-five mortality rate (U5MR) has also fallen, from 42% in 1999 to 27.5% in 2005, with an average decline of 2.8% per year. A recent study indicated that the causes of death among children under five are concentrated in the perinatal period and are mainly due to premature birth, asphyxia at birth and multiple birth defects. For children beyond the perinatal period, mortality is mainly due to drowning, respiratory infection and encephalitis. Child malnutrition is measured using two basic indicators: the proportion of children born with low birth weight and the proportion of children under five who are malnourished. The proportion of babies born with low birth weight (under 2500g) declined from 7.3% in 2000 to 5.1% in 2005 and the under-five malnutrition rate fell from 33.8% to 25.2% in 2005. The problem of overweight children is beginning to appear, although still at low levels, accounting for about 1.3% of children in the under-five age group and 0.8% in the 5-10 year age group." [11a]

[See also Section 21: Women](#)

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TRAFFICKING

- 23.01 The US State Department Report on Human Rights Practices in 2007 (USSD Report 2007) noted, "The penal code prohibits trafficking in women and children, but trafficking, in particular trafficking in women and children for sexual exploitation, remained a significant problem. Reliable statistics on the number of citizens who were victims of sex-related trafficking were not available; however, there was evidence that the number was growing." The report stated further, "Throughout the year the government continued to increase efforts to prosecute traffickers. The law provides for prison sentences of two to 20 years for each offense for persons found guilty of trafficking women, and between three years and life in prison for each offense for persons found guilty of trafficking children." [2a] (section 5)
- 23.02 The USSD Report 2007 also noted:
- "Women were trafficked primarily to Cambodia, Malaysia, China, Taiwan, and South Korea for sexual exploitation. Women also were trafficked to Hong Kong, Macau, Thailand, the United Kingdom, Eastern Europe, and the United States. There were reports that some women going to Taiwan, Hong Kong, Macau, South Korea, and China for arranged marriages were victims of trafficking. Women and children also were trafficked within the country, usually from rural to urban areas. Men were trafficked regionally to work in construction, agriculture, and fishing." [2a] (section 5)
- 23.03 The report stated further, "Poor women and teenage girls, especially those from rural areas, were most at risk for being trafficked. MPS [Ministry of Public Security] and UNICEF research indicated that trafficking victims could come from any part of the country but were concentrated in certain northern and southern border provinces, especially the Mekong Delta and central province of Thanh Hoa. Some were sold by their families as domestic workers or for sexual exploitation... Family relatives were often involved in trafficking cases." [2a] (section 5)

- 23.04 As noted by the US State Department's Trafficking in Persons Report 2007, published on 12 June 2007:

"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. Vietnam made progress in combating sex trafficking over the past year by improving funding and implementation of its 2004-2010 National Program of Action and by overall increasing its investigations, arrests, prosecutions, and convictions of traffickers. In addition, Vietnam has built key anti-trafficking partnerships with Cambodia and the P.R.C [China]. Vietnam needs to take more steps to protect foreign workers from being trafficked and to protect those that are victims of involuntary servitude. Passage of the new Export Labor Law in late 2006 holds promise if adequately implemented and enforced. Vietnam should also make efforts to prosecute and convict any public officials who profit from or are involved in trafficking. The Vietnamese government should continue to step up efforts to vigorously prosecute and sentence foreign sex tourists." [2c]

- 23.05 The report stated further:

"The Vietnamese government demonstrated increased law enforcement efforts to combat trafficking in persons. Vietnam criminally prohibits all forms of sex trafficking through the 2003 Ordinance on Prevention of Prostitution. Articles 119, 120, and 275 of its 1999 penal code cover trafficking in women, children, and all persons for labor exploitation, respectively. Penalties prescribed for trafficking for sexual and labor exploitation are sufficiently stringent and those for sexual exploitation are commensurate with those for other grave crimes. Lack of standardized and comprehensive legislation impedes more effective punishment of trafficking offenders." [2c]

- 23.06 The same report also recorded:

"The Vietnamese government demonstrated progress in improving victim protection and assistance in 2006. Trafficking victims in Vietnam are encouraged to assist in the investigation and prosecution process, as well as file suit against traffickers. The government has no formal system of identifying victims of trafficking, but the Vietnam Women's Union and international organizations provided training to the Border Guard Command and local authorities on how to identify, process, and treat victims. Trafficking survivors returning to Vietnam are not detained, arrested or placed in protective custody against their will. Non-resident women in prostitution are more likely to be incarcerated than locals and there has not been a concerted effort by government authorities to screen females arrested for prostitution to determine if they were trafficked. The government began spending \$4.86 million from the 2005-2010 State budgets to improve services and facilities for returned and at-risk women and children. During the reporting period, the government issued new regulations and specific government-wide protocols for the return and reintegration of trafficking victims... The Vietnamese government continued to demonstrate progress in 2006 in efforts to prevent trafficking through public awareness... International organizations and NGOs continued collaborating with the government to provide training and technical assistance to various government and law enforcement entities as well as partnering in public

awareness campaigns. Vietnam has not ratified the 2000 UN TIP Protocol.”
[2c]

- 23.07 In its 2008 World Report, Human Rights Watch noted, “Vietnam continues to be a source of and transit point for women and children trafficked for forced prostitution, fraudulent marriages, and forced domestic servitude to China, Cambodia, Taiwan, Malaysia, and South Korea. Sex workers, trafficking victims, and street peddlers—officially classified by the government as ‘social evils’—are routinely rounded up and detained without warrants in compulsory ‘rehabilitation’ centers, where they are subject to beatings and sexual abuse.”
[5a]

[See also Section 21: Women](#)

[See also Section 22: Children](#)

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MEDICAL ISSUES

OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

- 24.01 The Economist Intelligence Unit’s (EIU) Country Profile for Vietnam in 2007 stated:

“Healthcare provision is relatively good, as measured by such indicators as life expectancy, infant mortality and the number of doctors per head of population... A shortage of funds has meant that improvements in water supply and sewerage systems have been slow in coming. These inadequacies are largely responsible for the most common infectious diseases, such as malaria, dengue fever, typhoid and cholera. Although the number of doctors rose by 73% between 1995 and 2006, the numbers of nurses and midwives stagnated during the 1990s, rising again only in recent years. There is particular concern about the health of people living in the poorer provinces, where malnutrition, although falling, is still common. However, Vietnam’s health indicators have improved in recent decades. The infant mortality rate slowed to 16 (per 1,000 live births) in 2005 from 55 in 1970, and life expectancy has risen to 71 years from around 50 in 1970-75.” [15] (p14-15)

- 24.02 According to the website of the Vietnamese Embassy in the United States, accessed on 6 March 2008, “In the face of economic difficulties, the Vietnamese Government has decided to increase the number of the beneficiaries of free medical charges for poor households and those in mountainous areas, to enhance malaria control, to extend the aid to purchase medical insurance for poor families, war invalids and soldiers. The State has attached great importance to primary health care for the community.” [17b]

- 24.03 The website of One World, accessed on 7 March 2008, stated:

“Despite remarkable achievement in a dramatic fall in cases of malaria since 1995 and in controlling the risk of epidemics in polio and tuberculosis, healthcare at local level - especially in remote areas - is still very poor in terms of quantity and quality. Health insurance for the poor was adopted several

years ago but access to healthcare for those groups has remained modest. UNDP [UN Development Programme] is recommending that the government increases the relatively small share of national income devoted to health.” [27]

24.04 The website of the World Health Organisation (WHO), accessed on 4 March 2008, recorded:

“The health system in Viet Nam is a mixed public-private provider system, in which the public system still 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, communal and village level, with the Ministry of Health at the central level. In the public sector, there are 730 general hospitals, 103 specialized hospitals and 11 389 primary health centres. The selection of the grassroots health care network (including commune and district levels) as the foundation for people’s health care has yielded many achievements, especially contributing towards attainment of national health care goals for the entire population. Health centres in communes provide primary health services including consultation, treatment of common diseases, maternal and child health care, family planning, and hygiene and health promotion. The total number of private facilities rose from 56 000 in 2001 to 65 000 in 2004. A total of 43 private hospitals account for 4.6% of the total number of hospitals nationwide, with their 3200 beds accounting for 13% of the total number of hospital beds. Of the private hospitals, six of which are funded wholly by foreign investment, 29 are general hospitals and 14 are specialist hospitals... Currently the ratio of health workers per hospital bed for the whole country is 0.99 (including contract workers). The number of medical doctors per bed is about 2 per 10 beds on average, while the number of nurses is about 3 per 10 beds. There are 6.0 doctors per 10 000 population, 6.3 nurses and 1.3 pharmacists (not including the private sector).” [11a]

24.05 The same source noted:

“Despite the important achievements recorded in health care, the country is still beset with many problems. The Party Politburo’s Resolution No. 46 - NQ/TW on Health Care, Protection and Improvement for People in the New Situation points out certain irrationalities in the health sector as follows: The health system is slow to renew itself and has not adapted to the development of a socialist-oriented market economy and changes in disease patterns. The quality of health services has not met the growing diversified needs of the people. The health care conditions for the poor and in remote areas and areas inhabited by ethnic groups remain very difficult. Pharmaceutical production and supply capacity remains weak, and the price of pharmaceuticals remains high in comparison with people’s incomes. The organization and operation of preventive medicine remains insufficient. A portion of the population lack awareness about self-protection, self-care and health promotion. Environmental health and food safety have not been put under tight control.” [11a]

HIV/AIDS – ANTI-RETROVIRAL TREATMENT

24.06 The website of the WHO, accessed on 4 March 2008, recorded:

“HIV/AIDS cases are found in all provinces and cities in the country, with the majority concentrating in large cities and border provinces. In the period from 2003 to 2005, it is estimated that there were about 37 000 new infections per year for the whole country. In 2005, the health sector only detected 13 731 new HIV infections and 2861 new cases of AIDS, and reported 1673 deaths due to HIV/AIDS. However, the Viet Nam Administration of Preventive Health and HIV/AIDS Control projects that there could be as many as 26 000 new HIV infections, 5000-10 000 new AIDS cases and 11 500 related deaths per year.” [11a]

24.07 The website of One World, accessed on 7 March 2008, stated:

“A problem which insistently causes concern for Vietnam’s leaders is HIV/AIDS. Prevalence is officially relatively low at 0.4% but has been increasing sharply in recent years. Although the government has made it a priority to address the issue at both national and community levels, there remains no clear policy for treatment so that access to antiretroviral drugs remains far beyond the means of most sufferers. Many victims’ families are driven into poverty by the costs of healthcare and community support is often limited to self help groups.” [27]

24.08 As noted by the website of Avert, accessed on 7 March 2008, the US President’s Emergency Plan for AIDS Relief (PEPFAR) in 2006 provided \$34 million to help fight the spread of HIV/AIDS in Vietnam. In 2005 15 per cent of the funding was intended for antiretroviral drugs. The same source stated, “In fact, Vietnam’s HIV prevalence is probably lower than that of the USA. However, rates are extremely high among sex workers and injecting drug users, and the virus is rapidly spreading to the rest of the population... The proportion of funds allocated to antiretroviral treatment is relatively small; around 3,700 people benefited from site-specific support for treatment provision in 2006 (up from 700 in 2005).” [31]

24.09 The US State Department Report on Human Rights Practices in 2007 (USSD Report 2007) noted:

“There was no evidence of official discrimination against persons with HIV/AIDS, but societal discrimination against such persons existed. There were credible reports that persons with HIV/AIDS lost jobs or suffered from discrimination in the workplace or in finding housing, although such reports decreased. In a few cases, children of persons with HIV/AIDS were barred from schools, despite its being against the law. With the assistance of foreign donors, the national government and provincial authorities took steps to treat, assist, and accommodate persons with HIV/AIDS; decrease societal stigma and discrimination; and increase dignity; however, overall consistency was lacking. Religious charities were sometimes permitted to operate in this area.” [2a] (section 5)

TUBERCULOSIS (TB)

24.10 The Stop TB Partnership’s website, accessed on 4 March 2008, included Vietnam among 22 countries accounting for 80 per cent of TB cases in the world. It noted:

“Viet Nam has exceeded WHO targets for 9 consecutive years, and yet the overall case notification rate has remained stable. The success of the programme in treating patients and cutting transmission is threatened by the spread of HIV infection, insufficient access to high-quality TB care for poor and vulnerable populations, poor TB management practices in the growing private sector, and funding gaps for first-line drugs and for the management of MDR-TB. Some combination of these factors is responsible for the apparent increase in incidence among young adults, especially men.” [12]

24.11 The website of the WHO, accessed on 4 March 2008, recorded:

“About 94 994 new cases of tuberculosis (all types) were detected in 2005... Most of tuberculosis patients in Viet Nam receive treatment under the directly observed treatment, short-course (DOTS) strategy. With a high detection rate (84.0%) and high cure rate (93.0%), WHO has declared Viet Nam to have reached the target for TB control. However, the tuberculosis control programme is facing new challenges, including drug-resistant bacillus (it is estimated that about 30% of new cases are drug-resistant to one drug and 2.3% are resistant to more than one) and tuberculosis among HIV/AIDS patients.” [11a]

MENTAL HEALTH

24.12 The WHO’s Mental Health Atlas 2005 Country Profile for Vietnam noted that a mental health programme was one of the ten objectives listed in the National Health Programme of 1999, but there is no mental health legislation. As recorded by the same source, “Medications approved by the Ministry of Health for people with schizophrenia and epilepsy are routinely available and are free. Medications for other conditions may or may not be available and would not be free.” [11b]

24.13 The same source stated further:

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

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FREEDOM OF MOVEMENT

25.01 The US State Department Report on Human Rights Practices in 2007 (USSD Report 2007) noted, “The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the government imposed some limits on freedom of movement for certain individuals.” The report stated further:

“During the year [2007] the National Assembly implemented a controversial new Law on Residence that allows the MPS [Ministry of Public Security] to retain the system of residence registrations. Many citizens believed that this government practice effectively served as a barrier for individuals and families seeking to move within the country and become legal residents of a new province or city. By law the MPS restricts the number of residency registrations issued, for example, for Hanoi and Ho Chi Minh City. Many persons continued to migrate without approval, especially laborers moving from rural areas to cities in search of work. Moving without permission hampered persons seeking legal residence permits, public education, and healthcare benefits... Citizens are also required to register with local police when they stay overnight in any location outside of their own homes; the government appeared to have enforced these requirements more strictly in some districts of the Central and Northern Highlands.” [2a] (section 2)

- 25.02 As recorded by the website of the US State Department’s Bureau of Consular Affairs, accessed on 15 February 2008, “Every person residing in Vietnam must be listed on a household registry (Ho Khau), maintained by the Public Security Bureau.” [2d] A report by the Canadian Immigration and Refugee Board (IRB) dated 16 October 2001 noted that if individuals move from one place to another without changing their household registration, they are moving illegally, and would be unable to obtain a job or schooling for their children. [6c]
- 25.03 The USSD Report 2007 recorded, “Household registration and block warden systems existed for the surveillance of all citizens. Authorities focused on persons suspected of being involved in unauthorized political or religious activities.” [2a] (section 1)
- 25.04 The Canadian IRB recorded on 16 October 2001 that people would be removed from the household registry (ho khau) if they failed to live continuously at their address for one year. Such people could apply to have their registration restored if they were closely related to the head of the households concerned (sibling, son or daughter, spouse or parent). [6c]
- 25.05 The same source stated further, “For people who emigrate from Vietnam, the government considers them no longer part of their original household and they would lose their registration.” An individual could apply for restoration of his name to the household registry only after returning to Vietnam, but those considered undesirable by the government would not be eligible. [6c]

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FOREIGN REFUGEES

- 26.01 The US State Department Report on Human Rights Practices in 2007 (USSD Report 2007) recorded:
- “The country is not a signatory to the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the law does not provide for the granting of asylum or refugee status. The government has not established a system for providing protection to refugees and did not grant refugee status or asylum. In practice the government did not provide protection against

refoulement, the return of persons to a country where there is reason to believe they feared persecution, although in practice asylum seekers were not always returned.” [2a] (section 2)

26.02 In its World Refugee Survey 2007, the US Committee for Refugees and Immigrants stated:

“Vietnam hosted two groups of Cambodian refugees. About 9,500 Cambodians of Chinese ethnicity remained in Vietnam since their arrival in 1975. UNHCR considered them stateless as the Cambodian government no longer recognized them as its citizens and most had lost any documentation proving their nationality. The 1998 Law on Vietnamese Nationality provided that the State ‘creates conditions for all children born on the Vietnamese territory to have nationality and for stateless persons permanently residing in Vietnam to be granted the Vietnamese nationality under the provisions of this Law’ but, as the Government did not consider the refugees stateless, none could avail themselves of this law. About 2,400 have lived in four camps set up in Binh Duong and Binh Phuoc Provinces and Ho Chi Minh City since the 1980s. The rest lived mostly in and around Ho Chi Minh City.” [21]

26.03 The report continued:

“A separate group of about 13,000 Cambodians was the remainder of about 35,000 ethnic Vietnamese fishing people from Tongsleap Lake who fled the Khmer Rouge in Cambodia, most of whom returned after the elections in 1993. They lived in local communities in the Mekong River delta provinces of Vietnam, unable to naturalize for lack of documentation. UNHCR had not had contact with them since 1997.” [21]

26.04 The USSD Report 2007 noted:

“The country’s largest stateless group consisted of approximately 9,500 Cambodian residents who sought refuge in Vietnam in the 1970s and were denied the right to return to Cambodia by the government of Cambodia, which asserted that no proof existed to confirm that these individuals ever possessed Cambodian citizenship. Almost all were ethnic Chinese or Vietnamese. The group was initially settled in refugee camps in and around Ho Chi Minh City. When humanitarian assistance in these camps ceased in 1994, an estimated 7,000 refugees left the camps in search of work and opportunities in Ho Chi Minh City and the surrounding area. A further 2,200 remained in four villages in which the camps once operated. Many had children and grandchildren born in Vietnam, but neither the original refugees nor their children enjoyed the same rights as Vietnamese citizens, including the right to own property, comparable access to education, and public medical care. Late in the year [2007], after years of negotiations, the UNHCR and the governments of Cambodia and Vietnam developed a plan calling for a full survey and Vietnamese naturalization of these stateless individuals. The plan was scheduled to be implemented in 2008.” [2a] (section 2)

[See also Section 18: Chinese \(Hoa\)](#)

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CITIZENSHIP AND NATIONALITY

27.01 According to Article 49 of the 1992 Constitution, “A citizen of the Socialist Republic of Vietnam is a person with Vietnamese nationality.” [17a] On 10 February 2004 the Canadian Immigration and Refugee Board (IRB) recorded, “According to an official translation of the Law on Vietnamese Nationality, enacted in January 1999, the government ‘creates conditions for all children born on the Vietnamese territory to have nationality’ (Viet Nam Jan. 1999, Art. 8).” [6g]

27.02 The same report stated, “Article 1 of the Law acknowledges ‘members of all ethnic groups are equal in their right to have... Vietnamese nationality’ (ibid., Art. 1).” The report stated further:

“Moreover, while Vietnam does not recognize dual nationality (ibid., Art. 3), Article 6 stipulates that it is the state’s responsibility to ‘create favourable conditions’ for individuals who have lost their nationality to regain it (ibid., Art. 6). A person may prove their Vietnamese nationality by providing the following papers:

1. A certificate of Vietnamese nationality; a decision on naturalization in Vietnam, a decision on Vietnamese nationality restoration, a Vietnamese identity card or passport;
2. His/her birth certificate enclosed with papers proving the Vietnamese nationality of his/her parents, in case of the absence of the papers defined in Point 1 of this Article;
3. Other papers prescribed by the Government (ibid., Art. 11).” [6g]

IDENTITY CARDS

27.03 As noted by the US State Department’s International Religious Freedom Report 2007 (IRFR 2007), citizens carry a national identity card, on which is indicated their religious affiliation (if this is one of the six officially recognised religions). The same report stated further, “In practice, many citizens who consider themselves religious do not indicate this on their identification cards, and government statistics list them as nonreligious. While it is possible to change the entry for religion on national identification cards, many converts may find the procedures overly cumbersome or fear government retribution.” [2b] (section II)

See also Section 17: Freedom of religion

FRAUDULENT DOCUMENTS

27.04 As recorded by the website of the US State Department’s Bureau of Consular Affairs, accessed on 15 February 2008, “Vietnam has no central recorded system... Fraudulent civil documents are common in Vietnam and it has been relatively easy to establish false identities both before and after 1975”. [2d] The same source noted in August 2006:

“Document fraud is widespread in Vietnam. Fraud is not limited to fake documents produced by other than the authorized civil authority. A document may be legal, in the sense that the appropriate Vietnamese government office has issued it and it is in the correct format, but still be fraudulent because it

contains false information. Vietnamese regulations regarding civil documentation are frequently not followed. For instance, births are supposed to be registered within 30 days and in a prescribed format, but late registrations and non-standard, unofficial 'birth certificates' created by orphanages are common. Death certificates, such as for a child's biological parent(s), may prove even more difficult to verify, since there is no standard format and the cause of death listed on Vietnamese death certificates is often very vague. Moreover, the format of all official documents, with the exception of birth certificates, varies widely from province to province." [2e]

PASSPORTS

27.05 The US State Department Report on Human Rights Practices in 2007 (USSD Report 2007) recorded, "Citizens' access to passports was constrained at times by factors such as bribery and corruption. Immigrant visa applicants sometimes encountered local officials who arbitrarily delayed or denied passport issuance based on personal animosities, on the officials' perception that an applicant did not meet program criteria, or to extort a bribe." [2a] (section 2)

27.06 For a Vietnamese citizen to secure a passport within Vietnam, applicants must submit the following documents:

1. Birth certificate
2. Household registration document (ho khau)
3. Government-issued ID card
4. Letter of introduction for a passport, if applicable.

(Canadian IRB, 16 October 2001) [6e]

27.07 A report by the Canadian IRB dated 22 February 2007 also noted:

"To obtain a general passport (as opposed to an official passport or a diplomatic passport), citizens must have their passport declaration papers certified by the chief of the public security department of their ward or commune... However, those who are employed by the state do not require police validation of their passport application... They are rather required to have their documents certified by the manager of the agency or unit for which they work... Likewise, those who are employees of foreign-owned enterprises do not require police certification of their passport application... The Executive Director of Boat People SOS said that police may extort bribes in exchange for validating a citizen's passport application." [6i]

27.08 As recorded by the USSD Report 2007, "The government sometimes refused to issue passports to certain individuals." [2a] (section 2) On 22 February 2007 the Canadian IRB recorded:

"According to Government Decree No. 05/2000/ND-CP, one of the various reasons why a citizen would be refused permission to leave the country is to safeguard 'the national security and social order of Vietnam'... police have a significant amount of authority and discretionary power when it comes to making decisions of this nature... authorities can revoke passports, once granted... officials can make it difficult for those seeking to obtain passports... 'corrupt officials' can demand 'thousands of dollars' in bribes, particularly from citizens the officials feel are 'desperate' to get out of the country... Country Reports 2005 corroborates this information, stating that local officials could

delay or deny passports to extort a bribe from those seeking refugee status or to emigrate from Vietnam... Vietnamese citizens may go into debt to pay the bribes required to obtain a passport.” [6i]

27.09 Recently expired Vietnamese passports may be renewed abroad at consular offices. In Canada, the Embassy of Vietnam requires the expired passport, two photos and, if applicable, the applicant’s landed immigrant certificate. (Canadian IRB, 16 October 2001) [6d]

27.10 As recorded by the website of the US State Department’s Bureau of Consular Affairs, accessed on 15 February 2008, there are two types of standard Vietnamese passports:

1. The Socialist Republic of Vietnam (SRV) passport (ho chieu or giay ho chieu). SRV regulations effective from 26 November 1997 abolished exit and entry permits in Vietnamese passports.
2. A laissez-passer (giay thong hanh or giay xuat canh) permitting only exit from Vietnam. [2d]

27.11 The same source stated:

“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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EXIT – ENTRY PROCEDURES

28.01 The US State Department Report on Human Rights Practices in 2007 (USSD Report 2007) recorded:

“The government generally permitted citizens who had emigrated to return to visit. However, the government refused to allow certain citizen activists living abroad to return. Dissident Bloc 8406 activist Nguyen Chinh Ket, who traveled abroad in November 2006, was not allowed to return. His family in Ho Chi Minh City was served with an arrest warrant in the event he returned. Known overseas Vietnamese political activists were denied entrance visas. By law the government considers anyone born in the country to be a citizen, even if the person has acquired another country’s citizenship, unless a formal renunciation of citizenship has been approved by the president. However, in practice the government usually treated overseas Vietnamese as citizens of their adopted country. Emigrants were not permitted to use Vietnamese passports after they acquired other citizenship. The government generally encouraged visits and investment by such persons but sometimes monitored them carefully. During the year the government liberalized travel restrictions for overseas Vietnamese, adopting a multiple-entry visa program for ‘qualified’ persons.” [2a] (section 2)

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

- 28.02 On 22 February 2007 the Canadian Immigration and Refugee Board (IRB) noted, "People born in Vietnam travelling with foreign passports must obtain a visa in order to exit or enter Vietnam... Those who have contributed 'much to national liberation,' however, are an exception; they do not require visas even if they hold foreign passports." [6i] On the other hand, as noted by the same source in an earlier report dated 2 August 2000, dissidents living abroad may experience problems if applying for a visa to re-enter Vietnam. There have been cases where people openly opposed to the regime have been allowed to return to Vietnam, although they were kept under surveillance and harassed repeatedly by the police during their visit. [6b] [6a regulations translated and reproduced in full]
- 28.03 On 10 February 2004 the Canadian IRB recorded:
- "Regarding whether a person who left Vietnam would be able to bring her non-citizen spouse to Vietnam to live, the Ordinance on Entry, Exit and Residence of Foreigners in Vietnam stipulates that a person who is living temporarily in Vietnam may apply for permanent residency if they are a 'spouse, child or parent of a Vietnamese citizen permanently residing in Vietnam' (ibid. 28 Apr. 2000, Ch. 3, Art. 13). The Ordinance also states that applications for permanent residency in Vietnam should be filed at an office responsible for entry and exit under the Ministry of Police (ibid.)." [6g]

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EMPLOYMENT RIGHTS

- 29.01 The US State Department Report on Human Rights Practices in 2007 (USSD Report 2007) recorded, "Workers are not free to join or form unions of their choosing. The CPV [Communist Party of Vietnam] controls the single trade union, the Vietnam General Confederation of Labor (VGCL), an umbrella organization that approves and manages a range of subsidiary labor unions organized according to location and industry." As noted by the same report, the government generally tolerated strikes even when they failed to follow the legal framework. [2a] (section 6)
- 29.02 In its report, Freedom in the World 2007, Freedom House recorded:
- "All trade unions are required to join the VGCL and must obtain government approval. In recent years, the government has permitted hundreds of independent 'labor associations' to represent workers at individual firms and in some service industries. Farmers and workers have also held small protests and strikes. The central leadership uses such public demonstrations of grievances to pressure local governments and businesses to comply with tax laws, environmental regulations, and wage agreements. Enforcement of child labor, workplace safety, and other labor laws remains poor." [29]
- 29.03 The same report stated, "The government (also) raised the minimum wage for workers employed by foreign-owned factories by 40 percent, effective in February 2006, following several wildcat strikes and walkouts by workers over the previous year. The government even went so far as to issue warnings to foreign-owned firms to obey the new minimum-wage law." [29]

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Annex A: Chronology of major events

- 1945** The Viet Minh seizes power. Ho Chi Minh announces Vietnam's independence.
- 1946** French forces attack Viet Minh in Haiphong in November, sparking the war of resistance against the colonial power.
- 1950** Democratic Republic of Vietnam is recognised by China and USSR.
- 1954** Viet Minh forces attack an isolated French military outpost in the town of Dien Bien. The attempt to take the outpost lasts two months, during which time the French government agrees to peace talks in Geneva. At the Geneva conference, Vietnam is split into North and South at the 17th Parallel.
- 1956** South Vietnamese President Ngo Dinh Diem begins campaign against political dissidents.
- 1957** Beginning of communist insurgency in the South.
- 1959** Weapons and men from North Vietnam begin infiltrating the South.
- 1960** American aid to Diem increased.
- 1962** Number of US military advisors in South Vietnam rises to 12,000.
- 1963** Viet Cong, the communist guerrillas operating in South Vietnam, defeat units of the ARVN, the South Vietnamese Army. President Diem is overthrown.
- 1964** US destroyer allegedly attacked by North Vietnamese patrol boats. This triggers start of pre-planned American bombing raids on North Vietnam.
- 1965** 200,000 American combat troops arrive in South Vietnam.
- 1966** US troop numbers in Vietnam rise to 400,000, then to 500,000 the following year.
- 1968** Tet Offensive – a combined assault by Viet Cong and the North Vietnamese army on US positions – begins. More than 500 civilians die in the massacre at My Lai.
- 1969** Ho Chi Minh dies. President Nixon begins to reduce US ground troops in Vietnam as domestic public opposition to the war grows.
- 1970** Nixon's national security advisor, Henry Kissinger, and Le Duc Tho, for the Hanoi government, start talks in Paris.
- 1973** Ceasefire agreement in Paris, US troop pull-out completed by March.
- 1975** North Vietnamese troops invade South Vietnam and take control of the whole country after South Vietnamese President Duong Van Minh surrenders.

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

- 2003 June:** Showcase trial of Ho Chi Minh City gangster Nam Cam and 154 others hands down six death sentences.
- 2003 November:** First US warship to visit since the Vietnam War sails into port near Ho Chi Minh City.
- 2004 January:** Vietnam confirms the first human deaths from bird flu. Over the course of the year the virus claims more than 30 lives.
- 2004 June:** Nam Cam, Ho Chi Minh City gangster, is executed.
- 2004 December:** First US commercial flight since the end of the Vietnam War touches down in Ho Chi Minh City.
- 2005 June:** Prime Minister Phan Van Khai makes the first visit to the US by a Vietnamese leader since the end of the Vietnam War.
- 2006 January onwards:** Senior officials are investigated over the alleged embezzlement of millions of dollars of state money in the transport ministry.
- 2006 June:** As part of an anticipated political shake-up, the prime minister, president and National Assembly chairman are replaced by younger leaders.
- 2007 January:** After 12 years of talks Vietnam becomes the 150th member of the World Trade Organization.
- 2007 February:** Government approves a \$33bn plan to build a high-speed rail link between Hanoi and Ho Chi Minh City in the south. US agrees for the first time to help fund a study into the removal of Agent Orange, the highly toxic defoliant used by US forces, from a former US base in Da Nang.
- 2007 June:** President Nguyen Minh Triet makes first visit to the US by a Vietnamese head of state since the Vietnam War ended in 1975.
- 2007 July:** Prime Minister Nguyen Tan Dung reappointed, promises to push through economic reforms.
- 2008 January:** Vietnam takes up a two-year, non-permanent seat on the UN Security Council. (BBC Timeline, 26 January 2008) [14b]

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Annex B: Political organisations

Communist Party of Vietnam (CPV) (Dang Cong San Viet Nam - DCSV)

Founded in 1976; formerly the Viet Nam Workers' Party, founded in 1951; ruling party; 3.1 million members in 2006. General Secretary of Central Committee: Nong Duc Manh. (CIA Factbook, February 2008) [1]

Vietnam Fatherland Front

Founded in 1930; in 1977, merged with National Front for the Liberation of South Viet Nam and Alliance of National, Democratic and Peace Forces in South Viet Nam to form a single front; 200-member Central Committee; President: Pham The Duyet; General Secretary: Tran Van Dang. (CIA Factbook, February 2008) [1] Currently an umbrella group that monitors the country's popular organisations for the CPV. (USSD Report 2007, March 2008) [2a] (p1)

Vietnam General Confederation of Labour (VGCL)

Government-controlled Trade Union movement. (USSD Report 2007, March 2008) [2a] (section 6)

Vietnam Women's Union

Government-controlled body, with broad agenda to promote women's rights. [2a] (section 5) Founded in 1930; 11 million members; President: Ha Thi Khiet. (CIA Factbook, February 2007) [1]

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Annex C: Prominent people

Thich Quang Do

Deputy Head of the Unified Buddhist Church of Vietnam (UBCV); currently under de facto house arrest. (USSD Report 2007, March 2008) [2b] (section II)

Nguyen Tan Dung

Prime Minister since 27 June 2006. (CIA Factbook, February 2008) [4]

Nong Duc Manh

General Secretary of the CPV. (Europa World, undated) [1]

Thich Huyen Quang

Head of the Unified Buddhist Church of Vietnam (UBCV); currently under de facto house arrest. (USSD Report 2007, March 2008) [2b] (section II)

Nguyen Minh Triet

President since 27 June 2006. (CIA Factbook, February 2008) [4]

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Annex D: List of abbreviations

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

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Annex E: References to source material

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

- [1] **Europa World**
<http://www.europaworld.com>
Country Profile: Vietnam (accessed 14 February 2008)
<http://www.europaworld.com/entry/cn>
- [2] **US State Department (USSD)**
<http://www.state.gov/g/drl>
- a Country Report on Human Rights Practices 2007: Vietnam, 11 March 2008
<http://www.state.gov/g/drl/rls/hrrpt/2007/100543.htm> (accessed 12 March 2008)
 - b International Religious Freedom Report 2007: Vietnam, 14 September 2007
<http://www.state.gov/g/drl/rls/irf/2007/90159.htm> (accessed 14 February 2008)
 - c Trafficking in Persons Report 2007: Vietnam, 12 June 2007
<http://www.state.gov/g/tip/rls/tiprpt/2007/82807.htm> (accessed 18 February 2008)
 - d Bureau of Consular Affairs, Vietnam Reciprocity Schedule
http://travel.state.gov/visa/frvi/reciprocity/reciprocity_3705.html (accessed 15 February 2008)
 - e Bureau of Consular Affairs, Intercountry Adoption: Vietnam, August 2006
http://travel.state.gov/family/adoption/country/country_349.html (accessed 15 February 2008)
- [3] **Amnesty International (AI)**
<http://web.amnesty.org/library/eng-vnm/index>
- a Annual Report 2007 (covering events from January to December 2006)
<http://www.amnesty.org/en/region/asia-and-pacific/south-east-asia/vietnam#report> (accessed 18 February 2008)
 - b Socialist Republic of Viet Nam: A tightening net: Web-based repression and censorship, 22 October 2006
<http://web.amnesty.org/library/Index/ENGASA410082006?open&of=ENG-VNM> (accessed 4 March 2008)
- [4] **Central Intelligence Agency (CIA)**
<http://www.cia.gov/>
World Factbook: Vietnam, updated 12 February 2008
<https://www.cia.gov/library/publications/the-world-factbook/print/vm.html>
(accessed 18 February 2008)
- [5] **Human Rights Watch (HRW)**
<http://www.hrw.org/asia/vietnam.php>
- a World Report 2008 (Events of 2007), 31 January 2008
<http://hrw.org/englishwr2k8/docs/2008/01/31/vietna17630.htm> (accessed 1 February 2008)
 - b No Sanctuary: Ongoing Threats to Indigenous Montagnards in Vietnam's Central Highlands, June 2006
<http://hrw.org/reports/2006/vietnam0606/> (accessed 4 March 2008)
 - c "Children of the Dust": Abuse of Hanoi Street Children in Detention, November 2006
<http://hrw.org/reports/2006/vietnam1106/vietnam1106web.pdf> (accessed 28 February 2008)

- d Vietnam: End Attacks on Year-Old Democracy Movement, 6 April 2007
<http://hrw.org/english/docs/2007/04/06/vietna15664.htm> (accessed 28 February 2008)

[6] Canadian Immigration and Refugee Board (IRB)

- http://www.cisr-irb.gc.ca/en/research/rir/index_e.htm?action=record.countrylist
 (accessed 4 March 2008)
- a VNM35083.E, 27 July 2000, Exit and re-entry laws; whether one can get a passport if he/she has “fallen out of favour” with the government [regulations translated and reproduced in full]
- b VNM35244.E, 2 August 2000, Exit and re-entry laws; whether one can get a passport if he/she has “fallen out of favour” with the government (follow-up)
- c VNM37802.E, 16 October 2001, Whether Vietnamese citizens or residents are required to cancel their household registration (ho khau) when leaving Vietnam to live abroad; whether the registration can be restored upon returning to Vietnam after two or more years of absence; grounds for refusal to issue a household registration to a returnee
- d VNM37780.E, 16 October 2001, Procedures for renewal of a recently expired passport at Vietnamese consular offices in Canada
- e VNM37730.E, 16 October 2001, Documents required by Vietnamese authorities in order to issue a passport to a Vietnamese citizen from within Vietnam; whether local police clearance is required
- f VNM101944.E, 13 December 2006, The nature and extent of police corruption, particularly the extent to which the police accept bribes (November 2002 - October 2006)
<http://www.cisr-irb.gc.ca/en/research/rir/?action=record.viewrec&gotorec=450743> (accessed 30 January 2008)
- g VNM41977.E, 10 February 2004, Whether a person who was born in Vietnam to Chinese parents, and who left the country as an adult and remained outside of Vietnam for over 30 years, is entitled to Vietnamese nationality; whether this person would be able to bring his or her spouse, who does not have Vietnamese nationality, to Vietnam
<http://www.cisr-irb.gc.ca/en/research/rir/?action=record.viewrec&gotorec=447176>
 (accessed 30 January 2008)
- h VNM101948.E, 22 February 2007, Arrest warrants, including procedures followed when the person sought is out of the country
<http://www.cisr-irb.gc.ca/en/research/rir/?action=record.viewrec&gotorec=450962> (accessed 30 January 2008)
- i VNM101947.E, 22 February 2007, Exit and entry laws; whether someone who has fallen out of favour with the government can obtain a passport; corruption and the passport application process; whether or not clearance by police is required; reasons why a citizen's passport application would be rejected
<http://www.cisr-irb.gc.ca/en/research/rir/?action=record.viewrec&gotorec=450961> (accessed 30 January 2008)
- j VNM101942.E, 16 March 2007, Prevalence of spousal abuse in Vietnam; laws related to spousal abuse; law enforcement, including police response and the extent to which laws are enforced by the courts; services for victims of spousal abuse (November 2002 - October 2006)

<http://www.cisr-irb.gc.ca/en/research/rir/?action=record.viewrec&gotorec=451050> (accessed 30 January 2008)

[7] **Reporters Without Borders**

<http://www.rsf.org/>

- a 2008 Annual Report
http://www.rsf.org/IMG/pdf/rapport_en-3.pdf (accessed 4 March 2008)
- b Annual Worldwide Press Freedom Index 2007
http://www.rsf.org/article.php3?id_article=24025 (accessed 4 March 2008)

[8] **Foreign & Commonwealth Office (FCO)**

<http://www.fco.gov.uk/en/>

- a Country Profiles: Vietnam, 12 April 2007
<http://www.fco.gov.uk/en/about-the-fco/country-profiles/asia-oceania/vietnam> (accessed 4 March 2008)
- b Human Rights Annual Report 2007, 26 March 2008
<http://www.fco.gov.uk/en/about-the-fco/publications/publications/annual-reports/human-rights-report/> (accessed 1 April 2008)
- c Email from British Embassy, Hanoi, 19 March 2004

[9] **Asia Foundation**

<http://www.asiafoundation.org/>

Supporting governance and legal reform

<http://www.asiafoundation.org/Locations/vietnam.html> (accessed 4 March 2008)

[10] **United Nations Children's Fund (UNICEF)**

<http://www.unicef.org/index.php>

- a Vietnam: Child protection, 2006
<http://www.unicef.org/vietnam/protection.html> (accessed 28 February 2008)
- b Vietnam: At a glance: Statistics, 2005
http://www.unicef.org/infobycountry/vietnam_statistics.html (accessed 5 March 2008)

[11] **World Health Organisation (WHO)**

<http://www.who.int/en/>

- a Countries and areas: Vietnam
http://www.wpro.who.int/countries/vtn/health_situation.htm (accessed 4 March 2008)
- b Mental Health Atlas 2005: Country Profile: Vietnam
http://www.who.int/mental_health/evidence/atlas/ (accessed 4 March 2008)

[12] **Stop TB Partnership**

<http://www.stoptb.org/>

Tuberculosis in countries: Vietnam

<http://www.stoptb.org/countries/> (accessed 4 March 2008)

[13] **UN Committee on the Rights of the Child (CRC)**

Concluding Observations: Viet Nam (Forty-third session), 17 October 2006

[http://www.unhcr.org/cgi-](http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain/opensslpdf.pdf?docid=45c30bc48)

[bin/texis/vtx/refworld/rwmain/opensslpdf.pdf?docid=45c30bc48](http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain/opensslpdf.pdf?docid=45c30bc48) (accessed 10 March 2008)

- [14] **BBC News**
<http://news.bbc.co.uk/1/hi/world/asia-pacific/default.stm>
a Country Profile: Vietnam, 26 January 2008
http://news.bbc.co.uk/1/hi/world/asia-pacific/country_profiles/1243338.stm (accessed 5 March 2008)
b Timeline: Vietnam, 26 January 2008
<http://news.bbc.co.uk/1/hi/world/asia-pacific/1243686.stm> (accessed 5 March 2008)
- [15] **Economist Intelligence Unit (EIU)**
<http://www.eiu.com/>
Country Profile 2007: Vietnam, 1 October 2007
http://www.eiu.com/report_dl.asp?issue_id=1662733551&mode=pdf (accessed 6 March 2008)
- [16] **Asia Times**
<http://www.atimes.com/>
Heed the call of Vietnam's Bloc 8406, 14 September 2006
http://www.atimes.com/atimes/Southeast_Asia/HI14Ae01.html (accessed 6 March 2008)
- [17] **Vietnamese Government**
a Embassy of the Socialist Republic of Vietnam in the United States of America, Constitution of the Socialist Republic of Vietnam 1992 (Chapters 1 & 5)
http://www.vietnamembassy-usa.org/learn_about_vietnam/politics/constitution/ (accessed 6 March 2008)
b Embassy of the Socialist Republic of Vietnam in the United States of America, Public services – Health
http://www.vietnamembassy-usa.org/learn_about_vietnam/public_services/health/ (accessed 6 March 2008)
c Ordinance of the Standing Committee of the National Assembly (HRW unofficial translation), Regarding Religious Belief and Religious Organisations, 18 June 2004
<http://hrw.org/english/docs/2004/10/21/vietna9551.htm> (accessed 6 March 2008)
d Vietnam National Administration of Tourism, Vietnam: Country and People
http://www.vietnamtourism.com/e_pages/country/overview.asp (accessed 6 March 2008)
e Criminal Code (Chapter 23: Crimes of Infringing upon the Duties and Responsibilities of Army Personnel), 21 December 1999
f Law Amending and Supplementing a Number of Articles of the Law on Military Service Duty, 22 June 1994
<http://www.unhcr.org/cgi-bin/texis/vtx/rsd/rsddocview.html?tbl=RSDLEGAL&id=3ae6b5374> (accessed 6 March 2008)
- [18] **Agence France Presse (AFP)**
Gays in Vietnam seek an identity, 4 August 2003
<http://www.globalgayz.com/vietnam-news.html> (accessed 7 March 2008)

- [19] **War Resisters International (WRI)**
<http://www.wri-irg.org/>
Refusing to Bear Arms: A worldwide survey of conscription and conscientious objection to military service: Vietnam, 19 March 1998
<http://www.wri-irg.org/co/rtba/vietnam.htm> (accessed 6 March 2008)
- [20] **Christian Solidarity Worldwide (CSW)**
<http://www.csw.org.uk>
Briefing: Vietnam Analysis: White Paper on 'Religion and Policies Regarding Religion in Vietnam', March 2007
<http://dynamic.csw.org.uk/article.asp?t=report&id=60> (accessed 14 February 2008)
- [21] **US Committee for Refugees and Immigrants**
<http://www.refugees.org/>
World Refugee Survey 2007: Country Report: Vietnam
<http://www.refugees.org/countryreports.aspx?id=2028> (accessed 6 March 2008)
- [22] **United Nations High Commissioner for Refugees (UNHCR)**
<http://www.unhcr.org/cgi-bin/texis/vtx/country?iso=vnm>
a Viet Nam Montagnards: UNHCR rejects HRW report allegations, 16 June 2006
<http://www.unhcr.org/cgi-bin/texis/vtx/news/opendoc.htm?tbl=NEWS&id=449282571d&page=news> (accessed 6 March 2008)
b Map
<http://www.unhcr.org/publ/PUBL/3dee2cec0.pdf> (accessed 6 March 2008)
- [23] **God's Direct Contact (Ching Hai)**
www.godsdirectcontact.org
(accessed 6 March 2008)
- [24] **Ethnologue.com**
<http://www.ethnologue.com/>
Languages of Viet Nam
http://www.ethnologue.com/show_country.asp?name=Viet+Nam (accessed 7 March 2008)
- [25] **Vietnam News**
<http://vietnamnews.vnnet.vn/>
Crying out for love, 12 January 2004
<http://vietnamnews.vnnet.vn/2004-01/10/Stories/34.htm> (accessed 5 March 2008)
- [26] **Transparency International (TI)**
<http://www.transparency.org/>
Corruption Perceptions Index 2007, 26 September 2007
http://www.transparency.org/policy_research/surveys_indices/cpi/2007 (accessed 7 March 2008)
- [27] **One World**
<http://uk.oneworld.net/>
Country Guides: Vietnam
<http://uk.oneworld.net/guides/vietnam/development> (accessed 7 March 2008)

- [28] **Minorities at Risk Project**
<http://www.cidcm.umd.edu/mar/>
Assessment for Chinese in Vietnam, 31 December 2003
<http://www.cidcm.umd.edu/mar/assessment.asp?groupId=81602> (accessed 7 March 2008)
- [29] **Freedom House**
<http://www.freedomhouse.org/>
Freedom in the World 2007, 17 April 2007
<http://www.freedomhouse.org/template.cfm?page=22&year=2007&country=7303> (accessed 7 March 2008)
- [30] **United Nations Inter-Agency Project (UNIAP) on Human Trafficking in the Greater Mekong Sub-Region**
<http://www.no-trafficking.org/>
Vietnam
http://www.no-trafficking.org/content/Country_Pages_Vietnam/overview_vietnam.htm
(accessed 4 March 2008)
- [31] **Avert**
<http://www.avert.org/>
PEPFAR: Funding for Focus Countries: Vietnam
<http://www.avert.org/pepfar-countries.htm#vie> (accessed 7 March 2008)

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