

CORI

country of origin research and information

CORI Country Report Vietnam, September 2012

Commissioned by the United Nations High Commissioner for Refugees, Division of International Protection.
Any views expressed in this paper are those of the author and are not necessarily those of UNHCR.



Preface

Country of Origin Information (COI) is required within Refugee Status Determination (RSD) to provide objective evidence on conditions in refugee producing countries to support decision making. Quality information about human rights, legal provisions, politics, culture, society, religion and healthcare in countries of origin is essential in establishing whether or not a person's fear of persecution is well founded.

CORI Country Reports are designed to aid decision making within RSD. They are not intended to be general reports on human rights conditions. They serve a specific purpose, collating legally relevant information on conditions in countries of origin, pertinent to the assessment of claims for asylum. Categories of COI included within this report are based on the most common issues arising from asylum applications made by Vietnamese nationals. This report covers events up to 31 August 2012.

COI is a specific discipline distinct from academic, journalistic or policy writing, with its own conventions and protocols of professional standards as outlined in international guidance such as The Common EU Guidelines on Processing Country of Origin Information, 2008 and UNHCR, Country of Origin Information: Towards Enhanced International Cooperation, 2004.

CORI provides information impartially and objectively, the inclusion of source material in this report does not equate to CORI agreeing with its content or reflect CORI's position on conditions in a country. It is acknowledged that all sources have a bias, it is for decision makers to place a weight on sources, assessing relevance to each individual application.

CORI Country Reports are prepared on the basis of publicly available information, studies and commentaries within a specified time frame. All sources are cited and fully referenced. Every effort has been taken to ensure accuracy and comprehensive coverage of the research issues, however as COI is reliant on publicly available documentation there may be instances where the required information is not available. Any translations made are unofficial translations made by CORI, as with all sources referenced, please see the full text of the original article. The reports are not, and do not purport to be, either exhaustive with regard to conditions in the country surveyed, or conclusive as to the merits of any particular claim to refugee status or asylum. Every effort has been made to compile information from reliable sources; users should assess the credibility, relevance and timeliness of source material with reference to the specific research concerns arising from individual applications.

CORI is an independent centre providing specialist research resources to support Refugee Status Determination.

CORI works internationally with all parties to RSD, including governments, legal representatives and NGOs, producing commissioned research reports and providing knowledge management services. CORI works to improve standards of COI production through capacity building and training.

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A. General Developments

In 2009 the *Vietnamese government* stated that following 30 years of war the country has developed a market economy and is experiencing economic growth,

“Having undergone 30 years of wars, Viet Nam embarked on nation building and development in face of high rate of poverty, a shattered economy and inadequate infrastructure, while having to deal with the aftermaths of war (e.g. victims of Agent Orange, unexploded landmines and bombs). Thanks to its reform policy, known as *Doi moi*, launched in 1986, Viet Nam has reached a turning point in economic growth, thus creating a momentum for the country’s development and significantly improving the material and spiritual well-being of the people. The development of a market economy and the opening-up of the country also had adverse impacts, notably the rich-poor gap, urban–rural disparity and the low level of integration of vulnerable groups such as women, children, ethnic minorities and people with disabilities. These are challenges to Viet Nam in its efforts to strike a balance between increasing economic growth and ensuring social security and the people’s full enjoyment of fundamental rights.”¹

In June 2012 the *UN Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights*, reported on the impact of Vietnam’s foreign debt on the realisation of human rights and the achievement of the UN Millennium Development Goals.² The independent expert reported ‘remarkable progress’ towards Millennium Development Goals, with Vietnam achieving targets on poverty reduction, universal access to primary education and gender equality ahead of schedule, but noted concerns about the lack of harmonisation of domestic legislation with international human rights treaties, the lack of a national human rights institution, levels of corruption and socio-economic disparity between ethnic groups,

“10. The Independent Expert notes that the Government intends to harmonize its legislation with international human rights treaties. He also accepts that the Government faces a number of challenges in aligning its domestic legal framework with its international obligations, particularly that “the legal system of Viet Nam still lacks coherence while remaining overlapped and even contradictory in some areas”. According to the Government, there are difficulties in interpretation, implementation and enforcement of existing laws, weaknesses in education and awareness, as well as limited information and understanding of human rights among both duty-bearers and rights-holders. Some of these challenges were evident during the visit of the Independent Expert.

[]

12. The Independent Expert is concerned about the absence of an independent body to monitor human rights violations. He welcomes the ongoing consultations within the country on the creation of an independent national human rights institution. In his estimation, such a mechanism would serve as an important complement to the Government’s efforts to fulfil its international human rights obligations as well as efforts to improve the social conditions of its people in a comprehensive and sustainable manner. Nevertheless, the Independent Expert considers that such a mechanism should be in full conformity with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the Paris Principles).

13. A number of Government and independent studies indicate that corruption is a serious problem, posing a significant threat to the country’s socio-economic development. The

¹ United Nations General Assembly, Human Rights Council, national report submitted in accordance with paragraph 15 (A) of the annex to human rights council resolution 5/1; Vietnam, A/HRC/WG.6/5/VNM/1, 16 February 2009, http://lib.ohchr.org/HRBodies/UPR/Documents/Session5/VN/A_HRC_WG6_5_VNM_1_E.pdf, accessed 5 August 2012

² United Nations Human Rights Council, Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, Cephias Lumina, 1 June 2012, A/HRC/20/23/Add.1, 1 June 2012, <http://www.ohchr.org/EN/Issues/Development/IEDebt/Pages/CountryVisits.aspx>, or <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/137/37/PDF/G1213737.pdf?OpenElement>, accessed 16 August 2012

Government has described corruption as a “national plague that has complicated economic, legal, social dimensions” and has significantly impeded the successful implementation of the *Doi Moi* (economic renewal) process. In addition, corruption increasingly curtails people’s access to basic services.

14. According to the Asian Development Bank (ADB), corruption thrives because of “complicated and unclear administrative procedures, excessive regulations, the opaque nature of decision-making, lack of public information, bureaucratic discretion on the part of middle-level officials and long delays” in the country. Even though the Bank’s assessment dates back to 2001, it appears that the situation has only improved marginally and major factors are still evident.” []

50. Viet Nam is well established in the ranks of countries that have attained “medium human development”. The milestones in its development bear testimony to its achievements in income and non-income dimensions of human development.[]

51. Despite this progress, the scope and pace of socio-economic development has varied across different geographical regions and segments of the population. Poverty is strongly linked with geographic location and ethnicity as well as with non-monetary deprivations, including lower living standards and poorer health and education status. In contrast to the decrease in urban poverty from 9.5 per cent in 1998 to 3.3 per cent in 2008, rural poverty fell from 44.9 to only 18.7 per cent. The effectiveness of official policies targeting vulnerable segments of the population is constrained by the absence of effective monitoring or redress mechanisms and the lack of validated, harmonized and continuous data and information.

52. It is important that the Government adopts comprehensive and rights-based measures to ensure that all parts of the population enjoy equally the benefits of the reform process and are able to fully realize their human rights. The Government should establish necessary mechanisms and reform its social security and protection system in order to promote and institutionalize more equitable and sustainable socio-economic development.”³

In June 2012 the *UN Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights*, reported that Vietnam is party to the International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; and the Convention on the Rights of the Child and its two Optional Protocols.⁴

1. Central Highlands

[See also [Section B. Ethnic Minorities, 2. Situation/treatment of ethnic minorities, a. Ethnic minorities that inhabit the Central Highlands \(Montagnards\)](#), [Section C. Freedom of Religion, 2. Treatment of members of religious groups, iv. Central Highlands/ Montagnards](#), [Section D. Political Dissidents and Activists, e. Activities by Montagnards that are perceived as political or separatist activities by the authorities](#) and [Section E. Land and Property Rights](#)]

In 2006 a UNHCR commissioned report by *Writenet* stated that the Central Highlands, bordering Cambodia and Laos is populated by ethnic groups who are distinct from the Vietnamese,

³ United Nations Human Rights Council, Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, Cephas Lumina, 1 June 2012, A/HRC/20/23/Add.1, 1 June 2012, <http://www.ohchr.org/EN/Issues/Development/IEDebt/Pages/CountryVisits.aspx>, or <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/137/37/PDF/G1213737.pdf?OpenElement>, accessed 16 August 2012

⁴ United Nations Human Rights Council, Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, Cephas Lumina, 1 June 2012, A/HRC/20/23/Add.1, 1 June 2012, <http://www.ohchr.org/EN/Issues/Development/IEDebt/Pages/CountryVisits.aspx>, or <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/137/37/PDF/G1213737.pdf?OpenElement>, accessed 16 August 2012

“The Central Highlands of Vietnam are a group of provinces in central Vietnam on the western flank of the Annamite Mountains, forming a high plateau bordering Cambodia and Laos. The area is called *Tây Nguyên* (the Western Plateau) in Vietnamese, and consists of four provinces: Dak Lak, Dak Nong, Gia Lai and Kon Tum. In the past, the province of Lam Dong was often considered to be in the Central Highlands, but was recently transferred to the Southeast region by the government. Additionally, Dak Lak used to be one province, but several districts were carved off for a new province of Dak Nong in 2003. In addition to being geographically different from the rest of Vietnam, the Central Highlands have long been populated by ethnic groups that are distinct from the Vietnamese.”⁵

In 2006 a UNHCR commissioned report by *Writenet* reported that ‘Montagnard’ is used as a generic term to refer to members of ethnic minorities groups in the Central Highlands,

“Minorities are often referred to by different names. Within Vietnam, they are usually referred to as *đồng bào dân tộc thiểu số* (ethnic minority compatriots), a generic term for minorities of any kind. Many in the US and the Western press use the term Montagnard, the French word for “mountain dweller.””⁶

In 2006 a UNHCR commissioned report by *Writenet* reported that due to the migration of other groups approximately 33 percent of the Central Highlands population are ethnic minorities,

“Before the twentieth century the Central Highlands were almost entirely populated by indigenous minorities like the Ede, Gia Rai, M’ngong, Xe Dang and Ba Na, with little Kinh immigration. The Central Highlands’s population increased throughout the twentieth century, thanks to government policies that encouraged migration, and Kinh soon came to predominate. Currently only about 33 per cent of the total population in the Central Highlands is ethnic minorities []. Kon Tum is the only province that still retains a majority population of ethnic minorities. However, even within Kon Tum, Kinh remain the single largest ethnic group overall.”⁷

In 2008 *USAID* reported that indigenous ethnic groups in the Central Highlands have now become a minority population and state that acquisition of land has affected minority groups’ cultivation of land,

“In 1975 (at the time of reunification), the overwhelming majority of the three provinces’ population was made up of ethnic groups practicing a kind of shifting cultivation. After reunification, the Government of Vietnam (GoV) established state farms in the Central Highlands, and shifting cultivation was not technically possible on these plots. The GoV also launched a series of programs to transplant ethnic Kinh, mainly from the Mekong Delta, to work the state farms in the Central Highlands. Collectivization of land and government resettlement programs ended in the early 1990s; however, in-migration of Kinh settlers, attracted by the possibility of profitable cash cropping, has nonetheless continued on an informal basis. Thus, the ethnic groups indigenous to the Central Highlands have now become a minority population in their homeland.”⁸

In 2008 *USAID* reported that the collectivisation of agricultural land and the introduction of state farms had undercut traditional minority farming systems,

⁵ Writenet, Vietnam: Situation of indigenous minority groups in the Central Highlands, June 2006, <http://www.unhcr.org/refworld/pdfid/44c0f55a4.pdf>, accessed 5 August 2012

⁶ Writenet, Vietnam: Situation of indigenous minority groups in the Central Highlands, June 2006, <http://www.unhcr.org/refworld/pdfid/44c0f55a4.pdf>, accessed 5 August 2012

⁷ Writenet, Vietnam: Situation of indigenous minority groups in the Central Highlands, June 2006, <http://www.unhcr.org/refworld/pdfid/44c0f55a4.pdf>, accessed 5 August 2012

⁸ USAID, Vietnam Central Highlands needs assessment, 29 December 2008, <http://www.oecd.org/countries/vietnam/42305730.pdf>, accessed 5 August 2012

“Prior to reunification in 1975, the ethnic minorities of the Central Highlands primarily practiced swidden agriculture, a type of shifting cultivation. Swidden agriculture is technically sustainable only with a low density population such as prevailed in the Central Highlands prior to reunification. Under the swidden system, a household is a member of a kin group that claims rights to a large amount of land. Its claims may overlap with claims of neighboring kin groups. Although conflicts over land rights may exist between the groups in such a case, no group makes a claim to exclusive rights to a parcel. Overlapping claims can coexist.

In any one year the members of the kin group, under the direction of kin group leaders, cultivate only a small fraction of the lands over which the group has claims. When productivity of cultivated plots drops off, the group moves to other areas of their lands; they clear them and cultivate them until the soils become exhausted again, and then move on to other areas. By the end of about a 15 to 20-year cycle, the fertility of the first lands will have revived and the group is back to clearing and cultivating them again.

Reunification, collectivization of agricultural land and the planned migration of large number of Kinh undercut the swidden agricultural system in the Central Highlands. The government forced local minorities to cede control of their lands to state farms. According to Luong, by 1985, state plantations had absorbed 70% of the agricultural land in Dak Lak, Gia Lai and Kon Tum.”⁹

In 2006 a UNHCR commissioned report by *Writenet* stated that there were large scale protests over religious freedom and land rights in the Central Highlands in 2001 and 2004,

“February 2001 saw large-scale, well-coordinated ethnic minority protests in the Central Highlands that were widely reported internationally, and which sent a great shock to the normally highly controlled state of Vietnam. The subsequent months and years have seen a steady stream of people leaving the Central Highlands for Cambodia to claim asylum for fear of persecution in the aftermath. Further protests in 2004 indicated that the issues remained raw in the Central Highlands. []

It is believed that 3,000-4,000 minority people gathered in Pleiku, capital of Gia Lai province, on 2 February 2001, and up to 1,000 or more gathered in Buon Me Thuot, capital of Dak Lak province, on 3 February 2001 to protest against local government officials, graft, and unrecognized land rights. Some outside reports put the number at up to 20,000. The protestors demanded to see provincial authorities to discuss religious freedom and more political independence for minorities. However, there were reports of violence during and after the Buon Me Thuot protests, as police reportedly used tear gas and water cannons to disperse the crowds, and some protestors scuffled with police and threw rocks. Other small protests followed in subsequent days, resulting in more serious clashes with police, with at least one policeman reportedly being tied up and some property being damaged.”¹⁰

In 2006 a UNHCR commissioned report by *Writenet* stated that the majority of protestors were evangelical Protestants and reported that minorities in the Central Highlands faced restrictions on religious freedom,

“In addition to having distinct ethnic groups, the Central Highlands also has a distinct religious history. The protests of 2001 and 2004 have become inextricably linked to religious issues, as the majority of protestors were not only minorities, but also followers of evangelical Protestantism. Many observers have attributed the initial spark for the 2001 protests to the arrest of several people in a so-called “house church” (an informal but illegal gathering of followers in private homes for worship) in Gia Lai province. Harassment of minority Protestant worshippers had been reported from the region for many years, and

⁹ USDAID, Vietnam Central Highlands needs assessment, 29 December 2008, <http://www.oecd.org/countries/vietnam/42305730.pdf>, accessed 5 August 2012

¹⁰ Writenet, Vietnam: Situation of indigenous minority groups in the Central Highlands, June 2006, <http://www.unhcr.org/refworld/pdfid/44c0f55a4.pdf>, accessed 5 August 2012

many believe the house church arrests simply lifted the lid off frustration on restrictions on religious freedom. The fact that Protestantism has now been linked in the minds of many in Vietnam with political protests further increases the difficulty for religious followers.”¹¹

The *USDOS* country report on human rights practices for 2010 stated that minorities in the Central Highlands were detained for communicating with foreign based minority communities,

“There were continued reports that government officials in the Central and Northwest Highlands temporarily detained ethnic minority individuals for communicating with the ethnic minority community abroad.”¹²

The *USDOS* country report on human rights practices for 2010 stated that hundreds of Montagnards involved in the 2004 demonstrations remained in prison,

“International NGOs estimated that several hundred ethnic minority demonstrators associated with the 2004 Central Highlands protests remained in prison.”¹³

In 2011 *Human Rights Watch* reported that the government has increased its harassment of Montagnard Christians,

“In recent months, the Vietnamese government has increased its harassment of peaceful ethnic minority Christians in the Central Highlands, targeting members of unregistered house churches. Vietnam’s state media has presented the latest round of arrests, beatings, and intimidation as a response to conflicts between rubber plantation guards and ethnic minority highlanders—commonly known as Montagnards—in mid-2010 in Chu Prong district of Gia Lai. Information on the clashes is incomplete, and what specifically transpired is unclear, but in the aftermath the authorities reinforced the security presence in the three border districts of Duc Co, Ia Grai, and Chu Prong, and intensified their efforts to root out and arrest people the government terms “Dega Protestants” and blames for inciting the unrest. The government declares that many highlanders who belong to independent or unregistered house churches are Dega Protestants, which authorities assert is not a legitimate religion, but a cover for a Montagnard independence movement.”¹⁴

In 2011 *Human Rights Watch* reported that due to lack of media access it is difficult to obtain information about the current situation in the Central Highlands,

“Because Vietnam strictly controls its domestic media, prohibits foreign journalists from traveling freely to sensitive areas outside of Hanoi, and rejects visits by independent, international rights groups, it is difficult to obtain detailed, independently verifiable information about the current situation in the Central Highlands.”¹⁵

In 2011 *Human Rights Watch* summarised developments in a timeline reporting the following during 2010,

“April 2007-June 2010:
Public security forces launch a three-year offensive that targets Montagnard church activists in Chu Se district, Gia Lai.

¹¹ Writenet, Vietnam: Situation of indigenous minority groups in the Central Highlands, June 2006, <http://www.unhcr.org/refworld/pdfid/44c0f55a4.pdf>, accessed 5 August 2012

¹² United States Department of State, Country Reports on Human Rights Practices for 2010; Vietnam, 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/eap/154408.htm>, accessed 5 August 2012

¹³ United States Department of State, Country Reports on Human Rights Practices for 2010; Vietnam, 2011, <http://www.state.gov/j/drl/rls/hrrpt/2010/eap/154408.htm>, accessed 5 August 2012

¹⁴ Human Rights Watch, Montagnard Christians in Vietnam; A case study in religious repression, March 2011, <http://www.hrw.org/sites/default/files/reports/vietnam0311Web.pdf>, accessed 10 August 2012

¹⁴ Freedom House, Freedom in the World 2011: Vietnam, <http://www.freedomhouse.org/report/freedom-world/2011/vietnam>, accessed 15 August 2012

¹⁵ Human Rights Watch, Montagnard Christians in Vietnam; A case study in religious repression, March 2011, <http://www.hrw.org/sites/default/files/reports/vietnam0311Web.pdf>, accessed 10 August 2012

May 2010:

Officials launch propaganda campaigns and public criticism ceremonies targeting the Catholic Ha Mon sect in Kon Tum, Gia Lai, and Dak Lak provinces.

June 2010:

Heightened border security, arrests, and forced renunciation ceremonies take place in Gia Lai, allegedly in response to unrest in rubber plantations in Chu Prong district.”¹⁶

In its 2011 world report *Freedom House* reported that the government had allowed mining operations in the Central Highlands which opponents said would displace indigenous residents,

“In 2009 and 2010, 98-year-old Vo Nguyen Giap, the famed commander of Vietnamese forces during the wars of independence and unification, led public criticism of a government deal to allow a Chinese company to open a huge bauxite-mining operation in the Central Highlands, which opponents said would displace indigenous residents, cause environmental damage, and threaten national security.”¹⁷

In its 2012 report on the State of the World’s Minorities and Indigenous Peoples *Minority Rights Group International* reported that the government showed little regard for concerns expressed by central highland peoples about the environmental impact of Bauxite mining,

“Vietnam’s central highlands are rich in natural resources, including bauxite. In September, a Chinese-backed bauxite mine in Lam Dong province began operations, despite unusually high levels of public criticism about environmental consequences and Chinese involvement. Bauxite is a mineral used to produce aluminum, and, with the third largest reserve of bauxite in the world, the government has shown little regard for the concerns of central highland peoples, including over potential contamination of water resources as well as adverse impact on crops.”¹⁸

2. Mekong Delta

[See also [Section B. Ethnic Minorities](#), [Section C. Freedom of Religion](#) and [Section E. Land and Property Rights](#)]

In 2009 *Human Rights Watch* reported that following protests in 2007 by ethnic Khmer Buddhists over religious freedom and khmer-language education, “Khmer Krom in the Mekong Delta face serious restrictions on freedom of expression, assembly, association, information, and movement.”¹⁹

In 2009 *Human Rights Watch* reported that Khmer Krom farmers had protested the loss of their farmland,

“While the Mekong Delta is Vietnam’s most productive rice-growing region, Khmer Krom reap little of the financial benefits. A study prepared for the government-donor-NGO Poverty Task Force linked poverty rates to ethnicity, finding that the Khmer Krom suffer the highest rates of poverty in the Mekong Delta, in part because they are left with only marginal soils to cultivate.

¹⁶ Human Rights Watch, *Montagnard Christians in Vietnam: A case study in religious repression*, March 2011, <http://www.hrw.org/sites/default/files/reports/vietnam0311Web.pdf>, accessed 10 August 2012

¹⁷ Freedom House, *Freedom in the World 2011: Vietnam*, <http://www.freedomhouse.org/report/freedom-world/2011/vietnam>, accessed 15 August 2012

¹⁸ Minority Rights Group International, *State of the World’s Minorities and Indigenous Peoples 2012*, <http://www.minorityrights.org/11374/state-of-the-worlds-minorities/state-of-the-worlds-minorities-and-indigenous-peoples-2012.html>, accessed 6 August 2012

¹⁹ Human Rights Watch, *On the Margins; Rights abuses of ethnic Khmer in Vietnam’s Mekong Delta*, 2009, http://www.hrw.org/sites/default/files/reports/vietnam0109web_0.pdf, accessed 5 August 2012

Land reform policies of the 1980s and 1990s, which provided some “ownership rights” to people living and working on land for a certain amount of time, often left out Khmer Krom who had already been displaced from their land. Other Khmer Krom have sold or mortgaged their land because of their poverty or indebtedness.

Compared to Vietnam’s seven other geographical regions, the Mekong Delta region has the largest number of low-income people in Vietnam (4 million) and the second-highest level of landlessness in the country. According to the bilateral donor AusAID, the Khmer Krom are the most “economically and socially disadvantaged” of the three main ethnic minority groups living the Delta []

Finding themselves increasingly deprived of land and a source of livelihood, and lacking effective legal avenues for redress, increasing numbers of Khmer Krom have taken to the streets in protest.”²⁰

In July 2011 state owned English language Vietnamese newspaper, *Viet Nam News*, reported that farmers in Mekong Delta had protested their forced relocation,

“Residents in Tan Phuoc District in the Cuu Long (Mekong) Delta province of Tien Giang have refused to farm in protest against the local authority’s proposal to earmark land for golf course and industrial park development.

Residents in Tan Lap 1 Commune’s hamlets 1 and 5 have complained that the province had already taken away farmland to build the 540-ha Long Giang Industrial Park in 2008, which remains fallow.

In 2007, the Tien Giang Industrial Park Management Board granted an investment certificate to Long Giang Industrial Park Development Co Ltd to develop the Long Giang IP in Tan Lap 1 Commune at a total cost of US\$100 million.

But the land within the IP compound is overgrown with weeds, although construction began in 2008, forcing the relocation of 395 farming households.[]

Many local residents in Tan Lap 1 Commune have protested the provincial government’s decision to take away farmland for IPs or other purposes, such as a resort complex.

Sixteen households that were asked to move for the Long Giang IP have refused to receive compensation money and several others said the compensation rate was unsatisfactory. []

Many farmers have stopped planting as a form of protest, which could lead to significant losses for them.”²¹

In its 2011 country report on human rights the *USDOS* reported the harassment of land rights protesters in several Mekong Delta provinces,

“Land-rights protesters in Hanoi, Ho Chi Minh City, Danang, and several provinces in the Mekong Delta continued to report instances of physical harassment and intimidation by local authorities.”²²

²⁰ Human Rights Watch, On the Margins; Rights abuses of ethnic Khmer in Vietnam’s Mekong Delta, 2009, http://www.hrw.org/sites/default/files/reports/vietnam0109web_0.pdf, accessed 5 August 2012

²¹ Viet Nam News, Farmers strike over planned golf courses, industrial parks, 20 July 2011, <http://vietnamnews.vnagency.com.vn/Agriculture/213520/Farmers-strike-over-planned-golf-courses-industrial-parks.html>, accessed 5 August 2012

²² United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

In May 2012 *Thanh Nien*, a daily newspaper published by the Vietnam Youth Federation, reported that a mother and daughter protested their family's forced removal from their land plot in the Mekong Delta and what they considered inadequate compensation.²³

²³ Thanh Nien, Mekong Delta residents take off clothes to protest land eviction, 29 May 2012, <http://www.thanhniennews.com/index/pages/20120529-mekong-delta-residents-take-off-clothes-to-protest-land- eviction.aspx>, accessed 5 August 2012

B. Ethnic minorities

1. Domestic legal framework, policies and practices related to the protection of ethnic minorities

Minority Rights Group International states that there are 54 officially recognised ethnic groups in Vietnam.²⁴ The Vietnamese-speaking majority ethnic Kinh comprises approximately 86% of the population and ethnic minorities 14%.²⁵ According to a June 2012 *Minority Rights Group International* report the officially recognized ethnic groups include Hmong, Khmer, Muong, Tay, Thai and indigenous groups who self identify as Montagnards.²⁶

In January 2011 the *United Nations independent expert on minority issues Gay McDougall*, reported that,

“Five ethnic minority groups have populations of over 1 million people: the Tay, 1.63 million; the Thai, 1.55 million; the Muong, 1.27 million; the Khmer, 1.26 million; and the Mong, 1.1 m. Another five groups each have populations of less than 1,000 people. Of 64 provinces, 49 have an ethnic minority population of at least 30 per cent.”²⁷

In June 2012 the *Minority Rights Group International* reported that some minority groups are not recognised within the official list of 54,

“Ethnic Kinh tend to be concentrated in about half of the country's territory, especially in coastal and low-lying areas. Many of the remaining 54 official ethnic groups (though not all of the country's minorities are part of this officially recognized list) inhabit the interior mountainous and highlands.

[...]

Ethnic minority and indigenous groups have significant populations in the northern highlands, central highlands and the Mekong delta region – including Hmong, Khmer, Muong, Tay and Thai. In the central highlands, in Gia Lai and Dak Lak provinces in particular, about two dozen indigenous groups collectively self-identify as Montagnards, many of whom are also Protestant Christians.”²⁸

In January 2011, the *United Nations independent expert on minority issues Gay McDougall* reported that data from census questionnaires are disaggregated for the five largest minority groups,

“Disaggregated data on the basis of ethnic, religious and linguistic criteria are gathered by means of census questionnaire, and include information on health and life expectancy, education, labour force participation and housing. They provide a valuable tool for identifying disparities. The data provided by national authorities, however, are

²⁴ Minority Rights Group International, State of the World's Minorities and Indigenous Peoples 2012 - Vietnam, 28 June 2012, available from <http://www.unhcr.org/refworld/docid/4fedb3e83c.html>, accessed 9 August 2012; United Nations General Assembly, Report of the independent expert on minority issues, Gay McDougall - Addendum Mission to Viet Nam (5 - 15 July 2010), 24 January 2011, A/HRC/16/45/Add.2, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A-HRC-16-45-Add2.pdf>, accessed 10 August 2012.

²⁵ Minority Rights Group International, State of the World's Minorities and Indigenous Peoples 2012 - Vietnam, 28 June 2012, available from <http://www.unhcr.org/refworld/docid/4fedb3e83c.html>, accessed 9 August 2012; United Nations General Assembly, Report of the independent expert on minority issues, Gay McDougall - Addendum Mission to Viet Nam (5 - 15 July 2010), 24 January 2011, A/HRC/16/45/Add.2, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A-HRC-16-45-Add2.pdf>, accessed 10 August 2012.

²⁶ Minority Rights Group International, State of the World's Minorities and Indigenous Peoples 2012 - Vietnam, 28 June 2012, available from <http://www.unhcr.org/refworld/docid/4fedb3e83c.html>, accessed 9 August 2012.

²⁷ United Nations General Assembly, Report of the independent expert on minority issues, Gay McDougall - Addendum Mission to Viet Nam (5 - 15 July 2010), 24 January 2011, A/HRC/16/45/Add.2, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A-HRC-16-45-Add2.pdf>, accessed 10 August 2012.

²⁸ Minority Rights Group International, State of the World's Minorities and Indigenous Peoples 2012 - Vietnam, 28 June 2012, available from <http://www.unhcr.org/refworld/docid/4fedb3e83c.html>, accessed 9 August 2012.

disaggregated for only the five largest ethnic minority groups.”²⁹

Vietnam ratified the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) in 1982.³⁰

In March 2011 the *International Federation for Human Rights (FIDH)* reported its member organisation, the Vietnamese Human Rights Committee as stating,

“the ethnic and religious minorities are still awaiting its [CERD] implementation, and remain totally unprotected by law. In fact, Viet Nam’s adherence to UN human rights treaties is simply a façade to deceive international opinion. Behind this façade, the government brazenly suppresses its citizens’ fundamental freedoms and rights.”³¹

Article 5 of the 1992 *Vietnamese Constitution* establishes the right to equality and non-discrimination,

“The State of the Socialist Republic of Vietnam is the united State of the various ethnic communities cohabiting on the Vietnamese land.

The State applies a policy of equality, solidarity and mutual support among the various ethnic communities and prohibits all acts of ethnic discrimination and division.

The various ethnic communities have the right to use their own language and writing, to preserve their ethnic identity and to nurture their fine customs, traditions and cultures.

The State implements policies of all-round development aimed at gradually improving and raising the material and spiritual conditions of life of ethnic minorities.”³²

In January 2012 the *United Nations independent expert on minority issues Gay McDougall*, reported that there is no specific anti discrimination law in Vietnam but that anti discriminatory legal provisions protecting minorities in the Constitution and other national laws and that the Ethnic Council of the National Assembly and the Committee for Ethnic Minority Affairs are state institutions with responsibility for the implementation of policies relating to ethnic minorities,

“There is no dedicated, comprehensive, anti-discrimination law in Viet Nam. Non discrimination provisions exist in the Constitution and in various national laws, including the Civil Code, the Penal Code, the Criminal Procedures Code, the Law on Education and the Labour Code. Article 14 of the Labour Code also establishes that the State is responsible for formulating preferential policies on the creation of employment in order to attract and use ethnic minority employees. The Government has been developing a decree on ethnic minorities with a view to drafting a law on ethnic minorities for submission to the National Assembly.

Dedicated State institutions have responsibilities for ethnic minority issues. The Ethnic Council of the National Assembly advises the Assembly on ethnic minority matters and supervises implementation of policies and programmes relevant to ethnic minorities. The Council is empowered to review draft laws and draft ordinances relating to ethnic minorities, and proposes issues for consideration by the Assembly and other State bodies. The Government must consult the Ethnic Council before promulgating decisions on ethnic policies and legislation. The Council President and four deputies are ethnic minorities.

²⁹ United Nations General Assembly, Report of the independent expert on minority issues, Gay McDougall - Addendum Mission to Viet Nam (5 - 15 July 2010), 24 January 2011, A/HRC/16/45/Add.2, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A-HRC-16-45-Add2.pdf>, accessed 10 August 2012.

³⁰ United Nations Treaty Collection, International Convention on the Elimination of all Forms of Racial Discrimination, http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsq_no=IV-2&chapter=4&lang=en#EndDec, accessed 10 August 2012

³¹ International Federation for Human Rights, Viet Nam: UN expert's report on minorities confirms the huge gap between human rights rhetoric and reality, 17 March 2011, <http://www.fidh.org/Viet-Nam-UN-expert-s-report-on>, accessed 10 August 2012.

³² Socialist Republic of Vietnam, 1992 Constitution of the Socialist Republic of Vietnam (As amended 25 December 2001), available from [http://www.vietnamlaws.com/freelaws/Constitution92\(aa01\).pdf](http://www.vietnamlaws.com/freelaws/Constitution92(aa01).pdf), accessed 23 August 2012.

The Committee for Ethnic Minority Affairs is a ministerial-level body with responsibility for planning and implementation of ethnic policies and those for mountainous regions. The Committee is mandated to perform functions of State management of ethnic minority affairs nationwide and in relation to public services. It assists in the development of laws, the implementation and monitoring of programmes, and coordinates liaison between relevant ministries as well as with international agencies and donors.”³³

In March 2012, the *United Nations Committee on the Elimination of Racial Discrimination* reported its concern about the possible misuse of the legal framework against some ethnic minorities,

“[CERD] also notes with concern the broad and imprecise wording of certain provisions, inter alia, article 87 of the Criminal Code, and the possible misuse of those provisions against some ethnic minorities.”³⁴

In its 2011 country report on human rights the *USODS* reported that there are legal provisions to ensure equal participation of ethnic minorities in politics and that ethnic minorities held approximately 16 percent of the National Assembly, “a decline from the previous assembly”.³⁵

In January 2011 the *United Nations independent expert on minority issues Gay McDougall* reported that 33 ethnic minority groups are represented within the National Assembly,

“A total of 33 of the country’s ethnic minority groups are represented in the National Assembly, whose leadership sets targets for the representation of minorities and women. In its statement made at the second session of the Forum on Minority Issues, which focused on the political participation of ethnic minority people, the Government of Viet Nam pointed out that, in 2009, 87 of 493 Assembly representatives were from ethnic minorities, 39 of whom were women.”³⁶

In June 2012 the *Minority Rights Group International* reported that land in Vietnam is state-owned with individual land use rights and can be re-appropriated for state interests,

“With forests and mineral-rich lands in minority and indigenous areas, state land confiscation can have a devastating effect on these communities. In her January 2011 report on her official visit to Vietnam in 2010, the Independent Expert on Minority Issues, Gay McDougall, noted the massive resettlement caused by the Son La hydropower plant, where 91,000 people belonging to ethnic minorities were relocated by 2010 – the largest resettlement programme in Vietnam’s history. Ten different groups have been affected, the majority being ethnic Thai.”³⁷

In May 2012 the *USDOS* reported that a 2009 decree ensures compensation, housing and job training for people displaced by development projects,

“However, there were widespread complaints, including from the National Assembly, that compensation was inadequate or delayed. There were also widespread reports of official corruption and a general lack of transparency in the government’s process of confiscating

³³ United Nations General Assembly, Report of the independent expert on minority issues, Gay McDougall - Addendum Mission to Viet Nam (5 - 15 July 2010), 24 January 2011, A/HRC/16/45/Add.2, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A-HRC-16-45-Add2.pdf>, accessed 10 August 2012.

³⁴ United Nations Committee on the Elimination of Racial Discrimination, Consideration of reports submitted by States parties under article 9 of the convention - Concluding observations of the Committee on the Elimination of Racial Discrimination: Viet Nam, 9 March 2012, CERD/C/VNM/CO/10-14, <http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.VNM.CO.10-14.pdf>, accessed 10 August 2012.

³⁵ United States Department of State, 2011 Country Reports on Human Rights Practices - Vietnam, 24 May 2012, available from <http://www.unhcr.org/refworld/docid/4fc75a4c46.html>, accessed 9 August 2012

³⁶ United Nations General Assembly, Report of the independent expert on minority issues, Gay McDougall - Addendum Mission to Viet Nam (5 - 15 July 2010), 24 January 2011, A/HRC/16/45/Add.2, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A-HRC-16-45-Add2.pdf>, accessed 10 August 2012.

³⁷ Minority Rights Group International, State of the World’s Minorities and Indigenous Peoples 2012 - Vietnam, 28 June 2012, available from <http://www.unhcr.org/refworld/docid/4fedb3e83c.html>, accessed 9 August 2012.

land and moving citizens to make way for infrastructure projects. Some members of ethnic minority groups in the Central and Northwest Highlands continued to complain that they had not received proper compensation for land the government confiscated to develop large-scale, state-owned enterprises.”³⁸

In March 2012, the *United Nations Committee on the Elimination of Racial Discrimination* reported the displacement of minorities and confiscation of their land,

“The Committee notes with concern the displacement of minorities and the confiscation of ancestral lands without prior consent and appropriate compensation for confiscated lands.”³⁹

In March 2012 the *United Nations Committee on the Elimination of Racial Discrimination* reported official and societal denial of discrimination against ethnic minorities,

“[...] the lack of acknowledgement, by the governmental officials and the general public, of the existence of racial discrimination and inequality between ethnic groups, as well as the persistence of negative societal attitudes and stereotypes against persons of minority ethnic origin.”⁴⁰

In May 2011 *Freedom House* reported that ethnic and religious minorities face discrimination,

“Ethnic and religious minorities face discrimination in mainstream society, and some local officials restrict their access to schooling and jobs. Minorities generally have little input on development projects that affect their livelihoods and communities.”⁴¹

The *USDOS* reported in May 2012 that ethnic minorities face societal discrimination,

“Although the government officially prohibits discrimination against ethnic minorities, longstanding societal discrimination against ethnic minorities persisted.”⁴²

In January 2011 the *United Nations independent expert on minority issues Gay McDougall*, reported that ethnic minorities were portrayed negatively by the media,

“[...] frequent use of stereotypes and misperceptions in coverage of ethnic minority issues that commonly stigmatize them as backward, passive, ignorant and superstitious.”⁴³

In March 2012 the *United Nations Committee on the Elimination of Racial Discrimination* reported that unrecognised ethnic groups face discrimination in employment, social security, health, education and freedom of movement,

³⁸ United States Department of State, 2011 Country Reports on Human Rights Practices - Vietnam, 24 May 2012, available from <http://www.unhcr.org/refworld/docid/4fc75a4c46.html>, accessed 9 August 2012.

³⁹ United Nations Committee on the Elimination of Racial Discrimination, Consideration of reports submitted by States parties under article 9 of the convention - Concluding observations of the Committee on the Elimination of Racial Discrimination: Viet Nam, 9 March 2012, CERD/C/VNM/CO/10-14, <http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.VNM.CO.10-14.pdf>, accessed 10 August 2012. In March 2012, the *United Nations Committee on the Elimination of Racial Discrimination* reported that

⁴⁰ United Nations Committee on the Elimination of Racial Discrimination, Consideration of reports submitted by States parties under article 9 of the convention - Concluding observations of the Committee on the Elimination of Racial Discrimination: Viet Nam, 9 March 2012, CERD/C/VNM/CO/10-14, <http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.VNM.CO.10-14.pdf>, accessed 10 August 2012.

⁴¹ Freedom House, Freedom in the World 2011 - Vietnam, 12 May 2011, <http://www.freedomhouse.org/report/freedom-world/2011/vietnam>, accessed 9 August 2012.

⁴² United States Department of State, 2011 Country Reports on Human Rights Practices - Vietnam, 24 May 2012, available from <http://www.unhcr.org/refworld/docid/4fc75a4c46.html>, accessed 9 August 2012.

⁴³ United Nations General Assembly, Report of the independent expert on minority issues, Gay McDougall - Addendum Mission to Viet Nam (5 - 15 July 2010), 24 January 2011, A/HRC/16/45/Add.2, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A-HRC-16-45-Add2.pdf>, accessed 10 August 2012.

"[...] the household registration system (hộ khẩu), which results in discrimination against ethnic minorities belonging to "unrecognised" religious groups, in the fields of employment, social security, health services, education, and the right to freedom of movement."⁴⁴

In its 2011 country report on human rights the *USDOS* reported that some highland minorities were subject to monitoring due to government concerns about ethnic minority separatist activity,

"The government monitored certain highland minorities closely, particularly several ethnic groups in the Central and Northwest Highlands, where it continued to be concerned that the religion they practice encouraged ethnic minority separatism. The government imposed increased security measures in the Central and Northwest Highlands in response to concerns over possible ethnic minority separatist activity. There were reports that ethnic minority individuals who telephoned ethnic minority community members abroad were a special target of police attention. Authorities arrested and convicted several individuals connected to overseas separatist organizations and sentenced them to lengthy prison terms in 2011. During the period around sensitive occasions and holidays, an increased security presence was reported throughout the region. There were a few reports that Vietnamese police operating on both sides of the border returned members of ethnic minorities seeking to enter Cambodia and sometimes beat and detained them."⁴⁵

In March 2012, the *United Nations Committee on the Elimination of Racial Discrimination* stated that provisions of the Ordinance Regarding Religious Beliefs and Religious Activities (2004) "appear to be discriminatory on both ethnic and religious grounds".⁴⁶ The *United Nations Committee on the Elimination of Racial Discrimination* also reported that,

"Persistent reports of arrests, arbitrary detention and ill-treatment in custody of members of minority groups due to their peaceful practice of religion and freedom of expression, including cases taken up by several Special Rapporteurs, [...] the lack of effective investigation of those allegations, and the lack of effective remedies provided for victims."⁴⁷

In its 2011 annual report published in July 2011, the *Minority Rights Group International* reported that activists from ethnic minorities were jailed in Vietnam.⁴⁸ According to *Minority Rights Group International* reporting in June 2012

"In May, seven land rights defenders, some of whom also struggle for religious freedom, were tried for 'subversion' in the Ben Tre People's Court; all received prison sentences ranging from two to eight years."⁴⁹

In January 2011 the *United Nations independent expert on minority issues Gay McDougall* reported concerns about limited access to a range of parties during her country visit,

"The independent expert welcomes the constructive engagement of the Government of Viet Nam in relation to her visit. However, during her visit, she was largely confined to meetings

⁴⁴ United Nations Committee on the Elimination of Racial Discrimination, Consideration of reports submitted by States parties under article 9 of the convention - Concluding observations of the Committee on the Elimination of Racial Discrimination: Viet Nam, 9 March 2012, CERD/C/VNM/CO/10-14, <http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.VNM.CO.10-14.pdf>, accessed 10 August 2012.

⁴⁵ United States Department of State, 2011 Country Reports on Human Rights Practices - Vietnam, 24 May 2012, available from <http://www.unhcr.org/refworld/docid/4fc75a4c46.html>, accessed 9 August 2012.

⁴⁶ United Nations Committee on the Elimination of Racial Discrimination, Consideration of reports submitted by States parties under article 9 of the convention - Concluding observations of the Committee on the Elimination of Racial Discrimination: Viet Nam, 9 March 2012, CERD/C/VNM/CO/10-14, <http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.VNM.CO.10-14.pdf>, accessed 10 August 2012.

⁴⁷ United Nations Committee on the Elimination of Racial Discrimination, Consideration of reports submitted by States parties under article 9 of the convention - Concluding observations of the Committee on the Elimination of Racial Discrimination: Viet Nam, 9 March 2012, CERD/C/VNM/CO/10-14, <http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.VNM.CO.10-14.pdf>, accessed 10 August 2012.

⁴⁸ Minority Rights Group International, State of the World's Minorities and Indigenous Peoples 2011 - Vietnam, 6 July 2011, available from <http://www.unhcr.org/refworld/docid/4e16d3592c.html>, accessed 10 August 2012.

⁴⁹ Minority Rights Group International, State of the World's Minorities and Indigenous Peoples 2012 - Vietnam, 28 June 2012, available from <http://www.unhcr.org/refworld/docid/4fedb3e83c.html>, accessed 9 August 2012.

arranged by the Government, encountering obstacles that limited opportunities for unaccompanied meetings outside of the presence of Government officials. She therefore does not believe that she had full, free and unfettered access to all parties whom she wished to consult. This impeded her ability to obtain perspectives other than those in consonance with official Government positions.”⁵⁰

In March 2012, the *United Nations Committee on the Elimination of Racial Discrimination* reported concerns at systems for making complaints about racial discrimination,

“The Committee is concerned about the lack of information on complaints about acts of racial discrimination lodged with courts and other relevant authorities in spite of persistent reports of de facto discrimination against members of certain minority groups.

Furthermore, while taking note of the Committee for Ethnic Minority Affairs, a ministerial level agency responsible for overall development of strategies and implementation of government policies on ethnic minorities, the Committee regrets the lack of a comprehensive, effective and independent complaints mechanism in the State party.”⁵¹

In May 2012 the *USDOS* reported that the government has attempted to address ethnic disparities,

“The government continued to address the causes of ethnic minority discontent through special programs to improve education and health facilities and expand road access and electrification of rural communities and villages. The government continued to allocate land to ethnic minorities in the Central Highlands through a special program, but there were valid complaints that implementation was uneven.

The government maintained a program to conduct classes in some local ethnic minority languages in elementary and secondary schools. The government also worked with local officials to develop local language curricula, but it appeared to implement this program more comprehensively in the Central Highlands and the Mekong Delta, and only in limited areas of the Northwest Highlands. The law provides for universal education for children regardless of religion or ethnicity, and ethnic minorities are not required to pay regular school fees. The government operated special schools for ethnic minority children, and there were 223 boarding schools for them in the Northwest and Central Highlands and the Mekong Delta, including at middle- and high-school levels plus special admission and preparatory programs as well as scholarships and preferential admissions at the university level. There were also a few government-subsidized technical and vocational schools for ethnic minorities. Nonetheless, there were some credible cases of discrimination against ethnic minorities.

The government broadcast radio and television programs in ethnic minority languages in some areas. The government also instructed ethnic-majority (Kinh) officials to learn the language of the locality in which they worked. Provincial governments continued initiatives designed to increase employment, reduce the income gap between ethnic minorities and ethnic Kinh, and make officials sensitive and receptive to ethnic minority culture and traditions.

The government granted preferential treatment to domestic and foreign companies that invested in highland areas populated predominantly by ethnic minorities. The government also maintained infrastructure development programs that targeted poor, largely ethnic-minority areas and established agricultural extension programs for remote rural areas.

⁵⁰ United Nations General Assembly, Report of the independent expert on minority issues, Gay McDougall - Addendum Mission to Viet Nam (5 - 15 July 2010), 24 January 2011, A/HRC/16/45/Add.2, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A-HRC-16-45-Add2.pdf>, accessed 10 August 2012.

⁵¹ United Nations Committee on the Elimination of Racial Discrimination, Consideration of reports submitted by States parties under article 9 of the convention - Concluding observations of the Committee on the Elimination of Racial Discrimination: Viet Nam, 9 March 2012, CERD/C/VNM/CO/10-14, <http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.VNM.CO.10-14.pdf>, accessed 10 August 2012.

The National Assembly's Ethnic Minority Council, along with provincial Ethnic Minority Steering Committees, supported infrastructure development and addressed some issues related to poverty reduction and an increase in literacy rates during the year."⁵²

In August 2011 the local newspapers *Tuoi Tre* (published by the Communist Youth Union) and *Thanh Nien* (published by the Vietnam Youth Federation) reported a governmental project costing approximately US\$ 73 million to preserve ethnic minorities' cultures between 2011 and 2020.⁵³

In July 2011 *Minority Rights Group International* reported that the UN's Independent Expert on Minority Issues expressed concern that ethnic minorities lacked the opportunity to learn their own language,

"After a visit to Vietnam, the UN's Independent Expert on Minority Issues, Gay McDougall, offered praise to the government for what she said was an 'evident political will to address the sizeable socio-economic gap' between ethnic minorities and the majority Kinh. But she also said there were too few opportunities for ethnic minority students to be taught in their own language, and she highlighted instances that may constitute denial of religious freedoms and 'serious violations of civil rights'."⁵⁴

In its 2011 country report on human rights the *USDOS* reported that some ethnic minority communities did not benefit from the country's economic growth.

"Despite the country's significant economic growth, some ethnic minority communities benefited little from improved economic conditions."⁵⁵

In December 2011, *IRIN* stated that even though Vietnam is "one of the world's fastest growing economies."⁵⁶

"[...] more than half the ethnic minorities live in poverty, versus only 10 percent of Kinh. Ethnic minorities account for 11 million of Vietnam's 87 million people, but constitute 44.4 percent of the poor."⁵⁷

In January 2011 the *United Nations independent expert on minority issues Gay McDougall* reported that ethnic minorities face higher levels of poverty,

"The extreme poverty rate for ethnic minority groups is 29 per cent, over nine times that of the ethnic majority."⁵⁸

In June 2011 the *Minority Rights Group International* reported that ethnic minority communities face higher rates of poverty,

"Statistics continued to show that ethnic minorities are disproportionately represented among Vietnam's poor. The government has pegged the poverty rate in ethnic minority

⁵² United States Department of State, 2011 Country Reports on Human Rights Practices - Vietnam, 24 May 2012, available from <http://www.unhcr.org/refworld/docid/4fc75a4c46.html>, accessed 9 August 2012.

⁵³ *Tuoi Tre*, Vietnam to spend \$72 million to preserve ethnic cultures, 19 August 2011, <http://www.tuoiitrenews.vn/cmmlink/tuoiitrenews/lifestyle/vietnam-to-spend-72-000-to-preserve-ethnic-cultures-1.41161>, accessed 18 August 2012; *Thanh Nien*, Vietnam to preserve ethnic minority culture, 19 August 2011, <http://www.thanhniennews.com/index/pages/20110819121431.aspx>, accessed 18 August 2012.

⁵⁴ *Minority Rights Group International*, State of the World's Minorities and Indigenous Peoples 2011 - Vietnam, 6 July 2011, available from <http://www.unhcr.org/refworld/docid/4e16d3592c.html>, accessed 10 August 2012.

⁵⁵ United States Department of State, 2011 Country Reports on Human Rights Practices - Vietnam, 24 May 2012, available from <http://www.unhcr.org/refworld/docid/4fc75a4c46.html>, accessed 9 August 2012.

⁵⁶ Integrated Regional Information Networks (IRIN), Vietnam: Boosting education for ethnic minority children, 20 December 2011, available from <http://www.unhcr.org/refworld/docid/4f0c3a3e2.html>, accessed 9 August 2012.

⁵⁷ Integrated Regional Information Networks (IRIN), Vietnam: Boosting education for ethnic minority children, 20 December 2011, available from <http://www.unhcr.org/refworld/docid/4f0c3a3e2.html>, accessed 9 August 2012.

⁵⁸ United Nations General Assembly, Report of the independent expert on minority issues, Gay McDougall - Addendum Mission to Viet Nam (5 - 15 July 2010), 24 January 2011, A/HRC/16/45/Add.2, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A-HRC-16-45-Add2.pdf>, accessed 10 August 2012.

communities at around 50 per cent – a drop of 36 percentage points since 1993, but still more than triple the national rate. Women from ethnic minority groups also have some of the country's highest maternal mortality rates.”⁵⁹

In March 2012, the *United Nations Committee on the Elimination of Racial Discrimination* reported a “sizeable socio-economic gap between disadvantaged ethnic minorities and the majority Kinh, even when they live in the same mountain area”.⁶⁰

In June 2012 the *United Nations Committee on the Rights of the Child* reported its concern about the disproportionate concentration of child poverty within certain minorities,

“The Committee is deeply concerned at the high number of children who still live in poverty in the State party and at the disproportional concentration of child poverty within certain ethnic minorities and migrant populations.”⁶¹

In June 2012 the *United Nations Committee on the Rights of the Child* stated that there were ethnic disparities in birth registration rates,

“[...] the Committee expresses its concern at the persisting geographical and ethnic disparities in birth registration rates whereby the lowest rate remains in the two poorest regions, the North West and Central Highlands.”⁶²

In its 2011 country report on human rights *USDOS* reported that ethnic minorities have less access to birth registration, which affects their ability to enjoy public healthcare and education services,

“Not all births were registered immediately, sometimes due to a lack of knowledge among the populace. A birth certificate is required for public services, such as education and health care, and the choice by some parents, especially ethnic minorities, not to register their children affected the ability to enroll them in school and receive government-sponsored health care.”⁶³

In June 2012 the *Minority Rights Group International* reported that ethnic minorities, particularly women, had the worst health indicators,

“In 2011 a recent study by the government in conjunction with UN agencies reaffirmed that ethnic minorities in Vietnam have worse health indicators, particularly for minority women, who had less access to reproductive health care than their majority counterparts.”⁶⁴

In June 2012 the *United Nations Committee on the Rights of the Child* reported discrimination against ethnic minority children in the delivery of health, education and social protection services,

“Persistent disparities in service delivery for health, education and social protection between children who belong to the Kinh population and children who belong to ethnic minority populations. This is coupled with negative societal views against ethnic minorities.

⁵⁹ Minority Rights Group International, *State of the World's Minorities and Indigenous Peoples 2011 - Vietnam*, 6 July 2011, available from <http://www.unhcr.org/refworld/docid/4e16d3592c.html>, accessed 10 August 2012.

⁶⁰ United Nations Committee on the Elimination of Racial Discrimination, Consideration of reports submitted by States parties under article 9 of the convention - Concluding observations of the Committee on the Elimination of Racial Discrimination: Viet Nam, 9 March 2012, CERD/C/VNM/CO/10-14, <http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.VNM.CO.10-14.pdf>, accessed 10 August 2012.

⁶¹ United Nations Committee on the Rights of the Child (CRC), Consideration of reports submitted by States parties under article 44 of the Convention - Concluding observations: Viet Nam, 15 June 2012, CRC/C/VNM//CO/3-4, http://www2.ohchr.org/english/bodies/crc/docs/co/CRC_C_VNM_CO_3-4.pdf, accessed 10 August 2012.

⁶² United Nations Committee on the Rights of the Child (CRC), Consideration of reports submitted by States parties under article 44 of the Convention - Concluding observations: Viet Nam, 15 June 2012, CRC/C/VNM//CO/3-4, http://www2.ohchr.org/english/bodies/crc/docs/co/CRC_C_VNM_CO_3-4.pdf, accessed 10 August 2012.

⁶³ United States Department of State, *2011 Country Reports on Human Rights Practices - Vietnam*, 24 May 2012, available from <http://www.unhcr.org/refworld/docid/4fc75a4c46.html>, accessed 9 August 2012.

⁶⁴ Minority Rights Group International, *State of the World's Minorities and Indigenous Peoples 2012 - Vietnam*, 28 June 2012, available from <http://www.unhcr.org/refworld/docid/4fedb3e83c.html>, accessed 9 August 2012.

[...]

Stunting and malnutrition rates among children under the age of 5 years, with much higher rates in rural areas and among children of ethnic minorities;

Higher frequency of neonatal mortality in rural areas and among ethnic minority populations reportedly attributed to lack of quality services and clinics.”⁶⁵

In June 2012 the *United Nations Committee on the Rights of the Child* reported that ethnic minority children have higher school drop out rates, largely due to lack of access, poverty and language barriers,

“Continuing striking disparities in access to school between children of ethnic minorities and children of the Kinh population;

Continuing high rates of drop out at primary and secondary school levels and in particular among children of ethnic minorities, mainly due to lack of access; poverty reasons; and linguistic barriers;

Limited access to mother tongue based education for ethnic minorities and indigenous groups; insufficient number of ethnic minority and indigenous teachers and lack of appropriate training for these teachers to teach in bilingual education, as well as low quality of text books for children belonging to ethnic minorities or indigenous groups which impedes the right of children belonging to such groups to learn adequately their distinctive language and preserve it”⁶⁶

In March 2012, the *United Nations Committee on the Elimination of Racial Discrimination* reported on disparities in education,

“The Committee is concerned at disparities in access to and quality of education as well as education outcomes between majority Kinh students and ethnic minority students. The Committee also regrets the high illiteracy and school drop-out rates among members of ethnic minorities, in particular minority women and girls. Furthermore, the Committee is concerned at the limited access to mother tongue based education for ethnic minorities.”⁶⁷

In January 2011, the *United Nations independent expert on minority issues Gay McDougall* reported about the use and protection of ethnic minorities’ languages,

“Article 7 of the Education Law stipulates that Vietnamese is the official language to be used in schools and other educational institutions, and that the State should enable ethnic minority people to learn their spoken and written languages in order to preserve and develop their ethnic cultural identity, helping pupils from ethnic minorities easily absorb knowledge when they study in schools and other educational institutions. The teaching and learning of these languages is to be conducted in accordance with the Government regulations. Despite positive provisions relating to minority languages, however, in practice all children are taught in Vietnamese (other than those taught in the context of pilot projects initiated in cooperation with the United Nations Children’s Fund (UNICEF)). Minority languages are taught in some schools only as separate subjects and not as the medium of instruction.

[...]

⁶⁵ United Nations Committee on the Rights of the Child (CRC), Consideration of reports submitted by States parties under article 44 of the Convention - Concluding observations: Viet Nam, 15 June 2012, CRC/C/VNM//CO/3-4, http://www2.ohchr.org/english/bodies/crc/docs/co/CRC_C_VNM_CO_3-4.pdf, accessed 10 August 2012.

⁶⁶ United Nations Committee on the Rights of the Child (CRC), Consideration of reports submitted by States parties under article 44 of the Convention - Concluding observations: Viet Nam, 15 June 2012, CRC/C/VNM//CO/3-4, http://www2.ohchr.org/english/bodies/crc/docs/co/CRC_C_VNM_CO_3-4.pdf, accessed 10 August 2012.

⁶⁷ United Nations Committee on the Elimination of Racial Discrimination, Consideration of reports submitted by States parties under article 9 of the convention - Concluding observations of the Committee on the Elimination of Racial Discrimination: Viet Nam, 9 March 2012, CERD/C/VNM/CO/10-14, <http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.VNM.CO.10-14.pdf>, accessed 10 August 2012.

According to a UNICEF briefing note on ethnic minority people's right to use their mother tongue as languages of instruction in school provided to the independent expert, the primary school completion rate among ethnic minority children is just 60.6 per cent compared to 86.4 per cent for the majority Kinh. For some of the most disadvantaged ethnic minorities, the completion rate is far lower. Beyond primary education, the situation becomes even more serious for ethnic minorities, with far fewer progressing to secondary level."⁶⁸

Quoting Lotta Sylwander, country representative for the UN Children's Fund (UNICEF), *IRIN* reported in December 2011 that,

"Looking at all the development and positive change that has taken place in Vietnam, minority children are one or several steps behind all the time,"

[...]

"Many of them live in hard-to-reach areas. Some of them speak languages that no one else speaks... Ethnic minority children are more likely to live in a poor household than the Kinh majority because their parents are uneducated." According to UNICEF, three out of five ethnic minority children complete primary school, against more than four out of five Kinh.

[...]

The UNICEF and government study shows that mother tongue-educated ethnic minority students scored higher than those who learned in Vietnamese when tested for listening comprehension (17 out of a possible 20 points for mother tongue, versus 12 for non-mother tongue), following instructions (16 versus 12), and arranging pictures based on stories (13 compared with eight)."⁶⁹

According to the *Minority Rights Group International* reporting in July 2010 minorities lack adequate opportunity to learn in their mother tongue,

"In her statement the UN expert [Ms. Gay McDougall, United Nations Independent Expert on Minority Issues] emphasized the key role that education could play in closing the poverty gap for minority communities and drew attention to the issue of bilingual education. "Minorities lack adequate opportunities to be taught in their own minority languages from the earliest years of education and struggle with being taught only in Vietnamese", she added."⁷⁰

2. Situation/treatment of ethnic minorities

a. *Ethnic minorities that inhabit the Central Highlands (Montagnards)*

[See also [Section A. General Developments, 1. Central Highlands](#), [Section C. Freedom of Religion, 2. Treatment of members of Religious Groups, iv. Central Highlands/Montagnards](#) and [Section D. Political Dissidents and Activists, e. Activities by Montagnards that are perceived as political or separatist activities by the authorities](#)]

]

In March 2011 *Human Rights Watch* published "Vietnam: Montagnards Harshly Persecuted" documenting State repression against the Montagnards in the Central Highlands,

"The report documents police sweeps to root out Montagnards in hiding. It details how the authorities have dissolved house church gatherings, orchestrated coerced renunciations of

⁶⁸ United Nations General Assembly, Report of the independent expert on minority issues, Gay McDougall - Addendum Mission to Viet Nam (5 - 15 July 2010), 24 January 2011, A/HRC/16/45/Add.2, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A-HRC-16-45-Add2.pdf>, accessed 10 August 2012.

⁶⁹ Integrated Regional Information Networks (IRIN), Vietnam: Boosting education for ethnic minority children, 20 December 2011, available from <http://www.unhcr.org/refworld/docid/4f0c3a3e2.html>, accessed 9 August 2012.

⁷⁰ Minority Rights Group International, Despite economic growth Vietnam's minorities continue to be sidelined - UN expert, 26 July 2010, available from <http://www.unhcr.org/refworld/docid/4dfb6548c.html>, accessed 10 August 2012.

faith, and sealed off the border to prevent asylum seekers from fleeing to Cambodia. Human Rights Watch found that special "political security" (PA43) units conduct operations with provincial police to capture, detain, and interrogate people they identify as political activists or leaders of unregistered house churches. More than 70 Montagnards have been detained or arrested in 2010 alone, and more than 250 are known to be imprisoned on national security charges.

[...]

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

[...]

The Vietnamese government has intensified repression of indigenous minority Christians from the country's Central Highland provinces who are pressing for religious freedom and land rights."⁷¹

In March 2011 *Human Rights Watch* reported that Montagnards who attended unregistered house churches were at particular risk of persecution, as the government considered such churches a cover for a Montagnard independence movement,

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

[...]

The government says that Montagnards who belong to unregistered house churches outside the control of the official Southern Evangelical Church of Vietnam are "Dega Protestants," which authorities allege is not a legitimate religious group but a cover for a Montagnard independence movement. Vietnamese law requires all religious groups to register with the government and operate under government-approved religious organizations.

[...]

During 2010, officials charged that Montagnard exiles in the United States were manipulating the popular sect to undermine national unity."⁷²

In March 2011 *Human Rights Watch* reported instances in which Montagnards were forced by government officials to publically recant their faith,

"Vietnamese government authorities persist in forcing Montagnard villagers to publicly recant their religion, despite strict prohibitions on forced renunciations of faith set out in Decree 22. Throughout 2010 and early 2011, hundreds of Montagnards in the Central Highlands were pressured or coerced to abandon Dega Protestantism in public criticism ceremonies by signing pledges or through intimidation in private meetings with police or local authorities.

The state media regularly carries accounts of public renunciation ceremonies. In one such public ceremony on September 24, 2010, in Ia Suom district, Gia Lai, 24 people "voluntarily" committed to abandon Dega Protestantism and FULRO and integrate with the community, according to an article in the People's Army newspaper. Local officials coordinated closely with the provincial military headquarters, village chiefs, elders, and the "wayward" peoples' families to turn them around, the article stated."⁷³

⁷¹ Human Rights Watch, Vietnam: Montagnards Harshly Persecuted, 30 March 2011, <http://www.hrw.org/news/2011/03/30/vietnam-montagnards-harshly-persecuted>, accessed 9 August 2012.

⁷² Human Rights Watch, Vietnam: Montagnards Harshly Persecuted, 30 March 2011, <http://www.hrw.org/news/2011/03/30/vietnam-montagnards-harshly-persecuted>, accessed 9 August 2012.

⁷³ Human Rights Watch, Montagnard Christians in Vietnam; A case study in religious repression, March 2011, <http://www.hrw.org/sites/default/files/reports/vietnam0311Web.pdf>, accessed 10 August 2012

In May 2012 *Amnesty International* reported that an unknown number of ethnic Montagnards were imprisoned following protests in the Central Highlands in 2001 and 2004.⁷⁴

In March 2011 *Human Rights Watch* reported that over 250 Montagnards have been charged with national security crimes and that Montagnard political prisoners have been tortured in custody,

“The more than 250 Montagnards in prison or awaiting trial are charged with national security crimes such as "undermining national solidarity." Many former Montagnard political prisoners and detainees report that they were severely beaten or tortured in police custody and pre-trial detention.

Since 2001, at least 25 Montagnards have died in prisons, jails, or police lock-ups after beatings or illnesses sustained while in custody, or shortly after being prematurely released by prison authorities to a hospital or home.”

[...]

In an interview with Human Rights Watch, one Montagnard described his treatment at T-20, the provincial prison in Gia Lai, after he was arrested for participating in a protest calling for religious freedom and land rights: “They questioned me at any time, even midnight. The police would get drunk, wake me up, and question me and beat me. They put me in handcuffs when they took me out for questioning. The handcuffs were like wire - very tight. They used electric shock on me every time they interrogated me. They would shock me on my knees, saying you used these legs to walk to the demonstration.” Sentenced to five years in prison for "violating national solidarity," he remains partially deaf from repeatedly being boxed on both ears: “They would stand facing me and shout: "One, two, three!" and then use both hands to box both of my ears at the same time. They would do this three times, the last time putting strong pressure on the ears. Blood came out of my ears and my nose. I went crazy from this. It was so painful, and also the build-up made me very afraid and tense.”⁷⁵

In its 2011 country report on human rights the *USDOS* reported governmental repression of Montagnards involved in protests in the Central Highlands,

“Land-rights protesters in Hanoi, Ho Chi Minh City, Danang, and several provinces in the Mekong Delta continued to report instances of physical harassment and intimidation by local authorities. Most incidents between local authorities and ethnic minorities involved land, money, or domestic disputes. For example, the People's Court of Gia Lai Province convicted nine Montagnards of "undermining unity policy" and sentenced them to prison for what human rights groups reported were advocacy activities related to Montagnard rights or land disputes. The sentences handed down in April were as follows: Siu Hlom, 12 years; Siu Nheo and Siu Brom, 10 years each; Rah Lan Mlih, Ro Mah Pro, and Rah Lan Blom, nine years each; and Kpa Sin and Ro Man Kliit, eight years each. In December the court also sentenced Siu Thai (Ama Thuong), arrested in April, to 10 years' imprisonment.”⁷⁶

In March 2011 *Human Rights Watch* reported that thousands of Montagnard had fled government crackdowns,

“Since 2001, thousands of Montagnards in Vietnam have fled harsh government crackdowns to Cambodia, where most have been recognized as refugees and resettled to the United States, Sweden, Finland, and Canada. In December 2010, the Cambodian government ordered the United Nations High Commissioner for Refugees (UNHCR) to close the Montagnard refugee center in Phnom Penh. With the center's closure on

⁷⁴ Amnesty International, Annual Report 2012: The state of the world's human rights, 23 May 2012, <http://www.amnesty.org/en/region/viet-nam/report-2012>, accessed 9 August 2012.

⁷⁵ Human Rights Watch, Montagnard Christian in Vietnam: A Case Study in Religious Repression, 30 March 2011, <http://www.hrw.org/reports/2011/03/30/montagnard-christians-vietnam-0>, accessed 9 August 2012.

⁷⁶ Human Rights Watch, Vietnam: Montagnards Harshly Persecuted, 30 March 2011, <http://www.hrw.org/news/2011/03/30/vietnam-montagnards-harshly-persecuted>, accessed 9 August 2012.

February 15, 2011, Montagnards seeking to escape repression in Vietnam are left with fewer options.”⁷⁷

In February 2011 *Radio Free Asia* reported that the government of Cambodia decided to close a center for Vietnamese asylum-seekers in Phnom Penh and repatriate them,

“Several members of the Montagnard ethnic group said they were unsure of what reprisals they would face upon their return to Vietnam’s Central Highlands, where they say they have endured land confiscation and repression at the hands of the single-party communist government.

[...]

Last year the Cambodian government announced plans to close the center on Jan. 1, saying it drew would-be refugees from around the region, but extended the deadline to Feb. 15.

The government also contends that Vietnam has developed economically and that the Montagnards no longer face the repression they did when they left the country by the thousands in 2001, making it safe for their return.

[...]

But one Montagnard refugee, who requested anonymity, said group members continue to fear government retribution upon their return.

[...]

And another Montagnard named Rolan Ton, who also had refused to sign an agreement to return, said he had faced harassment little more than a year earlier.”⁷⁸

In its 2011 country report on human rights the *USDOS* reported Montagnards fleeing,

“In February, 55 Montagnards who fled the Central Highlands for Cambodia were resettled in third countries. The UNHCR, which conducted several monitoring trips during the year, reported that there was “no perceptible evidence of mistreatment” of any of the ethnic minority individuals it monitored in the Central Highlands.”⁷⁹

b. Hmong

In its 2011 country report on human rights the *USDOS* reported governmental repression of a mass gathering organised by Hmongs,

“In late April and early May [2011], 5,000 ethnic Hmong in Dien Bien Province gathered in Muong Nhe District as part of a millennium movement. Security personnel dispersed the crowd and arrested 150 individuals. According to the government, seven detainees (among them were Thao A Lao, Mu A Thang, Trang A Do, and Giang A Xi from Dien Bien Province) remained in police custody at year’s end, charged with preventing government officials from performing official duties, and an investigation continued.”⁸⁰

Reporting about the same incident, the *USDOS* stated in its “2011 Report on International Religious Freedom” that

“There were reports that up to three children became ill and died due to the difficult weather conditions in a makeshift camp built by ethnic H’mong.”⁸¹

⁷⁷ Human Rights Watch, Vietnam: Montagnards Harshly Persecuted, 30 March 2011, <http://www.hrw.org/news/2011/03/30/vietnam-montagnards-harshly-persecuted>, accessed 9 August 2012.

⁷⁸ Radio Free Asia, Montagnards Ordered Repatriated, 15 February 2011, <http://www.rfa.org/english/news/vietnam/montagnards-02152011180757.html?searchterm=montagnard>, accessed 23 August 2012.

⁷⁹ United States Department of State, 2011 Country Reports on Human Rights Practices - Vietnam, 24 May 2012, available from <http://www.unhcr.org/refworld/docid/4fc75a4c46.html>, accessed 9 August 2012.

⁸⁰ United States Department of State, 2011 Country Reports on Human Rights Practices - Vietnam, 24 May 2012, available from <http://www.unhcr.org/refworld/docid/4fc75a4c46.html>, accessed 9 August 2012.

⁸¹ United States Department of State, 2011 Report on International Religious Freedom - Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

In May 2011 *Human Rights Watch* also reported on this incident, referring to a “recent unrest among thousands of Hmong Christians in northwestern Dien Bien province” that included “reports of death and injury”:

“On April 30, 2011, thousands of Hmong began to gather near Huoi Khon village in Muong Nhe district of Dien Bien. On May 4 and 5, Vietnamese military troops and helicopters moved in to suppress the assembled people. There are unconfirmed reports that dozens of Hmong were killed or injured. The authorities sealed the area and refused permission to foreign diplomats and journalists to travel there.

[...]

State media allege that the unrest broke out because the Hmong were duped by “bad elements” who promised to lead them to a so-called “promised land.” On May 7 and 8, Deputy Prime Minister Truong Vinh Trong, who is the head of the Steering Committee for the Northwest, visited Muong Nhe district and declared that “stability has been restored.” Foreign Affairs Ministry spokeswoman, Nguyen Phuong Nga, said the authorities have arrested “a number of extreme subjects.” She provided no information about the numbers, identities, or whereabouts of those arrested.

[...]

“Vietnam’s past track record in handling ethnic protests in other remote areas includes widespread arrests, abuses in detention, religious repression, trumped up charges, and use of excessive force,” Robertson [HRW spokesperson] said.⁸²

c. Khmer Krom

In its 2011 country report on human rights the *USDOS* reported that the government had arrested a Khmer Krom activist,

“[...] local security officials detained Tang Thuy, an ethnic Khmer Krom minority group member from Soc Trang Province, for two days in March for questioning about his participation in a meeting that called for the government to respect the rights of all ethnic minorities.”⁸³

In April 2011 *Human Rights Watch* reported that a Khmer Krom land rights activist was sentenced to two years imprisonment,

“[...] courts sentenced [...] Chau Heng, a land rights activist and member of the Khmer Krom ethnic minority in An Giang province, to two years in prison on March 31.”⁸⁴

In February 2010 *Radio Free Asia* reported that five Khmer Krom people were arrested for trying to prevent authorities from harvesting crops from their rice fields,

“Five Khmer Krom people in Moat Chrouk (An Giang) province were arrested by the Vietnamese police for trying to prevent the Vietnamese authority from harvesting rice crops from their rice fields, reports Radio Free Asia.

The five Khmer Krom: Neang Var, Neang Khorn, Chau Roeun, Chau Chhin and Neang Srey were arrested at Ang commune in Tinh Bien district of Moat Chrouk province on 17th February for trying to protect their rice crops from being harvested by the Vietnamese authority in their 3 hectares rice fields.

⁸² Human Rights Watch, Vietnam: Investigate Crackdown on Hmong Unrest, 17 May 2011, <http://www.hrw.org/news/2011/05/17/vietnam-investigate-crackdown-hmong-unrest>, accessed 9 August 2012.

⁸³ United States Department of State, 2011 Country Reports on Human Rights Practices - Vietnam, 24 May 2012, available from <http://www.unhcr.org/refworld/docid/4fc75a4c46.html>, accessed 9 August 2012.

⁸⁴ Human Rights Watch, Vietnam: Free Political and Religious Detainees, 7 April 2011, <http://www.hrw.org/news/2011/04/07/vietnam-free-political-and-religious-detainees>, accessed 9 August 2012.

The Vietnamese authority said that these Khmer Krom families grow rice in disputed lands, but the Khmer Krom families said these lands are their ancestral lands for generations. The Khmer Krom villagers said the Vietnamese authority deployed 100 policemen to guard the rice fields while two tractor-pulled harvesters harvesting their rice crops on their 3 hectares rice fields.”⁸⁵

In March 2010 the *Khmers Kapuchea-Krom Federation* reported that a pregnant woman was imprisoned for trying to harvest her crops on disputed land and that her husband is under house arrest,

“In 1979, many Khmer-Krom people in Moth Chrouk (renamed An Giang) province were forced to leave their homes, lands and relocated to Khleang (renamed Soc Trang) and Pol Leav (renamed Bac Lieu) province. When they were allowed to return back, most of their lands were inhabited by Vietnamese people. Mr. Chau Ra Quon, like many thousands of Khmer-Krom people tried to file for the return of their confiscated farmlands but received no response from the Vietnamese government. Taking matters into their own hands, Mr. Chau Ra Quon and his wife, Mrs. Neang Chanh Thon decided to plant rice crops last season on their ancestral farmlands.

On 17 February 2009, Mr. Chau and Mrs. Neang went to harvest their crops but were met with local Vietnamese police to stop them from harvest their crops. Mrs. Neang, three months pregnant was arrested and remains in prison today. She has a 7 month old baby at home, whom she was breastfeeding. Mrs. Neang has not been allowed visitors and has not seen her husband or baby since her arrest. Her family fears for her safety and that of her unborn child.”

[]

Mr. Chau has been actively in asking for the return of his lands by participating in peaceful demonstrations. Instead of resolving the land confiscation issues, Vietnam authorities are targeting and imprisoning Khmer-Krom individuals for daring to protest against the Vietnamese government. Mr. Chau Ra Quon is currently placed under house arrest and remains heavily monitored. He faces prison if he is found guilty on these charges.⁸⁶

In January 2011, the *United Nations independent expert on minority issues Gay McDougall* reported restrictions Khmer Koms face to use their language,

“Ethnic Khmer representatives provided information to the independent expert in which they alleged restrictions on the Khmer language in schools and public places. They claimed that Khmer was not offered even as a separate subject in schools in Khmer regions in southern Viet Nam, and that the teaching of the Khmer language was therefore limited to the home or to those who attend Pagoda or pali religious schools. They also claimed that ethnic Khmer had faced restrictions on their activities to use, teach or promote the Khmer language, and that the authorities imposed strict restrictions on the publication of books or documents in Khmer.”⁸⁷

In August 2011 the *Than Nien* reported the launch of new radio stations in Khmer language,

“Two Khmer language radio programs reached southwest areas in Vietnam on Aug 19 due to a new radio station on Cam Mountain in the Mekong Delta province of An Giang.

[...]

The frequency now can be reached by 20 million people in the south of Vietnam, where is

⁸⁵ The Khmer Krom Network, Five Khmer Krom arrested by authority for protecting their rice crops, 19 February 2010, <http://www.khmerkrom.net/node/4142>, accessed 26 October 2012

⁸⁶ Khmers Kapuchea-Krom Federation, Pregnant Khmer Krom woman imprisoned and husband under house arrest, 8 March 2010, <http://www.khmerkrom.org/node/364>, accessed 26 October 2012

⁸⁷ United Nations General Assembly, Report of the independent expert on minority issues, Gay McDougall - Addendum Mission to Viet Nam (5 - 15 July 2010), 24 January 2011, A/HRC/16/45/Add.2, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A-HRC-16-45-Add2.pdf>, accessed 10 August 2012.

home to more than one million Khmer ethnic people.”⁸⁸

In August 2010, the *Tuoi Tre*, a daily newspaper published by Communist Youth Union, reported that the government was attempting to reduce poverty among Khmer Kroms,

“Mekong Delta provinces have invested over VND2 trillion in reducing poverty for ethnic minority people over the past ten years.

The government’s Programme 135 on assisting poorest communes benefited 207 communes in the first phase and 181 communes and 162 hamlets in the second phase.

Meanwhile, Programme 134 provided houses for more than 90,000 poor Khmer households and housing land for 5,235 others.

Thanks to these programmes, the poverty rate among Khmer people reduced from 41.15 percent in 2006 to 27.85 percent in 2009.”⁸⁹

⁸⁸ Thanh Nien, Khmer language radio broadcasts in southwest, 21 August 2011, <http://www.thanhniennews.com/index/pages/20110821165353.aspx>, accessed 18 August 2012.

⁸⁹ Tuoi Tre, Efforts to reduce poverty for southern Khmer people, 1 August 2012, <http://tuoitrenews.vn/cmmlink/tuoitrenews/society/efforts-to-reduce-poverty-for-southern-khmer-people-1.8146>, accessed 18 August 2012.

C. Freedom of Religion

1. Domestic legal framework and government policies

In its report on international religious freedom, covering the events of 2011, the *USDOS* reported that over half the population of Vietnam is 'at least nominally Buddhist', 7 percent are Roman Catholic, 2.5 to 4 percent practice Cao Dai, 1.5 to 3 percent are Hoa Hao followers, 1 to 2 percent are Protestants, 0.1 percent are Muslim, further religious communities include Hindu's, Baha'is, Mormons, animists and Jews,

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

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

Other citizens consider themselves nonreligious, or practice animism or the veneration of ancestors and national heroes.

Ethnic minorities constitute approximately 14 percent of the population. Based on adherents' estimates, two-thirds of Protestants are members of ethnic minorities, including minority groups in the Northwest Highlands (H'mong, Dzao, Thai, and others) and in the Central Highlands (Ede, Jarai, Sedang, and M'nong, among others). The Khmer Krom ethnic group overwhelmingly practices Theravada Buddhism."⁹⁰

Article 70 of the 1992 *Vietnamese Constitution* provides for freedom of religion,

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

Public places of religious worship are protected by law.

No one has the right to infringe on the freedom of faith and religion or to take advantage of the latter to violate State laws and policies."⁹¹

⁹⁰ United States Department of State, 2011 Report on International Religious Freedom - Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

⁹¹ Socialist Republic of Vietnam, 1992 Constitution of the Socialist Republic of Vietnam (As amended 25 December 2001), available from [http://www.vietnamlaws.com/freelaws/Constitution92\(aa01\).pdf](http://www.vietnamlaws.com/freelaws/Constitution92(aa01).pdf), accessed 23 August 2012.

In its report on international religious freedom, covering the events of 2011, the *USDOS* reported that despite legal provisions, restrictions on freedom of belief and worship exist in policy,

“The constitution, legal code, and a 2003 Communist Party Central Committee resolution on religion provide for freedom of belief and worship as well as nonbelief; however, restrictions exist in policy.”⁹²

In March 2012 the *United States Commission on International Religious Freedom (USCIRF)* stated that the government regulates religious practice,

“Relations between religious groups and the Vietnamese government are governed by the 2004 Ordinance on Religion and Belief which requires religious groups to operate within government-approved parameters.”⁹³

In its report on international religious freedom, covering the events of 2011, the *USDOS* reported that religious practice is guided by the 2004 Ordinance on Religion and Belief and its 2005 implementation Decree 22,

“The 2004 Ordinance on Religion and Belief and the 2005 Implementation Decree serve as the primary documents governing religious practice.

[...]

Under the Ordinance on Religion and Belief, the government has control and oversight of religious organizations, which must be officially registered or recognized. “Appropriate” lower-level authorities must approve leadership, activities, and the establishment of seminaries or religious classes. The appointment of priests or other religious officials requires authorities’ approval only when a higher-level foreign religious organization, such as the Vatican, is involved.

[...]

The ordinance requires religious organizations to inform appropriate authorities of their annual activities or the investiture and transfer of clerics; it no longer requires official government approval of these activities, although some local officials require additional permissions. In addition, the ordinance encourages religious groups to carry out charitable activities in health care and education, which were limited in the past.

Implementing Decree 22, issued in 2005, provides further guidance on the Ordinance on Religion and Belief. It delineates specific procedures by which an unrecognized religious organization may register its places of worship, clerics, and activities to operate openly and apply for official recognition. The decree specifies that a religious organization must have 20 years of “stable religious operation” in the country to be recognized by the government and states that past operation in the country can be counted toward this requirement.”⁹⁴

In March 2012 the *USCIRF* reported that some provisions of the 2004 Ordinance do not meet international standards and restrict religious freedom,

“For example, national security and national solidarity provisions override any legal protections guaranteeing the rights of religious communities. These include Article 8(2) of the Ordinance, which prohibits the “abuse” of religion to undermine national unity, “sow division among the people, ethnic groups and religions” or “spread superstitious practices,” and Article 15, which provides that religious activities will be suspended if they “negatively affect the unity of the people or the nation’s fine cultural traditions.””⁹⁵

⁹² United States Department of State, 2011 Report on International Religious Freedom; Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

⁹³ United States Commission on International Religious Freedom, USCIRF Annual Report 2012; Countries of Particular Concern: Vietnam, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

⁹⁴ United States Department of State, 2011 Report on International Religious Freedom; Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

⁹⁵ United States Commission on International Religious Freedom, USCIRF Annual Report 2012; Countries of Particular Concern: Vietnam, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

In its report on international religious freedom, covering the events of 2011, the *USDOS* stated that the 2004 Ordinance on Religion and Belief and the 2005 Implementation Decree place limits on religious freedom,

“The 2004 Ordinance on Religion and Belief and the 2005 Implementation Decree serve as the primary documents governing religious practice. Both documents reiterate citizens' rights to freedom of belief and religion, but warn that the “abuse” of freedom of belief or religion “to undermine the country's peace, independence, and unity” is illegal, and religious activities must be suspended if they “negatively affect the cultural traditions of the nation.

[...]

The penal code, as amended in 1997, establishes penalties for vaguely defined offenses such as “attempting to undermine national unity” by promoting “division between religious believers and nonbelievers.” The government continued to limit the organized activities of independent religious groups and of individuals who were regarded as a threat to Communist Party of Vietnam (CPV) authority.”⁹⁶

In May 2012 *Human Rights Watch* reported that the government has used article 88 of the penal code to charge religious activists,

“The Vietnamese government often uses article 88 of the penal code, “conducting propaganda against the Socialist Republic of Vietnam,” to imprison bloggers, critics, and activists arbitrarily. Article 88 calls for punishment of between 3 and 20 years in prison for such acts as “propaganda,” “circulating documents or cultural products,” or “psychological warfare” against the government. []

In March 2012 the People's Court of Nghe An convicted two other Catholic activists, Vo Thi Thu Thuy and Nguyen Van Thanh, under article 88⁹⁷

In March 2012 the *USCIRF* reported that “[r]eligion policy is carried out by both the Interior Ministry's Committee on Religious Affairs and by special “religious police” forces.”⁹⁸

In its 2011 world report *Human Rights Watch* stated that there are special police units to monitor religious activities,

“A special centrally directed police unit (A41) monitors groups the authorities consider religious “extremists.””⁹⁹

In its 2012 world report *Human Rights Watch* reported that the government restricts religious practice through legislation, monitoring and harassment,

“The government restricts religious practices through legislation, registration requirements, and harassment and surveillance. Religious groups are required to register with the government and operate under government-controlled management boards. Despite allowing many government-affiliated churches and pagodas to hold worship services, the government bans any religious activity that it arbitrarily deems to oppose “national interests,” harm national unity, cause public disorder, or “sow divisions.””¹⁰⁰

In March 2012 the *USCIRF* reported that the government's policy aims at limiting the growth of

⁹⁶ United States Department of State, 2011 Report on International Religious Freedom - Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

⁹⁷ Human Rights Watch, Vietnam: Free Catholic Activists, <http://www.hrw.org/news/2012/05/22/vietnam-free-catholic-activists>, accessed 9 August 2012.

⁹⁸ United States Commission on International Religious Freedom, USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

⁹⁹ Human Rights Watch, World Report 2011: Vietnam, January 2011, http://www.hrw.org/sites/default/files/related_material/vietnam_2.pdf, accessed 9 August 2012.

¹⁰⁰ Human Rights Watch, World Report 2012: Vietnam, January 2012, http://www.hrw.org/sites/default/files/related_material/vietnam_2012.pdf, accessed 9 August 2012.

Protestantism,

“In a February 2012 speech summarizing the government's goals for religion policy, Deputy Prime Minister Nguyen Xuan Phuc encouraged stronger oversight on matters related to land and property rights and urged continued government management of Protestantism in order to limit its extraordinary growth. Overall, the Deputy Prime Minister stressed the need to avoid religious "hot spots" and counter "enemy forces" that use religion to "destroy our nation”.

[...]

The central government has also delayed implementation and enforcement of the Ordinance in ethnic minority areas and issued a training manual on religious groups in the northwest provinces that counsels restricting rather than advancing religious freedom.”¹⁰¹

In its report on international religious freedom, covering the events of 2011, the *USDOS* reported that the implementation of religious legislation at the local level was mixed,

“The national-level Committee on Religious Affairs (CRA) is charged with disseminating information about the legal framework on religion to authorities at the provincial, district, commune, and village levels and assuring uniform compliance.

[...]

During the year, national and provincial authorities held a number of training courses for lower-level officials about the new laws to assure their understanding and compliance with the Ordinance on Religion and Belief.

[...]

Implementation of the legal framework on religion at lower levels of the government continued to be mixed.”¹⁰²

In March 2011 *Human Rights Watch* reported that religious groups are required to register with the government,

“The Vietnamese government requires religious groups to obtain government permission in order to operate, advancing its official stance that religious freedom is a privilege to be requested and granted by the government, rather than a fundamental human right.”¹⁰³

In its report on international religious freedom, covering the events of 2011, the *USDOS* reported on official registration processes,

“The decree also clarifies the procedures for religious organizations and individual congregations seeking official recognition. To obtain official recognition, a denomination must receive national-level registration, which according to the legal framework involves several legal stages. First, the religious organization must apply for and receive registration in each local administrative area in which it operates. Registration requires a religious organization to file information with relevant authorities about its structure, leadership, and activities. After maintaining national registration for one year, the eligible religious group may apply for full legal recognition after hosting a national convention where it elects leaders. The decree further specifies that appropriate authorities must provide a written response to requests for official recognition within 30, 45, 60, or 90 days, depending on the scope of the request. In the case of a refusal, a specific reason must be included in the written response, although this requirement is not followed consistently. There is no specific mechanism for appeal in the ordinance, nor are the reasons for denying a request restricted in any way.”¹⁰⁴

¹⁰¹ United States Commission on International Religious Freedom, USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

¹⁰² United States Department of State, 2011 Report on International Religious Freedom - Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

¹⁰³ Human Rights Watch, *Montagnard Christians in Vietnam: A Case Study in Religious Repression*, 30 March 2011, <http://www.hrw.org/reports/2011/03/30/montagnard-christians-vietnam-0>, accessed 9 August 2012.

¹⁰⁴ United States Department of State, 2011 Report on International Religious Freedom - Vietnam, 30 July 2012, available from

In its report on international religious freedom, covering the events of 2011, the *USDOS* reported that there were 31 recognised religious organisations in Vietnam,

“There are 31 recognized religious organizations affiliated with 11 recognized religions (Buddhism, Islam, the Baha’i Faith, Catholicism, Protestantism, Hoa Hao, Cao Dai, Pure Land Buddhist Home Practice, the Four Debts of Gratitude, Threefold Enlightened Truth Path, and Threefold Southern Tradition). Individual denominations within these recognized groups also must be registered. Some Buddhist, Protestant, and Hoa Hao sects do not participate in government-recognized or government-registered religious organizations.

[...]

During the year, the government granted national recognition to two religious organizations: the Provisional Representative Board of Muslim Community in Ninh Thuan Province and the Vietnam Cao Dai Church in Binh Duc Province.”¹⁰⁵

In March 2012 the *USCIRF* reported that the registration process for religious groups is unclear and that in some cases at the provincial level registration applications were not processed,

“The Ordinance promises fewer government intrusions in regular religious activities for those who succeed at gaining "national" legal status. However, the registration process is ill-defined. Religious groups whose applications for registration are denied or who do not meet the Ordinance’s vague standards are technically illegal and can be harassed or disbanded without warning. Some provincial officials ignore registration applications and require religious groups to include membership lists, or pressure to join registered groups, despite theological or other objections. In addition, the Ordinance provides for two lower levels of legal status, neither of which offers the same protections as "national" recognition.

Communities obtaining the first level of recognition, "permission for religious operation," report government intrusions in daily religious activity, such as requesting the names of congregants, interfering in church leadership decisions, or limiting participation in and the scope of worship services.”¹⁰⁶

In its report on international religious freedom, covering the events of 2011, the *USDOS* stated that some local officials deviated from national laws in implementing registration,

“Because of the lack of due process and inconsistent oversight, religious activities were subject to the discretion of local officials. In some cases local officials reportedly told religious leaders that national laws did not apply to their jurisdictions. Recognized and unrecognized Protestant groups were sometimes able to overcome local harassment or to overturn negative local decisions after they appealed to higher-level authorities.

Unregistered religious groups could be vulnerable to coercive and punitive action by national and local authorities. In some parts of the country, local authorities tacitly approved of the activities of unregistered groups and did not interfere with them. In other areas local officials restricted the same activities. Some unregistered groups were moving towards national registration and recognition, but others chose not to seek registration.

[...]

Some religious believers continued to report being intimidated by local security officials not to attend religious services, particularly those whose organizations had not applied for or been granted legal sanction. Harassment occurred in some cases when an organization attempted to upgrade its status, i.e., to move from an unregistered status to registered, or from registered to recognized. In a number of instances, local officials forced church

<http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

¹⁰⁵ United States Department of State, 2011 Report on International Religious Freedom - Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

¹⁰⁶ United States Commission on International Religious Freedom, USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

gatherings to disperse, advised or required groups to limit important celebrations in scope or content, closed unregistered house churches, and pressured individuals to renounce their religious beliefs.”¹⁰⁷

In March 2012 the *USCIRF* reported the slow approval of applications in the northwest provinces, where “there remain hundreds of applications for legal registration that have not been acted upon by government officials.”¹⁰⁸

In its report on international religious freedom, covering the events of 2011, the *USDOS* stated that the constitutional right to freedom of belief and religion are “subjected to uneven interpretation and protection”¹⁰⁹, adding that “reports of abuses of religious freedom remained at a consistent level compared with the previous year.”¹¹⁰

In its report on international religious freedom, covering the events of 2011, the *USDOS* reported that individuals are required to have their religious affiliation indicated in their national identification cards and in “family books” (household identification documents),

“There were no reports of discrimination against individuals with a listed religious preference. In practice many persons who consider themselves religious choose not to indicate a religious affiliation on their identification cards, and government statistics include them as nonreligious. Although it is possible to change the classification of religious affiliation on national identification cards, most converts find the procedures overly cumbersome and are typically unable to change their classification.

[...]

Persons who belong to unofficial religious groups were not permitted to speak publicly about their beliefs, but some conducted religious training and services without harassment. Members of religious organizations that are not registered nationally may speak about their beliefs and may persuade others to adopt their religions, but only in locally registered places of worship. The government controlled all forms of public assembly; however, several large religious gatherings were allowed.”¹¹¹

In its report on international religious freedom, covering the events of 2011, the *USDOS* reported that government approval is required on proposed religious materials, prior to publishing, but that independent publishers have been able to print and distribute religious materials,

“The government requires all religious publishing to be done by the religious publishing house, which is part of the State Publishing House's office of religious affairs, or by other government-approved publishing houses after the government approves the proposed items. However, other publishing houses have been able to print and distribute religion-related materials, and all bookstores are free to sell religious materials.”¹¹²

In its report on international religious freedom, covering the events of 2011, the *USDOS* stated that religious instruction is not permitted in public schools,

“The government does not permit religious instruction in public schools; however, it permits clergy to teach at universities in subjects in which they are qualified. Catholic, Protestant, Muslim, Baha'i, and Buddhist groups are allowed to provide religious education to

¹⁰⁷ United States Department of State, 2011 Report on International Religious Freedom; Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

¹⁰⁸ United States Commission on International Religious Freedom, *USCIRF Annual Report 2012, Countries of Particular Concern: Vietnam*, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

¹⁰⁹ United States Department of State, 2011 Report on International Religious Freedom; Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

¹¹⁰ United States Department of State, 2011 Report on International Religious Freedom; Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

¹¹¹ United States Department of State, 2011 Report on International Religious Freedom; Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

¹¹² United States Department of State, 2011 Report on International Religious Freedom; Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

adherents in their facilities. Religious groups are not permitted to operate independent schools beyond preschool and kindergarten. Atheism is not taught officially in public schools.”¹¹³

In its report on international religious freedom, covering the events of 2011, the *USDOS* reported that some prisoners have been allowed to practice their religious beliefs but generally do not have the right to do so in communal spaces,

“In principle prisoners do not have the right to manifest their religious beliefs or practices in communal prison spaces. However, there were confirmed reports of prisoners being allowed to read the Bible and practice their beliefs while incarcerated.”¹¹⁴

In its report on international religious freedom, covering the events of 2011, the *USDOS* reports that religious organisations can not purchase land as legal entities,

“The decree and the Law on Land stipulate that religious organizations are not permitted to purchase land as legal entities, and provincial people's committees must grant the land and approve the construction of new religious facilities. Typically the land is purchased by a member of a congregation and then deeded to the province, followed by the granting of the land to the congregation. The renovation or upgrade of religious facilities also requires notification to authorities, although it does not necessarily require a permit, depending on the extent of the renovation. The decree stipulates that authorities must respond to a construction permit application within 20 days.”¹¹⁵

In its report on international religious freedom, covering the events of 2011, the *USDOS* reported that the government monitored religious groups considered to be politically active,

“The government stated that it continued to monitor the activities of certain religious groups because of their political activism. The government invoked national security and solidarity provisions in the constitution to override laws and regulations providing for religious freedom, including impeding some religious gatherings and blocking attempts by religious groups to proselytize to certain ethnic groups in border regions deemed to be sensitive as well as in the central highlands.”¹¹⁶

In May 2012 *Amnesty International* reported that “security officials continued to harass and closely monitor members of religious and ethnic groups perceived to be opponents of the government.”¹¹⁷

In March 2012 the *USCIRF* stated that the government controls and monitors religious activities in the country,

“The government of Vietnam continues to control all religious communities, restrict and penalize independent religious practice severely, and repress individuals and groups viewed as challenging its authority.

[...]

The government continues a policy of control, suppressing independent religious activity and arresting and detaining individuals for publicly advocating for greater religious freedoms or engaging in independent religious activity. Religious freedom conditions often depend on geographic area, ethnicity, relationships between religious leaders and provincial officials, or perceived "political" activity. In addition, lingering property disputes over venues and

¹¹³ United States Department of State, 2011 Report on International Religious Freedom; Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012

¹¹⁴ United States Department of State, 2011 Report on International Religious Freedom; Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012

¹¹⁵ United States Department of State, 2011 Report on International Religious Freedom; Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012

¹¹⁶ United States Department of State, 2011 Report on International Religious Freedom; Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

¹¹⁷ Amnesty International, Annual Report 2012: The state of the world's human rights, 23 May 2012, <http://www.amnesty.org/en/region/viet-nam/report-2012>, accessed 9 August 2012.

facilities previously confiscated by the Communist government have led to church demolitions, property confiscations, detentions, and violence. In addition, the Vietnamese government continues to imprison individuals for peaceful religious activity or religious freedom advocacy."¹¹⁸

In January 2012 *Human Rights Watch* reported on restrictions to freedom of religion in Vietnam,

"[...] police subjected members of independent religious groups to repeated harassment, intimidation, and arrest. The government targeted unsanctioned branches of the Cao Dai church, the Hoa Hao Buddhist church, Protestant and Mennonite house congregations, and the Unified Buddhist Church of Vietnam (UBCV). Police prevented public celebration of religious events, intimidated and detained participants, and placed prominent leaders of these groups under house arrest. Even registered religious organizations such as the Redemptorist churches in Hanoi and Ho Chi Minh City were harassed repeatedly, including a mob attack against the Thai Ha Catholic church in Hanoi."¹¹⁹

In March 2012 the *USCIRF* reported that the police allowed violence against religious communities,

"[...] police also continue, explicitly or implicitly, to sanction violence against religious communities and venues, including by "contract thugs" and gangs."¹²⁰

According to the *USDOS* reporting in July 2012 and *USCIRF* reporting in March 2012, Decree 22 prohibits acts to force citizens to follow a religion or renounce their faith.¹²¹

In March 2012 the *USCIRF* reported that the government promotes forced renunciation campaigns,

"The number and intensity of the government's campaigns of forced renunciation have decreased in the past decade. Yet reports continue of forced renunciations of faith, specifically targeting ethnic minorities. Moreover, these efforts are not isolated cases, but are sanctioned by central government authorities to thwart both the growth of Protestantism in the northwest provinces and independent religious activity in the Central Highlands."¹²²

In its annual report published in March 2012, the *USCIRF* reported arrests and disappearances related to religion,

"During the reporting period, as many as 27 individuals were arrested or disappeared for their religious affiliations, religious activities, or peaceful protest of religious freedom restrictions, among them Hoa Hao Buddhists, Catholics, Protestants, and Falun Gong practitioners.

[...]

Over a dozen religious leaders are being held under long-term administrative detention (house arrest) orders, including UBCV leader Thich Quang Do and other UBCV leaders, Catholic Fr. Phan Van Loi, Hoa Hao leader Le Quang Liem, Protestants Nguyen Van Dai and Le Thi Cong Nhan, and Mennonite leader Nguyen Thi Hong."¹²³

¹¹⁸ United States Commission on International Religious Freedom, *USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam*, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

¹¹⁹ Human Rights Watch, *Vietnam: Systematic Crackdown on Human Rights*, 24 January 2012, <http://www.hrw.org/news/2012/01/23/vietnam-systematic-crackdown-human-rights>, accessed 9 August 2012.

¹²⁰ United States Commission on International Religious Freedom, *USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam*, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

¹²¹ United States Department of State, *2011 Report on International Religious Freedom - Vietnam*, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012; United States Commission on International Religious Freedom, *USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam*, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

¹²² United States Commission on International Religious Freedom, *USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam*, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

¹²³ United States Commission on International Religious Freedom, *USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam*, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

In January 2011 *Human Rights Watch* reported arrests of religious leaders,

“A Mennonite pastor, Duong Kim Khai, is currently in detention awaiting trial. Religious leaders including the UBCV Supreme Patriarch, Thich Quang Do; Catholic priest Nguyen Van Ly and a Khmer Krom Buddhist abbot, Thach Sophon, were held under house arrest.”¹²⁴

In March 2012 the *USCIRF* reported that human rights activists and lawyers defending individuals arrested because of their religion have faced harassment and detention,

“The Vietnamese government continues to harass, threaten, intimidate, detain, and sentence lawyers and human rights defenders who have assisted religious communities or religious freedom advocates in cases against the state. In April 2011, human rights defender Cu Hu Va Huy was sentenced to seven years under vague national security laws for defending victims of land confiscation and abuse of power, including Catholic villagers of Con Dau who refused to sell or vacate land – including a 135-year-old religious burial site – to create an eco-tourist resort. In April and August 2011, Hanoi lawyer Le Quoc Quan was detained for seeking to attend the trial of Cu Hu Va Huy and for assisting Catholics peacefully seeking the return of Church properties. His law license was revoked and he has been unable to get his license renewed. His activities remain restricted and he is under constant surveillance.

[...]

In August 2011, lawyer Huynh Van Dong was disbarred for his active defense of Catholic protesters and Mennonites assisting land petitioners. In January 2010, human rights lawyer Le Cong Dinh was sentenced to 16-years' imprisonment for "conducting propaganda" against the state. As a lawyer, he defended human rights and religious freedom advocates Nguyen Van Dai and Le Thi Cong Nhan in 2007.”¹²⁵

In March 2012 the *USCIRF* stated that it had recommended Vietnam be listed as a Country of Particular Concern every year since 2001,

“Given these systematic, ongoing, and egregious violations, USCIRF again recommends that Vietnam be designated as a "country of particular concern," or CPC, in 2012. The Commission has recommended that Vietnam be named a CPC every year since 2001. The State Department named Vietnam a CPC in 2004 and 2005, but removed the designation in 2006 because of "progress" made toward fulfilling a 2005 binding agreement under IRFA.”¹²⁶

In March 2012 *Radio Free Asia* reported that the USDOS excluded Vietnam from its list of CPC in 2006,

“The U.S. State Department had included Vietnam in the CPC list from 2004 to 2006 but has since ignored repeated calls by the commission to reinstate the country on the blacklist.”¹²⁷

In August 2012 the *Thanh Nien*, a daily newspaper published by the Vietnam Youth Federation, reported that the Vietnamese government publicly rejected some information presented by the USDOS 2011 International Religious Freedom Report,

¹²⁴ Human Rights Watch, Vietnam: Intensifying Repression of Human Rights, 25 January 2011, <http://www.hrw.org/news/2011/01/25/vietnam-intensifying-repression-human-rights>, accessed 9 August 2012.

¹²⁵ United States Commission on International Religious Freedom, USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

¹²⁶ United States Commission on International Religious Freedom, USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

¹²⁷ Radio Free Asia, Vietnam proposed for religious blacklist, 20 March 2012, <http://www.rfa.org/english/news/vietnam/blacklist-03202012190012.html>, accessed 9 August 2012.

“The Vietnamese Ministry of Foreign Affairs has said the 2011 International Religious Freedom Report of the US Department of State includes biased remarks about Vietnam, the *Vietnam News Agency* reported.

Ministry spokesman Luong Thanh Nghi told the press Thursday that although the report acknowledges Vietnam’s achievements in securing the people’s rights to freedom of religion, there nonetheless contain non-objective remarks based on incorrect information.”¹²⁸

In August 2012 a daily newspaper published by the Communist Youth Union, *Tuoi Tre*, reported that when answering reporters’ question regarding the USDOS report, Foreign Ministry’s spokesman Luong Thanh Nghi affirmed that

“The State of Vietnam has been implementing many specific policies and measures to ensure that people fully enjoy rights to freedom of religion and belief.

The policies have created a varied and vivid religious life all over the country.”¹²⁹

In March 2011 a daily newspaper published by the Communist Youth Union, *Tuoi Tre*, also reported the government’s official rejection of information contained in a report launched by Human Rights Watch,

“The Vietnamese State’s consistent policy is to respect and ensure the people’s right to religious freedom, affirmed Foreign Ministry Spokesperson Nguyen Phuong Nga. []

“We reject incorrect information in the HRW March 30 report,” she stressed.

In fact, the development of religions and plentiful religious activities of the people, which have been appreciated by many foreign individuals and organizations in particular and the international community in general, are a vivid evidence of freedom of religions and beliefs in Vietnam, she emphasized.¹³⁰

In its report on international religious freedom, covering the events of 2011, the *USDOS* noted that the Vietnamese government showed signs of progress in implementing legal protections,

“[...] it facilitated the construction of hundreds of new places of worship, granted national recognition to two new religious groups, registered new congregations, permitted the expansion of charitable activities, and allowed large-scale worship services with more than 100,000 participants. The government and the Vatican continued discussions toward normalizing relations.

[...]

Adherence to a religious group generally did not seriously disadvantage individuals in nongovernment civil, economic, and secular life, although unofficial policies of the Communist Party of Vietnam (CPV) and military prevented advancement by religious adherents. Practitioners of various religious groups served in local and provincial government positions and were represented in the National Assembly. Some religious organizations, such as the Vietnam Buddhist Sangha (VBS), as well as clergy and religious followers, were members of the CPV-affiliated mass political and social organization, the Vietnam Fatherland Front. High-ranking government officials sent greetings and visited churches during Christmas and Easter as well as attended Vesak day (a commemoration of

¹²⁸ Thanh Nien News, Vietnam says US remarks on its religious freedom 'not objective', 3 August 2012, <http://www.thanhniennews.com/index/pages/20120803-vietnam-says-us-remarks-on-religious-freedom-not-objective.aspx>, accessed 18 August 2012.

¹²⁹ Tuoi Tre, Vietnam’s policies ensuring rights to religious freedom, 2 August 2012, <http://www.tuoiitrenews.vn/cmlink/tuoiitrenews/politics/vietnam-s-policies-ensuring-rights-to-religious-freedom-1.81940>, accessed 18 August 2012.

¹³⁰ Tuoi Tre, Vietnam respects right to religious freedom, 31 March 2011, <http://www.tuoiitrenews.vn/cmlink/tuoiitrenews/politics/vietnam-respects-right-to-religious-freedom-1.26313>, accessed 18 August 2012.

the birth of Buddha) activities. Most religious groups reported that their ability to meet openly for religious worship improved.

[...]

Some improvements in respect for religious freedom continued during the year. The government continued to ease restrictions placed upon most religious groups. The changes were primarily the result of continued implementation of revisions to the legal framework governing religion instituted in 2004 and 2005, as well as a more positive government attitude toward Protestant groups.¹³¹

In March 2012 *USCIRF* also reported improvements on religious freedom in Vietnam,

“Religious activity continues to grow in Vietnam and the government has made some important changes in the past decade in response to international attention [...]

The number of religious adherents continues to grow in Vietnam, and in large urban areas the Vietnamese government allows religious activity to occur openly. The government has supported the building of religious venues and the training of religious leaders, and allowed some large religious gatherings and pilgrimages (though not without restrictions). Government training sessions for local officials on Vietnam's religion laws have occurred, though the content remains problematic and serious abuses continue in ethnic minority areas. In some parts of the Central Highlands, churches and meeting points have been re-opened, and the government and the officially-recognized Protestant organization have established a working relationship.¹³²

In September 2010 a daily newspaper published by the Communist Youth Union, *Tuoi Tre*, reported that the government launched a website to provide information on religions in Vietnam,

“The Government Committee for Religious Affairs officially launched its website at www.btgcp.gov.vn on Monday.

The website will provide information about the policies and guidelines of the Party and laws of the State regarding religions as well as publications and scientific research on religions and a wide range of activities of legal religious organizations.

The website will also serve as a forum for individuals and organizations to exchange their views on the religious field.¹³³

In its report on international religious freedom, covering the events of 2011, the *USDOS* reported that the Vietnamese government does not observe any religious holidays as national holidays.¹³⁴

2. Treatment of members of religious groups

a. Christians

We were unable to find information regarding any differential treatment of members of ethnic minority Christians as compared to the dominant Kinh Christians within the sources consulted during the timeframe of this research.

¹³¹ United States Department of State, 2011 Report on International Religious Freedom - Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

¹³² United States Commission on International Religious Freedom, *USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam*, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012

¹³³ *Tuoi Tre*, Government launches website on religions, 28 September 2010, <http://tuoitrenews.vn/cmmlink/tuoitrenews/society/government-launches-website-on-religions-1.12150>, accessed 18 August 2012.

¹³⁴ United States Department of State, 2011 Report on International Religious Freedom; Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

We were unable to find information regarding the reported practice of certain local officials to force Christians to return to animism and the Vietnamese government's response to such measures within the sources consulted during the timeframe of this research.

i. Catholics

In its report on international religious freedom, covering the events of 2010, the *USDOS* reported that official data reveal that there are 6.28 million Catholics in Vietnam,

“Although government statistics indicate there are 6.28 million Catholics, other estimates place the number at eight million. Catholicism has revived in recent years with newly rebuilt or renovated churches and a growing number of persons who want to be religious workers. Three archbishops, 44 bishops, and nearly 4,000 priests oversaw 26 dioceses. There are more than 10,000 places of worship including six seminaries and two clergy training centers. The number preparing for the priesthood has grown by more than 50 percent over the past five years and now totals 1,500, according to the Vatican.”¹³⁵

The *USCIRF* reported in March 2012 that “Catholicism continues to grow rapidly, and the church has expanded both clerical training and charitable activities in recent years.”¹³⁶

In February 2012 *Radio Free Asia* reported that Vietnam has the second largest Catholic community in Southeast Asia,

“Religious activity is closely monitored in the communist Vietnamese state, which is home to the second largest Catholic community in Southeast Asia after the Philippines. Tensions between the Hanoi government and Vietnam's Catholic community have led to unrest in recent months over church property seized by the communists during the Vietnam War, as well as other issues. Catholicism claims more than six million followers in Vietnam, making it the second largest religion after Buddhism among Vietnam's 86 million people.”¹³⁷

In its annual report covering the events of 2011 the *USCIRF* reported that the Vietnamese government and the Vatican discussed the normalization of diplomatic relations following several years of tensions,

“Relations deteriorated between Catholics and local government officials in Hanoi, DaNang, Vinh, and Ho Chi Minh City.

[...]

“Hanoi and the Vatican continue to discuss resuming diplomatic relations. Nevertheless, the relationship between the Vietnamese government and the Catholic Church laity and members of the Redemptorist Order continues to be tense.

[...]

Despite the tensions between Catholics and the Vietnamese government in the past several years, Hanoi continues to discuss with the Holy See conditions for the normalization of relations and other issues of concern. The Vietnamese president met again with Pope Benedict to discuss diplomatic relations. The government maintains veto power over appointments of bishops, but often cooperates with the Vatican in the appointment process. Two new bishops were ordained in the past year without incident. Catholic leaders in Ho Chi Minh City reported that they often move ahead with ordinations and placement of priests without seeking government approval. All students must be approved by local authorities before enrolling in a seminary and again prior to their ordination as priests, and the province of Thien-Hue restricted the number of seminarians. However, in 2009, the government allowed a new Jesuit seminary to be built in Ho Chi Minh City and permitted

¹³⁵ United States Department of State, July-December, 2010 International Religious Freedom Report - Vietnam, 13 September 2011, available from <http://www.unhcr.org/refworld/docid/4e734c55c.html>, accessed 10 August 2012.

¹³⁶ United States Commission on International Religious Freedom, *USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam*, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

¹³⁷ Radio Free Asia, Vietnam: Vatican pushes for expanded presence, 28 February 2012, <http://www.rfa.org/english/news/vietnam/vatican-02282012180133.html>, accessed 9 August 2012.

several local dioceses to conduct religious education classes for minors on weekends and to engage in some sizeable medical and charitable activities. Hundreds of new priests were trained in seminaries to meet a growing Catholic population in Vietnam.”¹³⁸

In February 2012 *Radio Free Asia* reported the lack of diplomatic relations between the Vatican and Vietnam,

“The Vatican and Vietnam do not have diplomatic relations but in recent years have begun a reconciliation, although the land issue remains a point of contention.”¹³⁹

In its report on international religious freedom, covering the events of 2011, the *USDOS* reported on activities of the non-resident papal representative to Vietnam,

“Since his appointment in January, Archbishop Leopoldo Girelli, the non-resident papal representative to Vietnam, made four separate two-week visits to the country. During his first visit in April, Archbishop Girelli took part in the first annual conference of Vietnam’s Bishop Council held in Ho Chi Minh City from April 25-29. During a visit in September, the archbishop was granted permission by the government to make his first visit to Hue, where he broke new ground by being the first senior Vatican official to be granted permission to stay in church-owned accommodations. During this visit, the archbishop was also granted permission to visit Quang Tri province and allowed to meet privately with clergy and parishioners and to celebrate Mass in the national shrine of Our Lady of La Vang. The government and the Vatican continued discussions toward normalizing relations.”¹⁴⁰

In January 2011 a daily newspaper published by the Communist Youth Union, *Tuoi Tre*, reported that during a meeting with Cardinal Ivan Dias, Prime Minister Nguyen Tan Dung

“[...] said Vietnam is happy at both sides’ goodwill and the Vietnam-Vatican relationship is seeing positive development.

The result of Cardinal Dias’ current visit would make practical contributions to the fine development of cooperative relations between Vietnam and the Vatican, he said.

The PM affirmed the wish of not only the Vietnamese State but also its Catholic church and parishioners to continue developing its fine cooperative relationship with the Vatican.”¹⁴¹

In January 2011 *Thanh Nien*, a daily newspaper published by the Vietnam Youth Federation, reported that Catholic authorities visited Vietnam,

“A Vatican delegation led by Monsignor Pietro Parolin, the Vatican Under-Secretary of State for Relations with States, paid a working visit to Vietnam from Mar. 5 to Mar. 11.

The Vatican representatives’ annual working visit was made following the approval of Prime Minister Nguyen Tan Dung.

[...]

The Vietnamese and Vatican officials discussed a number of issues concerning the Vietnam Catholic Church and other matters of mutual concern.

[...]

In a follow-up step, a joint expert team, including representatives of both sides would be established to exchange, study and unify proposals regarding fundamental principals of this relation, the Vietnamese side said.”¹⁴²

¹³⁸ United States Commission on International Religious Freedom, USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

¹³⁹ Radio Free Asia, Vietnam: Vatican pushes for expanded presence, 28 February 2012, <http://www.rfa.org/english/news/vietnam/vatican-02282012180133.html>, accessed 9 August 2012.

¹⁴⁰ United States Department of State, 2011 Report on International Religious Freedom - Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

¹⁴¹ Tuoi Tre, Vietnam, Vatican promote fine cooperative ties, 9 January 2011, [http://tuoiitrenews.vn/cmmlink/tuoiitrenews/politics/vietnam-vatican-promote-fine-cooperative-ties-1.18866](http://tuoitrenews.vn/cmmlink/tuoiitrenews/politics/vietnam-vatican-promote-fine-cooperative-ties-1.18866), accessed 18 August 2012.

In February 2012 *Radio Free Asia* reported that representatives of the Vatican and the Vietnamese government held a two-day meeting in Hanoi,

"Officials from the Holy See expressed the hope that its role and mission "be strengthened and extended in order to enhance the bonds" between the Vietnam and the Vatican, a joint statement said after the third round of talks in Hanoi.

And both sides agreed to "facilitate the work of [Special Envoy] Archbishop [Leopoldo] Girelli, so that he can better fulfill his mission."

The Vatican appointed Girelli as a nonresident Representative for Vietnam following the Vietnam-Holy See Joint Working Group's last meeting held in the Vatican in June 2010.

Girelli's appointment was seen as a first step toward the establishment of full diplomatic relations between the two governments and Catholics in Vietnam had expressed hope that the two sides might come to a more formal agreement on that front during this round of talks."¹⁴³

In March 2012 *Radio Free Asia* reported the cancellation of a visit by a Catholic delegation from Rome, with disagreement between the Church and Vietnamese government about the application and approval of visas,

"A diplomatic hiccup has forced the cancellation of a visit by a Rome-based Catholic Church delegation to communist Vietnam, according to the team leader.

The Vietnamese embassy in Rome had initially issued and then revoked visas for the group that wanted to look into the beatification of a late Vietnamese cardinal, according to Cardinal Peter Kodwo Turkson, the head of delegation from the Diocese of Rome.
[...]

The Vietnamese Ministry of Foreign Affairs this week denied that the government had ever received a request from the Catholic Church in Rome for the visit.

"Vietnamese authorities have not received any official request from the Vatican for such work to take place in Vietnam recently," the ministry's spokesman Luong Thanh Nghi said Wednesday.

He added that Vietnam is "always ready to create conditions for delegations appointed by the Vatican to officially work under the framework agreement of both parties."
[...]

Vietnam and the Vatican held talks last month in Hanoi, but the two sides did not reach a breakthrough in establishing formal ties."¹⁴⁴

In May 2012 *Amnesty International* reported that disputes over land ownership has been a source of tension between the Catholic Church and the Vietnamese government,

"Disputes continued over land ownership between local authorities and the Catholic Church, in some cases involving unnecessary or excessive use of force by security officials against peaceful protesters."¹⁴⁵

¹⁴² Thanh Nien, Vatican dignitaries conclude Vietnam visit , 18 January 2011, <http://www.thanhniennews.com/2007/pages/200731212555025955.aspx>, accessed 18 August 2012.

¹⁴³ Radio Free Asia, Vietnam: Vatican pushes for expanded presence, 28 February 2012, <http://www.rfa.org/english/news/vietnam/vatican-02282012180133.html/>, accessed 9 August 2012.

¹⁴⁴ Radio Free Asia, Vietnam: 'Diplomatic hitch' thwarts church visit, 29 March 2012, <http://www.rfa.org/english/news/vietnam/vatican-03292012173856.html/>, accessed 9 August 2012.

¹⁴⁵ Amnesty International, Annual Report 2012: The state of the world's human rights, 23 May 2012, <http://www.amnesty.org/en/region/viet-nam/report-2012>, accessed 9 August 2012.

In January 2011 *Human Rights Watch* reported that Roman Catholics face harassment in Vietnam, "especially church leaders and lay people attempting to protect church property."¹⁴⁶

In December 2011 *Radio Free Asia* reported that police arrested Catholics during a public demonstration related to land disputes in Hanoi,

"Police in Vietnam's capital arrested some 20 Catholics and their parish priest Friday as they marched to demand the return of what they say is land belonging to their church, according to a parishioner. The protest marks the second time Hanoi's Thai Ha parishioners have taken to the streets to voice their concerns after officials built a sewage reservoir near the church last month.

[...]

The group requested that authorities return all of the six-hectare (15-acre) property they say was illegally acquired by the government several years after taking power from the French in 1954. "The government has said they were simply carrying out renovations, but in fact they are trying to eliminate the parish," the parishioner, who asked to remain anonymous, told RFA as he left the protest.

"This morning we took to the street peacefully and the government sent police and security guards."

[...]

On Nov. 18, as many as 150 Thai Ha parishioners held a similar protest in Hanoi one day after authorities constructed the sewage reservoir under the cover of night.

They marched around Hoan Kiem lake displaying signs which read "What was borrowed must be returned to the people" while making their way to the municipal office to file a complaint with local authorities.

Police eventually dispersed the rally. That protest represented one of the first times in recent memory that Hanoi's Catholic community had publicly marched en masse.

[...]

In 2008, Thai Ha parishioners held a series of rallies calling for the return of other church property seized by the state.

At the time, a court in Hanoi handed seven parishioners suspended sentences of 12 to 15 months in prison for disturbing public order and damaging property, while another was given a warning. All received two years of probation."¹⁴⁷

In its annual report covering the events of 2011 the *USCIRF* reported that the police have used violence against Catholic demonstrators including the use of tear gas, batons and "contract thugs,"

"In the past several years, including last year, police have used tear gas and batons against, and have detained, participants at peaceful prayer vigils and demonstrations at properties formerly owned by the Catholic Church. Government officials have employed "contract thugs" to assault and intimidate Catholics attending these vigils and attack individuals viewed as organizers.

Catholics in Hanoi and Vinh have demonstrated publicly against intimidation by unofficial gangs and plans to confiscate and use properties formerly owned by the Catholic Church. In August 2011, thousands of Catholics in Vinh protested against a decision by local authorities to seize land in Cau Ram parish to build a park dedicated to soldiers who died during the war with the United States. In November and December 2011, priests and laypeople from the Thai Ha parish in Hanoi took to the streets to protest further government

¹⁴⁶ Human Rights Watch, World Report 2011: Vietnam, January 2011, http://www.hrw.org/sites/default/files/related_material/vietnam_2.pdf, accessed 9 August 2012.

¹⁴⁷ Radio Free Asia, Vietnam: Catholics arrested during land rally, 2 December 2011, <http://www.rfa.org/english/news/vietnam/catholics-12022011141616.html>, accessed 9 August 2012]

plans to expropriate church property to build a sewage treatment plant and public attacks on their church properties. Thai Ha parish church was the site of 2008 protests against land confiscation that led to violence and the arrest of six Catholics. The church is part of the Redemptorist Order, whose priests, parishes, and leadership have been targeted in recent years.

[...]

Over the next three weeks, police arrested an additional twelve Catholic lay activists and bloggers from Vinh. Ten have been charged with violating Criminal Code Article 79, subversion of the administration, which can carry a sentence of 15 years to life. According to their lawyer, they were arrested for protesting appropriation of land from Thai Ha parish, circulating a petition online to free legal rights activist Cu Huy Ha Vu and against the government-run Bauxite mining project.

[...]

Police used force to disperse peaceful Catholic prayer vigils at disputed properties and arrested over a dozen Catholic activists and several ethnic minority Catholics.¹⁴⁸

In its 2012 annual report covering the events of 2011 the *USCIRF* reported that government action against Catholics has increased, stating that forty residents of Con Dau, a village in which Catholics clashed with police, have sought asylum,

“The new wave of persecution targeting Catholics was foreshadowed by events of the past several years. In January 2010, an estimated 500 police and army engineers used explosives to blow up a crucifix at the cemetery of Hanoi's Dong Chiem Parish Church and assaulted and briefly detained those who tried to top the action. In May 2010, police and local Catholics clashed at a cemetery in Con Dau village near Da Nang. Sixty people were detained and six were sentenced for inciting riots and attacking state officials. Two remain in prison at this time and over 40 residents of Con Dau are seeking asylum.”¹⁴⁹

In May 2011 *Amnesty International* also reported that police clashed with Catholics in Con Dau who were attempting to bury a woman in a cemetery designated for development. *Amnesty* report that 60 were detained and two sentenced to prison and forty seeking asylum in Thailand,

“In May [2010] hundreds of police used batons and electric prods against Catholics of Con Dau parish who were attempting to bury a woman in a cemetery on land designated by the authorities for development. Dozens of people were injured, and around 60 briefly detained. Two were sentenced in October to nine and 12 months' imprisonment, and five received non-custodial sentences after being charged with public order offences. Some 40 parishioners fled Viet Nam to seek asylum in Thailand.”¹⁵⁰

In its 2011 world report covering the events of 2010 *Human Rights Watch* stated that police used violence against Catholics in Con Dau during a funeral procession and that 60 people were arrested and one killed following beatings by the civil defense forces,

“In January [2010] police used tear gas and electric batons to disperse villagers from Dong Chiem parish near Hanoi who were trying to stop police from taking down a crucifix.

In May police violently dispersed villagers conducting a funeral procession and protest march to a cemetery located on disputed land in Con Dau parish in Da Nang. Police used truncheons and electric shock batons to beat people and arrested more than 60 persons. Most of those arrested were subsequently released, but seven were charged with opposing law enforcement officers and disturbing public order. Afterwards one of the villagers, Nguyen Thanh Nam, was interrogated and beaten by police on several occasions; he died

¹⁴⁸ United States Commission on International Religious Freedom, *USCIRF Annual Report 2012; Countries of Particular Concern: Vietnam*, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

¹⁴⁹ United States Commission on International Religious Freedom, *USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam*, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

¹⁵⁰ Amnesty International, *Annual Report 2011: The state of the world's human rights*, 12 May 2011, <http://www.amnesty.org/en/region/viet-nam/report-2011#section-159-5>, accessed 9 August 2012.

in July from injuries suffered during a beating by civil defense forces.”¹⁵¹

In its annual report covering the events of 2011 the *USCIRF* reported that the Thai Ha church and Ky Dong church had been targeted by the government,

“On November 3, 2011, an estimated 100 police and military assaulted the Thai Ha church and monastery, smashing the monastery’s doors, intimidating parishioners with dogs, and reportedly beating several priests and resident monks.

On December 2, police detained two priests and about 34 parishioners from Thai Ha who peacefully protested violence against their church. They were held in the city’s rehabilitation center for prostitutes before being released. Government-run media continue to vilify members of the Thai Ha parish. Thai Ha church and Ky Dong church in Ho Chi Minh City, both affiliated with the Redemptorist Order, hold regular prayer vigils calling for the release of prisoners, including the legal advocate Cu Huy Ha Vu, the Buddhist Hoa Hao activist Nguyen Van Lia, the blogger Nguyen Van Hai (Dieu Cay), and those arrested in August 2011.

Pastoral leaders at both churches report that they suffer from regular surveillance, individuals attending the vigils have been beaten by “thugs” while the police watch, and there were detentions during vigils during the Christmas holidays.”¹⁵²

In September 2011 *Human Rights Watch* reported that 15 religious activists, many from the Thai Ha church and Ky Dong church, were detained,

“The arrests, primarily targeting Catholic Redemptorists, are a new blot on the country’s already problematic record on freedom of religion. The current wave of arrests began on July 30, 2011, when the police arrested three Catholic activists at Tan Son Nhat airport in Ho Chi Minh City as they returned from abroad. During the next seven weeks, the authorities arrested 12 more religious activists. So far, 10 have been charged with violating penal code article 79, subversion of the administration, which carries a 5-to-15-year sentence for “accomplice” and 12 years to life, or the death penalty, for those designated as “organizers” or those whose actions have “serious consequences.”

[...]

Many of those arrested in the last two months are affiliated with the Redemptorist Thai Ha church in Hanoi and Ky Dong church in Ho Chi Minh City. [...] The Redemptorists, formally known as the Congregation of the Most Holy Redeemer, are a Catholic missionary congregation founded in Italy in 1732 that currently operate in more than 77 countries worldwide.

The most recent arrest occurred on September 19, when Ho Chi Minh City police detained Tran Vu Anh Binh as he returned home from a funeral at the Mother’s Savior Church in the city.”¹⁵³

In its 2011 annual report covering the events of 2010 *Freedom House* reported that leaders and followers were attacked in Dong Chiem,

“In January 2010, Vietnamese Catholic groups reported that priests and believers in the area of Dong Chiem had been attacked on their way to pray; similar sporadic attacks were reported throughout the year.”¹⁵⁴

¹⁵¹ Human Rights Watch, World Report 2011: Vietnam, January 2011,

http://www.hrw.org/sites/default/files/related_material/vietnam_2.pdf, accessed 9 August 2012.

¹⁵² United States Commission on International Religious Freedom, USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

¹⁵³ Human Rights Watch, Vietnam: Free Religious Activists Immediately, 30 September 2011,

<http://www.hrw.org/news/2011/09/30/vietnam-free-religious-activists-immediately>, accessed 9 August 2012.

¹⁵⁴ Freedom House, Freedom in the World 2011 - Vietnam, 12 May 2011, <http://www.freedomhouse.org/report/freedom-world/2011/vietnam>, accessed 9 August 2012.

In May 2012 *Human Rights Watch* reported that four Catholic activists arrested in August/December 2011 for distributing pro-democracy leaflets were due to appear before court in Vietnam,

“The four– Dau Van Duong, Tran Huu Duc, Chu Manh Son, and Hoang Phong – come from the Catholic community of Vinh in Nghe An province. Authorities arrested them for allegedly distributing pro-democracy leaflets.

“It’s absolutely shameful that the Vietnam government is putting these Catholic activists on trial, and may send them to prison for years for nothing more than expressing their views and distributing leaflets,” said Phil Robertson, deputy Asia director at Human Rights Watch. “Prosecuting these four activists shows the contempt Vietnam has for freedom of religion and expression.”

In the past, the four activists had participated in volunteer activities, including encouraging women not to have abortions, donating blood, and volunteering to help orphans and victims of natural disasters.”¹⁵⁵

In May 2012 *Radio Free Asia* further reported that the four Catholic activists were to be charged under Article 88 of the Penal Code,

“They are to be charged under Article 88 of the penal code, which rights groups say is often used by the Vietnamese authorities to arbitrarily imprison bloggers, legal advocates, and other critics of the state.

[...]

If convicted, they face sentences of between three and 20 years under Article 88 of Vietnam's criminal code.

[...]

A day before the hearing, the activist's families have yet to receive formal notice to attend, according to Viet Tan, an opposition group banned in Vietnam that monitors human rights in the country. The activists have only recently had access to their lawyers, the group said.”¹⁵⁶

In May 2012 *Human Rights Watch* reported that two Catholic activists were convicted of distributing anti-government leaflets,

“In March 2012 the People’s Court of Nghe An convicted two other Catholic activists, Vo Thi Thu Thuy and Nguyen Van Thanh, under article 88. State media reported that the two were affiliated with Father Nguyen Van Ly, and were accused of distributing anti-government leaflets. Vo Thi Thu Thuy was sentenced to five years in prison, and Nguyen Van Thanh to three years.

[...]

At least another 12 Catholic bloggers and activists, including the prominent bloggers Ta Phong Tan and Le Van Son, are in detention pending investigation or waiting trial. Many of those arrested are affiliated with the Redemptorist Thai Ha church in Hanoi and Ky Dong church in Ho Chi Minh City.

Over the last year, both churches have regularly held prayer vigils calling for the safety of activists in prison or in detention. On May 20, Thai Ha church held a vigil for the four activists who will be tried on May 24.”¹⁵⁷

¹⁵⁵ Human Rights Watch, Vietnam: Free Catholic Activists, 22 May 2012, <http://www.hrw.org/news/2012/05/22/vietnam-free-catholic-activists>, accessed 9 August 2012.

¹⁵⁶ Radio Free Asia, Vietnam: Catholics face trial for social activism, 23 May 2012, <http://www.rfa.org/english/news/vietnam/catholic-05232012161836.html>, accessed 9 August 2012.

¹⁵⁷ Human Rights Watch, Vietnam: Free Catholic Activists, 22 May 2012, <http://www.hrw.org/news/2012/05/22/vietnam-free-catholic-activists>, accessed 9 August 2012.

In May 2010 the *UN Working Group on Arbitrary Detention* held that the imprisonment of Father Ly, a catholic priest, for peacefully protesting constituted arbitrary detention,

“In the present case, the Working Group holds that Father Ly was denied a fair trial by being refused access to legal counsel, both before and during his trial, and precluded from presenting any form of defence, which constitutes a clear breach of Viet Nam’s international human rights obligations (see art. 14, para. 3 (d), of the International Covenant on Civil and Political Rights (ICCPR) and Principles 17 and 18 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. In addition, he was not permitted to make any statements in his own defence or examine adverse witnesses.

[]

In the present case, the Working Group holds that Father Ly was denied a fair trial by being refused access to legal counsel, both before and during his trial, and precluded from presenting any form of defence, which constitutes a clear breach of Viet Nam’s international human rights obligations (see art. 14, para. 3 (d), of the International Covenant on Civil and Political Rights (ICCPR) and Principles 17 and 18 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. In addition, he was not permitted to make any statements in his own defence or examine adverse witnesses.

[]

The Working Group renders the following Opinion: (a) The detention of Father Thadeus Nguyen Van Ly is arbitrary, in violation of articles 9, 10, 11, 18, 19 and 20 of the Universal Declaration of Human Rights, and articles 14, 18, 19 and 22 of the International Covenant of Civil and Political Rights.”¹⁵⁸

In March 2010 *Amnesty International* reported that Father Nguyen Van Ly, a Catholic Priest, was allowed to temporarily leave prison on humanitarian grounds to receive medical treatment,

“Father Nguyen Van Ly, who is serving an eight year jail term for spreading “propaganda” against the state in 2007, was yesterday released for a period of 12 months on humanitarian grounds to receive medical treatment.

Ly, 63, has already served three years in prison. He is one of the founders of the internet-based pro-democracy movement “Bloc 8406” and participated in banned political groups.

[...]

Nguyen Van Ly’s health has rapidly deteriorated in prison. He suffers from partial paralysis following a stroke in November last year and doctors have also discovered a brain tumour.

He will remain under surveillance during the temporary release period while he lives at a house for retired priests in the diocese of the Archbishop of Hue, in central Viet Nam, where he has previously stayed. The peaceful pro-democracy activist has been jailed three times since the 1970s.”¹⁵⁹

In July 2011 *Radio Free Asia* reporting, Father Ly rejected his conviction,

“Ly had also protested against the temporary suspension of his sentence at that time. “If I accept the term ‘temporary suspension,’ it suggests that I accept the sentence they gave me. I don’t accept even a ‘permanent suspension’ because this also means I accept the sentence,” he said. “I think the sentence they gave me was against international conventions and uncivilized.””¹⁶⁰

In February 2011 *Amnesty International* reported that Father Ly did not receive adequate medical treatment whilst imprisoned,

¹⁵⁸ UN Human Rights Council, Report of the Working Group on Arbitrary Detention : addendum, 2 March 2011, A/HRC/16/47/Add.1 <http://www.unhcr.org/refworld/docid/4e8d525a2.html>, accessed 10 August 2012

¹⁵⁹ Amnesty International, Viet Nam: Catholic Priest should be unconditionally released, 16 March 2010, <http://www.amnesty.org/en/for-media/press-releases/viet-nam-catholic-priest-should-be-unconditionally-released-2010-03-16>, accessed 9 August 2012.

¹⁶⁰ Radio Free Asia, Vietnam: Police rearrest ailing Catholic priest, 25 July 2011, <http://www.rfa.org/english/news/vietnam/priest-07252011174742.html/>, accessed 10 August 2012.

“Whilst in prison, Father Ly was held mainly in solitary confinement, and suffered from several periods of ill-health over a seven month period before having a stroke. He received neither a proper diagnosis nor adequate medical care. The authorities sent him to Prison Hospital 198 in mid-November 2009, but returned him to prison on 11 December while he was still partially paralyzed.”¹⁶¹

In March 2012 *USCIRF* reported that Father Ly had been arrested on numerous occasions,

“Father Ly has been imprisoned numerous times for his religious freedom and human rights advocacy, including after he submitted testimony to a 2001 USCIRF hearing on Vietnam. A USCIRF delegation was allowed to meet with Fr. Ly in May 2009.”¹⁶²

Amnesty International, *Human Rights Watch*, *Radio Free Asia* and *Reporters Without Borders* reported that Father Nguyen Van Ly was sent back to prison on 25 July 2011.¹⁶³

According to *Radio Free Asia*, reporting in July 2011,

“Authorities in Vietnam arrested Nguyen Van Ly, a Catholic priest and outspoken dissident, and brought him to prison Monday to complete a sentence that had been suspended due to health issues, according to a fellow member of the clergy.

[...]

The 63-year-old Ly, who suffers from a brain tumor, had been living under house arrest at the Nha Chung home for retired priests in Hue after being granted a year-long medical parole from jail in March 2010.

Before his parole expired, a government spokeswoman had said that Ly would be returned to prison if he was deemed healthy. There was no explanation for the four-month lapse.”¹⁶⁴

In July 2011 *Amnesty International* stated that “authorities claim he was returned to prison for distributing anti-government leaflets during his parole.”¹⁶⁵

In October 2011 the *International Federation for Human Rights (FIDH)* and the *World Organisation Against Torture (OMCT)* reported that Father Ly denounced torture in Vietnamese prisons,

“Following his temporary release for one year on medical grounds in March 2010, Father Nguyen Van Ly, a Catholic priest and supporter of the Bloc 840611 manifesto, issued a series of reports detailing and denouncing torture in prisons.”¹⁶⁶

In July 2011 *Human Rights Watch* reported that whilst in home detention Father Ly’s freedom of movement was restricted and anyone attempting to visit him was subjected to harassment by police,

¹⁶¹ Amnesty International, Viet Nam: Further information: Catholic priest risks being returned to prison: Father Nguyen Van Ly, 9 February 2011, <http://www.amnesty.org/en/library/asset/ASA41/001/2011/en/b92b576a-52b0-42c1-9461-3b927e61aeb1/asa410012011en.html>, accessed 9 August 2012.

¹⁶² United States Commission on International Religious Freedom, USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

¹⁶³ Amnesty International, Viet Nam: Ailing dissident priest jailed again, 26 July 2011, <http://www.amnesty.org/en/news-and-updates/viet-nam-ailing-dissident-priest-jailed-again-2011-07-26>, accessed 9 August 2012; Human Rights Watch, Vietnam: Father Nguyen Van Ly Should Remain Free, 27 July 2011, <http://www.hrw.org/news/2011/07/26/vietnam-father-nguyen-van-ly-should-remain-free>, accessed 9 August 2012; Radio Free Asia, Vietnam: Police rearrest ailing Catholic priest, 25 July 2011, <http://www.rfa.org/english/news/vietnam/priest-07252011174742.html/>, accessed 10 August 2012; Reporters Without Borders, Ailing dissident Catholic priest sent back to prison, 28 July 2011, http://en.rsf.org/vietnam-ailing-dissident-catholic-priest-28-07-2011_40711.html, accessed 9 August 2012.

¹⁶⁴ Radio Free Asia, Vietnam: Police rearrest ailing Catholic priest, 25 July 2011, <http://www.rfa.org/english/news/vietnam/priest-07252011174742.html/>, accessed 10 August 2012.

¹⁶⁵ Amnesty International, Viet Nam: Ailing dissident priest jailed again, 26 July 2011, <http://www.amnesty.org/en/news-and-updates/viet-nam-ailing-dissident-priest-jailed-again-2011-07-26>, accessed 9 August 2012.

¹⁶⁶ International Federation for Human Rights (FIDH) and World Organisation Against Torture (OMCT), Steadfast in Protest - Annual Report 2011, 25 October 2011, http://www.omct.org/files/2011/10/21443/obs_2011_uk_complet.pdf, accessed 9 August 2012.

“The state-run Vietnam News Agency (VNA) said he was returned to prison for “compiling, storing and distributing documents...opposing the Party and the State” and “inciting people to...stage demonstrations,” which the news agency claimed defied the law.

[...]

His return to prison marks the end of the home detention at his parish in Hue, where he was sent to recover his health starting on March 15, 2010. In Hue, the People's Committee of Vinh Ninh Ward instructed Ly that he was strictly prohibited from making any anti-government actions or communications, and that he was required to get advance permission to leave the ward.

The police in Hue harassed and intimidated anyone who tried to visit Ly, including a US embassy official, Christian Marchant, who was assaulted when he tried to visit Ly in January 2011. In September 2010, the United Nations Working Group on Arbitrary Detention called for the immediate and unconditional release of Ly, who it said had been arbitrarily and illegally detained and denied access to legal counsel by the Vietnamese authorities.”¹⁶⁷

In July 2011 *Reporters Without Borders* reported that on return to prison Father Ly faced dire conditions,

“[]The conditions in which he is now being held, like those of prisoners of conscience in general in Vietnam, are a matter of great concern.

[...]

Prison conditions are so bad in Vietnam that they constitute a form of psychological and physical torture. Visiting rights are denied, there is no access to medical care, and it is even hard to obtain adequate food on regular basis.”¹⁶⁸

In its report on international religious freedom, covering the events of 2011, the *USDOS* reported that two Redemptorist leaders Pham Trung Thanh and Father Dinh Huu Thoai were prevented from leaving the country,

“On July 10 [2011], Redemptorist Provincial Superior Pham Trung Thanh was prevented from leaving the country for a religious conference in Singapore. On July 12, Father Dinh Huu Thoai, chief of office of the Redemptorist Church of Vietnam, was stopped at a border crossing while on the way to Cambodia.”¹⁶⁹

In September 2011 *Human Rights Watch* also reported that Redemptorists Father Pham Trung Thanh and Father Dinh Huu Thoai were prevented from leaving Vietnam,

“On July 10, the immigration police at the Ho Chi Minh City airport prevented Father Pham Trung Thanh, the leader of the Redemptorists in Vietnam, from leaving the country to attend a religious meeting in Singapore, stating that he belongs to “the category of those who have not been allowed to leave the country” (*thuoc dien chua duoc xuat canh*). The police did not provide any explanation of why he has been placed in this category.

Two days later, immigration police at the Moc Bai border checkpoint in Tay Ninh prevented another Redemptorist leader, Father Dinh Huu Thoai, from leaving the country. On July 19, Dinh Huu Thoai filed a lawsuit against the officials at that checkpoint for violating his rights, but the People's Court of Tay Ninh dismissed it on September 26, ruling that the matter is “not under the jurisdiction of the Court.”¹⁷⁰

¹⁶⁷ Human Rights Watch, Vietnam: Father Nguyen Van Ly Should Remain Free, 27 July 2011,

<http://www.hrw.org/news/2011/07/26/vietnam-father-nguyen-van-ly-should-remain-free>, accessed 9 August 2012.

¹⁶⁸ Reporters Without Borders, Ailing dissident Catholic priest sent back to prison, 28 July 2011, http://en.rsf.org/vietnam-ailing-dissident-catholic-priest-28-07-2011_40711.html, accessed 9 August 2012.

¹⁶⁹ United States Department of State, 2011 Report on International Religious Freedom - Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

¹⁷⁰ Human Rights Watch, Vietnam: Free Religious Activists Immediately, 30 September 2011,

<http://www.hrw.org/news/2011/09/30/vietnam-free-religious-activists-immediately>, accessed 9 August 2012.

In its 2012 annual report, covering the events of 2011, the *USCIRF* reported that police detained three Catholic activists in Ho Chi Minh City as they returned from abroad.¹⁷¹

In its 2011 annual report covering the events of 2010 *Freedom House* also reported that some improvements in the treatment of Catholics had been made,

“The Roman Catholic Church can now select its own bishops and priests, but they must be approved by the government. Many restrictions on charitable activities have been lifted, and clergy enjoy greater freedom to travel domestically and internationally.”¹⁷²

In its report on international religious freedom, covering the events of 2011, the *USDOS* reported some improvements on the treatment of Catholics in Vietnam,

“For the second year in a row, the government permitted large religious gatherings, such as annual Catholic celebrations at the La Vang Catholic sanctuary. Large celebrations were held in honor of Vesak in Hanoi, Ho Chi Minh City, and many other cities.

In November a Catholic orphanage for AIDS-affected children was granted permission to operate from the Ho Chi Minh City People's Committee, the first time the government has permitted religious control of a social, health, or education entity.

In October government authorities in Quang Binh Province returned property formerly owned by the Catholic Church after decades of petitions submitted by parishioners. Father Thien, parish priest in Trung Quang, stated that the government facility was being used as a nursery and that the church plans to build a new school.”¹⁷³

ii. Protestants

In its report on international religious freedom, covering the events of 2010, the *USDOS* reported that there are nine officially recognised Protestant churches in Vietnam,

“The two largest officially recognized Protestant churches are the Southern Evangelical Church of Vietnam (SECV) and the smaller Evangelical Church of Vietnam North (ECVN). The Vietnam Baptist Convention (Grace Southern Baptist), United World Mission Church, Vietnam Mennonite Church, Vietnam Presbyterian Church, Vietnam Baptist Society (Southern Baptist), Vietnam Seventh-day Adventist Church, and Vietnam Christian Fellowship also are officially recognized. Other Protestant denominations also are present, including the Assemblies of God (registered nationally) as well as others registered locally but not registered on the national level. Estimates of the number of Protestants ranged from government figures of one million to claims by churches of more than two million.”¹⁷⁴

In its 2012 annual report, covering the events of 2011, the *USCIRF* reported Vietnamese government policies to restrict the growth of Protestantism in the country,

“In 2006, the Committee on Religious Affairs in Hanoi published a handbook instructing provincial officials in the northwest provinces on how to manage and control religious practice among ethnic minorities. The handbook offered instructions on ways to restrict religious freedom, including a command to “resolutely subdue” new religious growth,

¹⁷¹ United States Commission on International Religious Freedom, *USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam*, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

¹⁷² Freedom House, *Freedom in the World 2011 - Vietnam*, 12 May 2011, <http://www.freedomhouse.org/report/freedom-world/2011/vietnam>, accessed 9 August 2012.

¹⁷³ United States Department of State, *2011 Report on International Religious Freedom - Vietnam*, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

¹⁷⁴ United States Department of State, *July-December, 2010 International Religious Freedom Report - Vietnam*, 13 September 2011, available from <http://www.unhcr.org/refworld/docid/4e734c55c.html>, accessed 10 August 2012.

"mobilize and persuade" new converts to return to their traditional religious practice, and halt anyone who "abuses religion" to undermine "the revolution" – thus seemingly condoning forced renunciations of faith. Although the 2006 handbook recognizes the legitimacy of some religious activity, it also indicates that the Vietnamese government continues to control and manage religious growth, label anyone spreading Christianity in the northwest provinces a national security threat, and use unspecified tactics to "persuade" new converts to renounce their beliefs.

[...]

The 2007 revised version also states that local officials must try to "solve the root cause" of Protestant growth by "mobilizing" ethnic groups to "preserve their own beautiful religious traditions." A 2008 version of the handbook contains all the language in the 2007 revision but adds a final chapter which chides local officials for "loose control" over Protestantism, leading to an increase in illegal meeting places. Local officials are instructed that these meeting places "must be ... disbanded."¹⁷⁵

In its report on international religious freedom, covering the events of 2011, the *USDOS* reported that the government had a more positive attitude towards Protestants,

"The government continued to ease restrictions placed upon most religious groups. The changes were primarily the result of continued implementation of revisions to the legal framework governing religion instituted in 2004 and 2005, as well as a more positive government attitude toward Protestant groups."¹⁷⁶

In its 2012 annual report, covering the events of 2011, the *USCIRF* reported improvement in religious freedom for registered Protestant groups,

"Religious freedom conditions have improved overall for Protestant communities associated with the SECV and other nationally recognized religious organizations."¹⁷⁷

In July 2010 a daily newspaper published by the Communist Youth Union, *Tuoi Tre*, reported that the Christian Fellowship Church of Vietnam was recognized as an official religious organization in Vietnam,

"When addressing the opening ceremony, the Deputy Head of the Government Committee for Religious Affairs, Pham Huy Tho said that this was an important milestone in the church's history as now the church can practice its religion in line with the Ordinance on Beliefs and Religions.

[...]

Formed in 1989, the Christian Fellowship Church of Vietnam is the seventh Protestant organization to receive a certificate to practice its religion."¹⁷⁸

In March 2011 *Human Rights Watch* reported that to gain official recognition Protestant groups must provide authorities with the names, photographs and biological information of adherents,

"Legislation promulgated in 2005, Instruction No. 1, outlines the specific requirements for Protestant groups to register. They must submit applications to local authorities providing the names of their adherents, along with their photographs and biographical information, and certify that the group will not allow its members to engage or be involved in protests, riots, and "reactionary" organizations such as Dega Protestantism or FULRO.

[...]

¹⁷⁵ United States Commission on International Religious Freedom, USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

¹⁷⁶ United States Department of State, 2011 Report on International Religious Freedom - Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

¹⁷⁷ United States Commission on International Religious Freedom, USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

¹⁷⁸ Tuoi Tre, Christian Fellowship Church becomes official, 14 July 2010, <http://www.tuoiitrenews.vn/cmlink/tuoiitrenews/society/christian-fellowship-church-becomes-official-1.6784/7.10777>, accessed 18 August 2012.

Overly restrictive registration criteria violate international standards, including the International Covenant on Civil and Political Rights, to which Vietnam is a state party. Religious groups failing to meet such criteria can be denied permission to operate. In effect, this makes such groups illegal organizations and provides a rationale for authorities to pressure adherents of unregistered Protestant groups to join the officially recognized SECV [Southern Evangelical Church of Vietnam]. Groups lacking legal status to operate include those whose applications have been rejected or ignored by authorities, as well as groups that prefer to operate independent of the SECV.¹⁷⁹

In its report on international religious freedom, covering the events of 2011, the *USDOS* reported that two large Protestant groups were denied their request to form a unified Protestant Church,

“The SECV reported that the CRA issued an edict in November denying its request to revert to its pre-1975 organizational structure with districts underneath the central church's control. The CRA stated that three-tiered leadership structures are not permitted under the Ordinance on Religion and Belief. The SECV said that this edict complicates its ability to manage its internal affairs. Early in the year, SECV and ECVN jointly submitted a common charter for a unified Protestant church which would establish a provincial-level management institution. The government's Committee for Religious Affairs did not support the decision and both churches continued to operate as separate entities.”¹⁸⁰

In its 2012 annual report, covering the events of 2011, the *USCIRF* reported the government's use of registration procedures to restrict the growth of Protestantism,

“The Hanoi-based Committee on Religious Affairs reportedly issued a 2009 directive saying that no new "meeting points" would be allowed to register with the SECV, meaning that the government will no longer allow small house churches to grow and join established churches. While registration of meeting points was apparently supported by the 2005 Prime Minister's Special Instruction Regarding Protestantism, it is now said to have been a temporary concession. Religious leaders in Vietnam have interpreted the instructions as an attempt to stop or control the growth of Protestantism among Montagnards. Gathering together in a new "meeting point" would be illegal.”¹⁸¹

In its report on international religious freedom, covering the events of 2011, the *USDOS* reported that hundreds of Protestant organisations faced delays in their applications to register being processed,

“Several hundred ECVN congregations continued to await action on their applications to register. Reasons cited for delays included bureaucratic impediments such as not following correct procedures in completing forms or providing incomplete information. Local authorities also cited vague security concerns, stating that their political authority could be threatened or that confrontations could occur between traditional believers and recently converted Christians. During the year local authorities registered five to 10 new Evangelical congregations compared to 2010, when approximately 30 ECVN congregations were registered. The Vietnam Evangelical Fellowship, an association of registered and unregistered denominations, reported that it was not permitted to register at the national level.

[...]

The United Baptist Church reported in December that authorities in Da Nang Province who were opposed to unregistered churches pressured it to join the registered church.

[...]

In Soc Trang and the Go Vap district of Ho Chi Minh City, Jehovah's Witnesses (JW)

¹⁷⁹ Human Rights Watch, *Montagnard Christians in Vietnam: A Case Study in Religious Repression*, 30 March 2011, <http://www.hrw.org/reports/2011/03/30/montagnard-christians-vietnam-0>, accessed 9 August 2012.

¹⁸⁰ United States Department of State, *2011 Report on International Religious Freedom - Vietnam*, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

¹⁸¹ United States Commission on International Religious Freedom, *USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam*, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

congregations that applied for local registration were physically harassed. The local authorities convened neighborhood meetings to collect opinions from residents about the application. Residents voted "100 percent" against the JW registration, and in May officials denied the JW application on that basis, citing "possible civil disorder."¹⁸²

In its 2012 annual report, covering the events of 2011, the *USCIRF* also reported difficulties in obtaining legal recognition,

"There continues to be little progress made in extending legal recognition to over 600 Protestant churches that have sought affiliation with the ECVN. Hundreds of applications for legal recognition have been declined or ignored, despite provisions in the Ordinance on Religion and Belief requiring government officials to respond to applications in a timely manner."¹⁸³

In its 2012 annual report, covering the events of 2011, the *USCIRF* reported that the government had imposed restrictions in official registration for Protestants at the individual level,

"The legal rights of ethnic minority Protestants in northern Vietnam have been impaired by the refusal of authorities to issue them identity cards that recognize their religious affiliation. Without proper recognition of their Protestant status, they are left in an indeterminate and vulnerable position: either they have no identity card, or the fact that they are identified as subscribing to no religion may be used to prevent their attendance at churches."¹⁸⁴

In its 2012 annual report, covering the events of 2011, the *USCIRF* stated that organisations lacking official recognition are subjected to further restrictions, harassment, arrest, forced renunciation and destruction of property,

"Unregistered or independent religious groups, including those who refuse to register or those affiliated with denominations not recognized by the Vietnamese government, face severe restrictions, including harassment, property destruction, arrests, and forced renunciations of faith.

[...]

There were reports that ethnic minority Protestants were arrested and detained because their meeting points were not legally recognized, they did not meet the Ordinance's criteria for "20 years of stable operation," or they were not affiliated with the government-approved religious organization. For example, two unregistered Protestant churches in the city of Hue had their services raided and meeting points closed four times by police between December 2009 and June 2011. Local officials accused the pastors of violating the law by "gathering illegally." Both congregations had applied for registration and were denied. Churches affiliated with the unregistered Good News Mission continue to face difficulties throughout Vietnam. Several pastors associated with the GNM were arrested in 2010 and religious training seminars in Vinh Long province faced ongoing problems."¹⁸⁵

In its report on international religious freedom, covering the events of 2011, the *USDOS* reported that in some provinces Protestant churches were monitored due to government fears that they were associated with foreign based separatist groups,

"The SECV and house churches in the provinces of Dak Lak, Gia Lai, Kon Tum, Binh Phuoc, Phu Yen, and Dak Nong continued to experience government scrutiny because of feared association with separatist groups overseas."¹⁸⁶

¹⁸² United States Department of State, 2011 Report on International Religious Freedom - Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

¹⁸³ United States Commission on International Religious Freedom, *USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam*, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

¹⁸⁴ United States Commission on International Religious Freedom, *USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam*, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

¹⁸⁵ United States Commission on International Religious Freedom, *USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam*, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

¹⁸⁶ United States Department of State, 2011 Report on International Religious Freedom - Vietnam, 30 July 2012, available from

In its report on international religious freedom, covering the events of 2011, the *USDOS* reported that the police interrupted services and gatherings,

“In January police interrupted a gathering of 50 Assemblies of God followers, 30 of whom were ethnic Khmer, issued a citation for illegally gathering and preaching, and confiscated prayer books and Bibles. The congregation was registered locally but encountered problems when attempting to change its meeting place. The congregation sent prior notice to authorities of the proposed change but did not receive an answer. After the citation, authorities declared the group’s registration incomplete and asked for a list of all attendees (which was illegal, according to the Ordinance on Religion).

[...]

Several small house churches affiliated with the Inter-Evangelistic Movement (IEM) continued to report difficulties holding services in several locations in Dien Bien Province. In past years police actively dispersed meetings of worshippers, local authorities refused to register IEM meeting points.

[...]

Several unrecognized Protestant denominations were prohibited from holding large-scale Christmas services in Hanoi, Ho Chi Minh City, Danang, and Thanh Hoa.”¹⁸⁷

In 2009 Canadian based Christian broadcaster *Voice of the Martyrs* reported that Vietnamese authorities raided a house church in August 2009,

“On August 23, 2009 a house church in Vietnam was raided by authorities as they were worshipping. This was not the first time. Local officials told the house church that they could not meet for religious meetings since they did not have official permission.”¹⁸⁸

In November 2009 *Voice of the Martyrs* further reported church members as stating,

“On Sunday, August 23, 2009, we were still gathering together for service meeting since this is necessary spiritual need. At 3 p.m., many district security officers came into my house. At that time, we were having service meeting, they came and stopped and dismissed us. We stopped and explained to them we had made the application of permission already, but they still blustered. Several of them towed Brother --- out to the house and had him sit on their motorbike. They did the same way to ---. They oppressed him ruthlessly and towed him; they did not allow for him to speak a word. And other women were towed away also. They did take away one guitar but they did not make a report to taking away guitar. After arriving at the district police station, they made the report with the accusation: “They are gathering together illegally.” They used the abuse words and threatened Brother ---: “If you came back this place again; you will be beaten.” ... and at 6:30 p.m. they released us.”¹⁸⁹

In June 2005 US based religious news agency *Compass Direct* reported that three house church leaders gave testimony to the US House of Representatives in which Evangelist Truong Tri Hien of the Vietnam Mennonite Church stated that the Vietnamese government used common methods against Christians including house raids, the use of force to break up meetings, bureaucracy and inciting hatred,

“Hien analyzed the actions and found they could be classified under five methods commonly employed by the communist regime against religion. First, the regime simply uses force to break up meetings. Second, authorities use administrative paperwork such as

<http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

¹⁸⁷ United States Department of State, 2011 Report on International Religious Freedom - Vietnam, 30 July 2012, available from

<http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

¹⁸⁸ *Voice of the Martyrs* (Persecution.TV), Vietnam, Raid on Full Gospel Church, 22 December 2009, <http://persecution.tv/video?id=10&task=videodirectlink>, accessed 26 October 2012

¹⁸⁹ *Voice of the Martyrs*, Update on house church raid in Vietnam, 5 November 2009, <http://persecutedchurch.blogspot.co.uk/2009/11/update-on-house-church-raid-in-vietnam.html>, accessed 26 October 2012

identity (ID) cards, motorbike registrations and licenses to harass, and at times, confiscate property. For example, they will confiscate an ID card without giving the person a receipt and a week later, fine the same person for not having an ID card. Third, authorities incite the Christians' neighbors to hate them and to take "spontaneous" action against them. Fourth, the authorities try to destroy the morale of believers. For example, they have raided the church and home of Mrs. Quang and her three small children in the middle of the night, for several nights in a row, and have written up frequent charges against believers and made them wait many hours for their interrogations. Finally, the government employs the state monopoly of the media to launch scurrilous and sustained character attacks against religious leaders it deems "bad."¹⁹⁰

In April 2012 Christian organization *Barnabus Aid* reported that a christian orphanage was attacked by 'thugs' and police during which children were beaten rather than protected by police. According to *Barnabus Aid* a house church leader who came to the aid of the children was beaten unconscious by police,

"The Agape Family Centre, a Christian orphanage in Hanoi, the capital of Vietnam, was destroyed and the children beaten in a late night raid on 14 April.

Shortly after midnight, a group of thugs cut the electricity to the orphanage before throwing stones and other objects to frighten the children. They then stormed the building and beat the children. Around 200 policemen arrived, but rather than protect the children and round up the offenders, they helped the mob to destroy the centre.

When Nguyen Van Binh, a local church leader who has been heavily involved in the orphanage, heard about the raid, he rushed to the scene but was blocked by police. They beat him with batons, and he received such severe blows to the head that he lost consciousness. He was taken to hospital, where his condition was described as life-threatening. Other Christians were also wounded during the attack."¹⁹¹

In its report on international religious freedom, covering the events of 2011, the *USDOS* reported that authorities pressured Hmong and Khmer Christians to abandon their religion,

"Local officials from villages in the Northwestern provinces attempted to convince or force H'mong Protestants to recant their faith. Local authorities encouraged clan elders to pressure members of their extended families to cease practicing Christianity and to return to traditional practices.

[...]

Some authorities warned Khmer members that they could lose social benefits by continued adherence to the church."¹⁹²

In its 2012 annual report, covering the events of 2011, the *USCIRF* also reported that the government attempted to force Protestants to renounce their faith,

"Forced renunciations of faith continued in the northwest provinces among Hmong Protestants and some areas in the Central Highlands.

[...]

However, the most persistent number of arrests and forced renunciations of faith also occur in Gia Lai province, including forced renunciations of faith and at least seven arrests in the past year. New problems have emerged, however, even within the legally-recognized SECV.

¹⁹⁰ Compass Direct, Church leaders submit testimony in Washington D.C., 21 June 2005, http://www.compassdirect.org/english/country/vietnam/2005/newsarticle_3861.html, accessed 26 October 2012

¹⁹¹ Barnabus Aid, Christian children beaten in orphanage raid, April 2012, <http://barnabasfund.org/US/News/Prayer-Focus-Update/Prayer-Focus-0512.html#Vietnam>, accessed 26 October 2012

¹⁹² United States Department of State, 2011 Report on International Religious Freedom - Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

[...]

In early January 2011, Protestant leaders in Lao Cai province reported that local officials in the Ban Me Commune told Protestants to renounce their faith or face fines and expulsion from village properties. In March 2011, district police in Pha Khau village, Phinh Giang commune, Dien Bien Dong district harassed and threatened a group of newly converted Christians, taking away access to land and threatening to expel them from the village if they continued to meet for worship. The individuals refused and authorities continue to harass and intimidate them. Also in March 2011, two Hmong Protestant pastors who live in Muong Nhe district traveled to another district for worship services with a new group of Protestants in Ha Tam village, Muong Ba commune, Tua Chua district, Dien Bien province. The "new" converts in Ha Tam village were threatened and ordered to renounce their faith. When they refused, they were reportedly expelled from the district.

Between June and October 2010, at least 40 individuals from Ban Xa Fi #1, Xa Xa Tong, Huyen Muang Cha district, Dien Bien province were threatened with confiscation of property and beatings unless they gave up Protestantism. Pastors Van Cho Sung and Hang A Xa were beaten severely by police. Another pastor was driven from his home and relocated to another village. Authorities continue to harass and intimidate the villagers.¹⁹³

In its report on international religious freedom, covering the events of 2011, the *USDOS* reported that disputes over land and properties was a source of tension between Protestants and the government,

"At year's end, the Southern Evangelical Church of Vietnam (SECV) and other denominations continued to seek restitution of properties seized by the government."¹⁹⁴

In its 2012 annual report, covering the events of 2011, the *USCIRF* reported that Protestant followers and their properties were attacked,

"On November 13, 2011, a group of men, including a local official, attacked the Agape Baptist Church in Vietnam's northwest provinces, destroying vehicles and property, severely beating eight members of the congregation and threatening to kill Pastor Nguyen Danh Chau if he "continued gathering Christians." The attackers were not arrested."¹⁹⁵

In its report on international religious freedom, covering the events of 2011, the *USDOS* also reported that authorities took part or failed to act following attacks on Protestants by gangs, other religious groups and members of the general public,

"Protestant Khmers reported harassment, intimidation, and, in some cases, property damage and beatings by Khmer Krom Buddhists in certain districts of Tra Vinh Province. They reported that authorities did little to prevent the incidents and, in some cases, may have participated in or instigated the actions.

[...]

In November Pastor Do Van Tinh reported that family members and neighbors opposed to the Agape Baptist church attacked Pastor Nguyen Danh Chau and parishioners. Pastor Tinh reported that security forces did not take part in the beating but were slow to react and only came to the assistance of churchgoers after the crowd continued to grow.

[...]

In October local gang members attacked a Vietnam Baptist Church (VBC) house church in Phu Quy village in Quang Nam Province. Adherents were threatened to stop worshipping at the church or face physical assault. An SECV Protestant congregation and its pastor in Xi Thoai Village in Phu Yen Province were subjected to three attacks by a gang of local thugs

¹⁹³ United States Commission on International Religious Freedom, *USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam*, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

¹⁹⁴ United States Department of State, *2011 Report on International Religious Freedom - Vietnam*, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

¹⁹⁵ United States Commission on International Religious Freedom, *USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam*, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

in June and July. The gang beat the pastor's wife and destroyed his home. Local officials denied involvement, promised to investigate the incident, and met with church leaders to apologize. One of the attackers later was suspended from a police school, and two others were denied admittance to the army after their participation in the attack was confirmed. In December the deputy CPV chief for the province met with the SECV and reaffirmed local authorities' promises to investigate the earlier abuse."¹⁹⁶

In its report on international religious freedom, covering the events of 2011, the *USDOS* reported that two Protestant preachers were jailed in Vietnam,

"Two lay preachers, Ksor Y Du and Kpa Y Ko, remained in prison as a result of convictions and sentences for attempting to organize demonstrations, causing political and security disorder, and dividing national solidarity."¹⁹⁷

In its 2012 annual report, covering the events of 2011, the *USCIRF* also reported on the preachers' conviction,

"Two ethnic minority Protestant pastors Ksor Y Du and Kpa Y Ko remain in prison for "undermining national unity" after being sentenced in 2011 for allegedly being part of anti-government organizations and making calls to relatives in North Carolina. The family and the leaders of the Good News Mission denomination claim that the charges are completely fabricated and due to the growing number of converts achieved by the two pastors. Ksor Y Du was reportedly handcuffed and dragged behind a motorbike to the police station and both men were repeatedly tortured in prison in order to elicit a confession. In addition, family members were asked to provide evidence against the two religious leaders in exchange for money and food, but refused."¹⁹⁸

In its 2012 annual report, covering the events of 2011, the *USCIRF* reported that on 30 December 2011 Pastor Nguyen Trung Ton, the head of the Full Gospel Church in Thanh Hoa province

"was sentenced to two years' house arrest for "collecting documents and writing articles which tarnished the reputation of the Communist Party and the Socialist regime."¹⁹⁹

In December 2011 *Radio Free Asia* reported that according to the state-run *Nhan Dan* newspaper, Nguyen Trung Ton was arrested on 15 November [2011],

"[...] for "collecting documents and writing articles which tarnished the reputation of the Communist Party and the Socialist regime."

[...]

Ton had been affiliated with Bloc 8406, a coalition of political groups advocating for democratic reform in Vietnam, though [...] Ton withdrew from the organization last year citing government pressure."²⁰⁰

The arrest and conviction of Protestant Pastor Nguyen Cong Chinh was reported by *Human Rights Watch*, *Radio Free Asia*, *USDOS* and *USCIRF*.²⁰¹

¹⁹⁶ United States Department of State, 2011 Report on International Religious Freedom - Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

¹⁹⁷ United States Department of State, 2011 Report on International Religious Freedom - Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

¹⁹⁸ United States Commission on International Religious Freedom, *USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam*, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

¹⁹⁹ United States Commission on International Religious Freedom, *USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam*, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

²⁰⁰ Radio Free Asia, Vietnam: Writer, priest handed jail sentences, 30 December 2011, <http://www.rfa.org/english/news/vietnam/sentences-12302011124923.html/>, accessed 9 August 2012.

²⁰¹ Human Rights Watch, *World Report 2012: Vietnam*, January 2012, available from <http://www.hrw.org/world-report-2012/world-report-2012-vietnam>, accessed 9 August 2012; Radio Free Asia, Vietnam: Pastor jailed, visas revoked, 27 March 2012, <http://www.rfa.org/english/news/vietnam/church-03272012151909.html/>, accessed 9 August 2012; Radio Free Asia, Vietnam: Pastor's sentence upheld, 31 July 2012, <http://www.rfa.org/english/news/vietnam/pastor-07312012173537.html/>, accessed 9 August 2012; United States Department of State, 2011 Report on International Religious Freedom - Vietnam, 30 July 2012, available from

In April 2011 the *Thanh Nien*, a daily newspaper published by the Vietnam Youth Federation, reported that Nguyen Cong Chinh is one of the founders of the Church of Protestant Mennonite Vietnam,

“In 2006, Chinh together Nguyen Hong Quang from Ho Chi Minh City founded the Church of Protestant Mennonite Vietnam, where Chinh was assigned as a parson.

But Chinh was dismissed from the church three years later for raping many believers from ethnic minority communities and swindling VND270 million (US\$13,138) from some people, police said.”²⁰²

In January 2012 *Human Rights Watch* reported that Chinh was arrested and charged with “undermining national unity.”²⁰³

In its 2012 annual report, covering the events of 2011, the *USCIRF* reported that Nguyen Cong Chinh was charged for violating article 87 of the penal code,

“In April 2011, Pastor Nguyen Cong Chinh, a long-time government critic and religious freedom advocate, was arrested for allegedly “disrupting national unity’s policy” according to Article 87 of the penal code. His current whereabouts are unknown.”²⁰⁴

In its report on international religious freedom, covering the events of 2011, the *USDOS* reported that organisations and individuals associated with Nguyen Cong Chinh were at times prevented from holding services and that at the year’s end his family had not been permitted to visit him in prison,

“Individuals and churches affiliated with Pastor Nguyen Cong Chinh, including the Vietnam People’s Christian Evangelical Fellowship Church and the Evangelical Lutheran Church of America and Vietnam, were prevented at times from holding services due to Chinh’s strong denunciations of the government and communism. The government continued to claim that Chinh had used his position to conduct political activities. Chinh was arrested on April 28 for “sabotaging the great national unity policy” for sharing his thoughts with foreign media outlets on political and religious issues and criticizing the government and communism. At year’s end, he remained in detention and his family has not been allowed to visit him.”²⁰⁵

Quoting State media, in March 2012 *Radio Free Asia* reported that Chinh was sentenced to 11 years in prison,

“for “undermining unity” by having ties with antigovernment groups and writing and distributing material that slandered government authorities.

[...]

The Mennonite clergyman’s one-day court hearing was held on Monday in the Central Highlands province of Gia Lai, where he was arrested nearly a year ago.”²⁰⁶

In July 2012 *Radio Free Asia* reported that an appeals court in Vietnam upheld Chinh’s 11-years sentence,

<http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012; United States Commission on International Religious Freedom, USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

²⁰² Thanh Nien, Man arrested in central Vietnam for subversion attempts, 29 April 2011,

<http://www.thanhniennews.com/index/pages/20110429135716.aspx>, accessed 18 August 2012.

²⁰³ Human Rights Watch, World Report 2012: Vietnam, January 2012, available from <http://www.hrw.org/world-report-2012/world-report-2012-vietnam>, accessed 9 August 2012.

²⁰⁴ United States Commission on International Religious Freedom, USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

²⁰⁵ United States Department of State, 2011 Report on International Religious Freedom - Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

²⁰⁶ Radio Free Asia, Vietnam: Pastor jailed, visas revoked, 27 March 2012, <http://www.rfa.org/english/news/vietnam/church-03272012151909.html>, accessed 9 August 2012.

"Mennonite clergyman and prominent activist Nguyen Cong Chinh, 43, had appealed his sentence after he was found guilty in March of having ties with antigovernment groups and writing and distributing material that the authorities said slandered them.

But after a half-day hearing on Tuesday, the judge at the appeals court in central Vietnam's Gia Lai province said there was no new evidence that would allow for a reduction in his sentence.

Chinh, detained since April 2010, has complained for nearly a decade of harassment by Gia Lai and Kontum provincial authorities and of a ban on preaching in the Central Highlands.

Earlier this month, Chinh was named as an accomplice to Phan Ngoc Tuan, 53, who was sentenced to five years in jail by a Ninh Thuan court for "slandering the state" by distributing leaflets accusing the authorities of suppressing religion, according to the *Vietnam News* daily.²⁰⁷

iii. Northwest/ Hmongs

[See also [Section C. 2. Treatment of members of religious groups, a. Christians, ii. Protestants](#)]

In its 2012 annual report, covering the events of 2011, the *USCIRF* reported restrictions to religious freedom in the Northwest provinces, stating that applications from over 600 Hmong congregations had been ignored,

"[...] local officials continue to repress Protestant believers in some parts of the northwest provinces by forcing church gatherings to cease, closing house churches, confiscating property, and pressuring individuals to renounce their religious beliefs, though often unsuccessfully. They targeted small house churches affiliated with the Inter-Evangelistic Movement (IEM), the Baptists, and the Good News Mission, who continued to report difficulties in several locations in Dien Bien province because their congregations cannot register.

[...]

There continue to be over 600 Hmong congregations in the northwest provinces whose applications to join the recognized Northern Evangelical Church are being ignored. In addition, there continue to be dozens of reports of Protestant congregations, whose larger denominational affiliation does not meet the "20-years-of-stable-operation" guideline, who are refused any form of legal recognition, despite meeting the vague criteria for local recognition."²⁰⁸

In May 2011 the *Thanh Nien*, a daily newspaper published by the Vietnam Youth Federation, reported that a Hmong gathering to await the return of Jesus Christ created a public disturbance,

"The H'Mong people who caused disorder in north-western Vietnam recently were lured by a cult that says the world will end this Saturday, the Agence France Presse quoted a pastor with links to the ethnic minority group as saying.

Doan Trung Tin, who leads the Vietnam Good News Mission Church, told AFP on Thursday that about 60 families from his church went to the remote north-west for a gathering of Hmong awaiting the return of Jesus Christ.

He said some of his impoverished parishioners - about 300 people - sold their belongings to

²⁰⁷ Radio Free Asia, Vietnam: Pastor's sentence upheld, 31 July 2012, <http://www.rfa.org/english/news/vietnam/pastor-07312012173537.html>, accessed 9 August 2012.

²⁰⁸ United States Commission on International Religious Freedom, USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

pay for the bus journey from their homes in the Central Highlands provinces of Dak Lak and Dak Nong to the gathering in Dien Bien more than 1,000km away.

[...]

Camping operates an American-based Christian radio network that broadcasts in many languages, including Vietnamese, and claims the world will end on Saturday.

[...]

Some instigators then set up a self-governing area with security guards, hindering locals' activities and transport while making illegal demands.

The public disturbance was resolved peacefully, officials said.²⁰⁹

In its report on international religious freedom, covering the events of 2011, the *USDOS* reported unconfirmed reports that Protestant Hmongs were killed in clashes with police and the military and were forcibly dispersed into neighbouring countries,

"During the first two weeks of May 2011, Vietnamese police and military units clashed with thousands of Hmong Protestants who had gathered in Muong Nhe district of Dien Bien province. Though largely unconfirmed, there are reports of deaths and arrests, and the forced dispersal of Hmong into Laos, China, and Burma. The cause of the clash is not entirely clear given the government's tight control over the remote region. Initial reports suggested that Hmong had gathered to demonstrate for land rights and religious freedom in ways reminiscent of the 2001 and 2004 demonstrations in the Central Highlands. Vietnamese officials blamed the gathering on Hmong who allegedly wanted to set up a separate state covering parts of Vietnam, Laos, China, and Burma.

The evidence thus far indicates that thousands of Hmong gathered in Muong Nhe district for several different and overlapping reasons. An estimated 5,000-10,000 Hmong traveled to the district from other parts of Vietnam, Burma, China, and Laos, raising suspicions and tensions with government authorities.

[...]

On May 5-6, 2011, police and military units moved in to remove the rest of those assembled, reportedly arresting and beating about 50 of the followers of one of the purported Hmong messiahs and tearing down compounds built by his followers. There are unconfirmed reports that dozens of Hmong were killed or injured and arrested. Vietnamese authorities have sealed the area and refused permission to foreign diplomats and journalists to travel there.²¹⁰

In May 2011 *Human Rights Watch* reported that dozens of Hmong Christians were injured or killed by the military in northwestern Dien Bien province,

"On April 30, 2011, thousands of Hmong began to gather near Huoi Khon village in Muong Nhe district of Dien Bien. On May 4 and 5, Vietnamese military troops and helicopters moved in to suppress the assembled people. There are unconfirmed reports that dozens of Hmong were killed or injured. The authorities sealed the area and refused permission to foreign diplomats and journalists to travel there.

[...]

State media allege that the unrest broke out because the Hmong were duped by "bad elements" who promised to lead them to a so-called "promised land." On May 7 and 8, Deputy Prime Minister Truong Vinh Trong, who is the head of the Steering Committee for the Northwest, visited Muong Nhe district and declared that "stability has been restored." Foreign Affairs Ministry spokeswoman, Nguyen Phuong Nga, said the authorities have arrested "a number of extreme subjects." She provided no information about the numbers, identities, or whereabouts of those arrested.²¹¹

²⁰⁹ Thanh Nien, Vietnam H'Mong lured by doomsday cult: report, 20 May 2011, <http://www.thanhniennews.com/index/pages/20110520184137.aspx>, accessed 18 August 2012.

²¹⁰ United States Commission on International Religious Freedom, USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

²¹¹ Human Rights Watch, Vietnam: Investigate Crackdown on Hmong Unrest, 17 May 2011, <http://www.hrw.org/news/2011/05/17/vietnam-investigate-crackdown-hmong-unrest>, accessed 9 August 2012.

In its 2012 annual report, covering the events of 2011, the *USCIRF* reported that “police and military units forcibly removed several thousand Hmong Christians in May 2011 who gathered for religious reasons.”²¹²

In March 2012 the *British Broadcasting Corporation (BBC)* reported that eight ethnic Hmong have been sentenced to two and a half years imprisonment, following violent protests in May 2011,

“A Vietnamese court has jailed eight members of the Hmong minority for up to two-and-a-half years each in connection with ethnic violence last May.

State media said the men were convicted of disturbing social order.

Last May, security forces clashed with thousands of Hmong, a mostly-Christian group, holding a religious gathering.

Christian human rights groups say those gathered were members of a sect who thought that a messiah was coming to set up a Hmong kingdom.

Correspondents say the clashes in Dien Bien province were the most serious ethnic unrest in the country for several years.”²¹³

In March 2012 *Radio Free Asia* reported that two of the eight Hmong were sentenced to two and a half year jail terms and the other six received two year sentences. According to *Radio Free Asia* all eight will be subject to two years house arrest on their release from prison,

“Human rights organizations on Thursday condemned the decision by a Vietnamese court to jail eight ethnic Hmong only one day after a U.N. body dismissed a report by the government which claimed authorities practice no racial discrimination in the country.

The group of eight was convicted of partaking in a “separatist ethnic movement” following their involvement in a massive religious gathering in May last year, according to a state media report on Wednesday. The Hmong are a mostly Christian ethnic minority in Communist-led Vietnam.

In a joint statement, the International Federation for Human Rights and the Vietnam Committee on Human Rights slammed the conviction as it came on the heels of charges by the U.N. Committee on the Elimination of Racial Discrimination (CERD) that the Vietnamese government might be misusing criminal laws against some ethnic minorities.

“[We] regret that Vietnam’s very first gesture, following the publication of the CERD’s conclusions, was to condemn eight ethnic Hmongs on March 13, 2012 to prison sentences of two years to 30 months (followed by two years probationary detention) following demonstrations in the northern province of Dien Bien in April-May 2011.

[]

The eight defendants, who appeared in a Dien Bien court on Tuesday, were charged with “disturbing security,” according to the official *Nhan Dan* newspaper.

Two of them received two-and-a-half year jail terms while the other six were given two-year sentences. All eight will undergo two years of house arrest following their release.”²¹⁴

In its 2012 annual report, covering the events of 2011, the *USCIRF* reported that the government

²¹² United States Commission on International Religious Freedom, *USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam*, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012

²¹³ BBC, Vietnam jails Hmong over unrest, 14 March 2012, <http://www.bbc.co.uk/news/world-asia-17374857>, accessed 26 October 2012

²¹⁴ Radio Free Asia, Rights groups slam Hmong conviction, 15 March 2012, <http://www.rfa.org/english/news/vietnam/hmong-03152012144659.html>, accessed 26 October 2012

does not permit the publication of religious material in the Hmong language,

"[...] the government continues to deny publication of religious materials and Bibles in the Hmong language, despite approving printing of religious materials in other ethnic minority languages. This has led to beatings, fines, and brief detentions of those who transport Hmong language materials. For example, in March 2011, in Dien Bien province, a Hmong Protestant leader was briefly detained and the Bibles he was carrying were confiscated. He was warned not to transport "illegal materials" in the future."²¹⁵

iv. Central Highlands/Montagnards

[See also [Section A. General Developments, 1. Central Highlands](#), [Section B. Ethnic Minorities, 2. Situation/treatment of ethnic minorities, a. Ethnic minorities that inhabit the Central Highlands \(Montagnards\)](#) and [Section D. Political Dissidents and Activists, e. Activities by Montagnards that are perceived as political or separatist activities by the authorities](#)]

In March 2011 *Human Rights Watch* reported the lack of access to reliable information on the treatment of Montagnards,

"In recent months, the Vietnamese government has increased its harassment of peaceful ethnic minority Christians in the Central Highlands, targeting members of unregistered house churches. Vietnam's state media has presented the latest round of arrests, beatings, and intimidation as a response to conflicts between rubber plantation guards and ethnic minority highlanders—commonly known as Montagnards—in mid-2010 in Chu Prong district of Gia Lai.

Information on the clashes is incomplete, and what specifically transpired is unclear, but in the aftermath the authorities reinforced the security presence in the three border districts of Duc Co, Ia Grai, and Chu Prong, and intensified their efforts to root out and arrest people the government terms "Dega Protestants" and blames for inciting the unrest.

Because Vietnam strictly controls its domestic media, prohibits foreign journalists from traveling freely to sensitive areas outside of Hanoi, and rejects visits by independent, international rights groups, it is difficult to obtain detailed, independently verifiable information about the current situation in the Central Highlands."²¹⁶

In March 2011 *Human Rights Watch* reported on mutual distrust between the government and Protestants in the Central Highlands and the government considers Montagnards belonging to independent house churches to be using them as fronts for political activities,

"A complicating factor in the Central Highlands has been the mutual distrust between the government and the highlanders. The government asserts that Montagnards belonging to independent house churches are using religion as a front for political activities, while many Montagnards distrust the government-authorized Protestant church in the Central Highlands, the Southern Evangelical Church of Vietnam (SECV). Some Montagnards have opted to worship in village or house churches that they control themselves, rather than affiliating with the SECV.

[...]

According to Human Rights Watch, reporting in March 2011, "Instruction No. 1 [2005] reinforces the government's long-held official stance that Dega Protestantism is not a legitimate religion, thereby providing a legal basis for authorities to force Montagnard Christians to join the government-approved SECV or face criminal penalties: 'This is a

²¹⁵ United States Commission on International Religious Freedom, USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

²¹⁶ Human Rights Watch, Montagnard Christians in Vietnam: A Case Study of Religious Repression, 30 March 2011, <http://www.hrw.org/reports/2011/03/30/montagnard-christians-vietnam-0>, accessed 9 August 2012.

religion with a dubious origin. The exiled FULRO members deliberately set up that religion of Dega Protestantism just to use as the tool for their dark political schemes of stirring up ethnic problems and undermining our country's stability."²¹⁷

In March 2011 *Human Rights Watch* provided background information about Protestant Montagnards in Vietnam,

"During the last decade, the Vietnamese government has launched a series of crackdowns on Montagnards in the Central Highlands, often in response to mass public protests calling for the return of confiscated land and greater religious freedom. The demonstrations have been fueled by Montagnards' growing anger and desperation over the steady loss of their farm land to agricultural plantations and lowland Vietnamese (*Kinh*) settlers, along with tightened restrictions on independent house churches.

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

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

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

[...]

The Vietnamese government has launched a series of crackdowns during the last 10 years to suppress political organizing and independent religious activities among Montagnard Christians. Elite security units have hunted down and arrested Montagnard activists in hiding and sealed off the border with Cambodia to prevent asylum seekers from fleeing the country.

During these crackdowns, authorities have committed clear-cut violations of fundamental rights, including arbitrary arrest, imprisonment, and torture. Officials have employed coercion to pressure Montagnards to renounce their religion and pledge their loyalty to the government and the Communist Party of Vietnam. Police have used excessive force to dispel largely peaceful protests, resulting in the deaths of as many as eight Montagnards during demonstrations in April 2004 as well as injuries and deaths of others during arrest and in police custody. At various times, restrictions have been placed on travel within the highlands, on public gatherings, and on telephone communication with the outside

²¹⁷ Human Rights Watch, *Montagnard Christians in Vietnam: A Case Study in Religious Repression*, 30 March 2011, <http://www.hrw.org/reports/2011/03/30/montagnard-christians-vietnam-0>, accessed 9 August 2012.

world.”²¹⁸

In its 2012 annual report, covering the events of 2011, the *USCIRF* reported that following incidents in 2001 and 2004, the Vietnamese government increased repression of independent religious activity and perceived political organizations in the Central Highlands,

“After 2001 and 2004 mass demonstrations for religious freedom and land rights, the Vietnamese government has supported various campaigns to repress any perceived political organization and independent religious activities, particularly in Chu Se and Chu Prong districts of Gia Lai province and in parts of Kontum and Dak Lak provinces. According to available public sources in Vietnam, Unit PA43 and provincial police are in the midst of a three-year campaign to capture and transform both "reactionary operatives" and "Dega Protestants." These campaigns have led to beatings, detentions, deaths in custody, forced renunciations of faith, and disappearances of Montagnards suspected of being part of the *Tin Lahn Dega*.

[...]

The government’s crackdowns and restrictions on Dega Protestants have thus impacted many Montagnard Christians, whether they are Dega supporters or not.”²¹⁹

In its 2012 annual report, covering the events of 2011, the *USCIRF* reported that the government announced that it would not register new Protestant meeting places in the Central Highlands,

“In the past year, the government has formally indicated to the recognized Southern Evangelical Church of Vietnam (SECV) that it will no longer register any new meeting places in the Central Highlands.”²²⁰

In its report on international religious freedom, covering the events of 2011, the *USDOS* stated that the government continued to link Montagnards to the illegal Dega Church, which the government accuses of calling for an independent Montagnard state,

“The government continued to assert that some Montagnards, an ethnic minority in the Central Highlands, were operating an illegal "Dega" church. The government accused the Dega Protestant churches of calling for the creation of an independent Montagnard state.”²²¹

In March 2011 *Human Rights Watch* reported that the government has attempted to eradicate the Dega Church and force Montagnards to join the officially recognized Protestant church SECV,

“Wary of any popular movement that might destabilize the Vietnamese Communist Party’s grip on power, the government has launched intensive propaganda campaigns, backed up by military and police operations, to eradicate Dega Protestantism and pressure Montagnard Christians to join the SECV. Special “Central Highlands Security” units (PA43) and centrally-directed Mobile Intervention Police (Canh sat co dong) have been dispatched to the highlands to back up provincial and district police in rooting out Montagnard activists in hiding.

The officially stated aims of the campaigns are to improve political stability and security in the Central Highlands by preventing and repelling plots by “hostile forces”; specifically Dega Protestants and members of what the Vietnam government calls other “false religions.” The government alleges that such groups are advancing separatist politics under the guise of

²¹⁸ Human Rights Watch, Montagnard Christians in Vietnam: A Case Study in Religious Repression, 30 March 2011, <http://www.hrw.org/reports/2011/03/30/montagnard-christians-vietnam-0>, accessed 9 August 2012.

²¹⁹ United States Commission on International Religious Freedom, USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

²²⁰ United States Commission on International Religious Freedom, USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

²²¹ United States Department of State, 2011 Report on International Religious Freedom - Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

religion, and supporting—or being manipulated by—anti-government groups such as FULRO.

While there is no evidence that FULRO, or any other Montagnard resistance group advocating violence, continues to operate in the Central Highlands, the government treats many highlanders with suspicion, particularly Montagnard Christians who choose not to join the SECV. Despite a lack of concrete evidence about FULRO, authorities typically include condemnation and renunciation of FULRO in public denunciation sessions.²²²

In March 2011 *Human Rights Watch* reported that Dega protestants have been forced to publicly renounce their religion and have been tried in mobile courts,

“The government’s campaigns include strong propaganda components, with officials convening village- and commune-level mass gatherings in which alleged supporters of Dega Protestantism are brought forward to be “constructively criticized” by officials and villagers before “voluntarily” renouncing their religion and confessing their wrongdoings. In similar fashion, provincial courts often conduct “mobile trials” of people charged with national security crimes in front of hundreds of people gathered at commune centers, thereby expanding the audience and reinforcing the message for others not to follow Dega Protestantism.

As part of the crackdown, PA43 units conduct operations with other provincial police units to detain and interrogate persons they identify as political activists or Dega Protestants. Some of these people are formally arrested, tried, and sentenced to prison on national security charges, such as undermining national solidarity (Penal Code article 87), while others are forced to confess their guilt in public denunciation sessions and then placed under close surveillance afterwards. In addition, the police continue to break up house church gatherings by Montagnard Christians belonging to independent or unregistered congregations operating outside of the officially recognized SECV.²²³

In the March 2011 report *Human Rights Watch* provided a timeline which illustrated “a continuous pattern of repression of independent political and religious activities in the Central Highlands during the last 10 years”.²²⁴ The events reported included propaganda campaigns, public criticism ceremonies, heightened border security, arrests, and forced renunciation ceremonies, intimidation in private meetings with police or local authorities, arrests, raiding of premises and mobilization of civil defense forces.²²⁵

In its report on international religious freedom, covering the events of 2011, the *USDOS* reported that Protestants in the Central Highlands have had their freedom to worship restricted,

“Some ethnic minority worshippers in the Central Highlands – particularly in areas suspected to be affiliated with the “Dega” church – continued to be prevented from gathering to worship. The number of reported incidents was significantly lower than in previous years and appeared to reflect individual local bias rather than central government policy. In some instances the local officials involved apologized and were reprimanded or fired.”²²⁶

In March 2011 *Human Rights Watch* reported that the government had undertaken a three year campaign to identify Montagnards ‘reactionaries,’

²²² Human Rights Watch, Montagnard Christians in Vietnam: A Case Study in Religious Repression, 30 March 2011, <http://www.hrw.org/reports/2011/03/30/montagnard-christians-vietnam-0>, accessed 9 August 2012.

²²³ Human Rights Watch, Montagnard Christians in Vietnam: A Case Study of Religious Repression, 30 March 2011, <http://www.hrw.org/reports/2011/03/30/montagnard-christians-vietnam-0>, accessed 9 August 2012.

²²⁴ Human Rights Watch, Montagnard Christians in Vietnam: A Case Study of Religious Repression, 30 March 2011, <http://www.hrw.org/reports/2011/03/30/montagnard-christians-vietnam-0>, accessed 9 August 2012.

²²⁵ Human Rights Watch, Montagnard Christians in Vietnam: A Case Study of Religious Repression, 30 March 2011, <http://www.hrw.org/reports/2011/03/30/montagnard-christians-vietnam-0>, accessed 9 August 2012.

²²⁶ United States Department of State, 2011 Report on International Religious Freedom - Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

“In early 2010, a three-year government campaign to root out “reactionaries” and ensure security and order in the Central Highlands neared its target completion date. In April the deputy police chief of Dak Lak province reported on the campaign’s success in fighting against illegal religious activities and groups that “take advantage of religion” to act against the revolution. “In particular, [we] have fought to eliminate the rekindling of ‘Dega Protestantism’,” he said. Since 2001, he reported, provincial police have uncovered and exposed thousands of people linked to FULRO and Dega Protestantism; seized hundreds of documents and reactionary FULRO flags; smashed nearly 30 campaigns to incite mass demonstrations or disturbances; and detected and prevented 412 people from trying to illegally cross the border to Cambodia, while receiving hundreds of people repatriated back from Cambodia.”²²⁷

In March 2011 *Human Rights Watch* reported that hundred of Montagnards have been imprisoned in Vietnam,

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

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

At least 250 Montagnards currently remain in prison or are awaiting trial. During 2009 and 2010, Vietnamese state media reported that 12 Montagnards were tried and sentenced to prison; it is unknown how many others were tried in proceedings not covered in the state press, or were detained without trial in government “education centers” (*co so giao duc or trung tam giao duc thuong xuyen*).²²⁸

In March 2011 *Human Rights Watch* reported that over 70 Montagnards were arrested or detained in 2010,

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

The arrests are ongoing, with more than 70 Montagnards arrested or detained during 2010 in Gia Lai alone.”²²⁹

In its 2012 annual report, covering the events of 2011, the *USCIRF* reported that Montagnard Christians who participate in independent religious activity have been subjected to mistreatment,

“Montagnard Protestants who engage in independent religious activity have been subject to a number of short-term detentions, disappearances, forced renunciations of faith, and mistreatment in custody.

²²⁷ Human Rights Watch, *Montagnard Christians in Vietnam: A Case Study of Religious Repression*, 30 March 2011, <http://www.hrw.org/reports/2011/03/30/montagnard-christians-vietnam-0>, accessed 9 August 2012.

²²⁸ Human Rights Watch, *Montagnard Christians in Vietnam: A Case Study of Religious Repression*, 30 March 2011, <http://www.hrw.org/reports/2011/03/30/montagnard-christians-vietnam-0>, accessed 9 August 2012.

²²⁹ Human Rights Watch, *Montagnard Christians in Vietnam: A Case Study of Religious Repression*, 30 March 2011, <http://www.hrw.org/reports/2011/03/30/montagnard-christians-vietnam-0>, accessed 9 August 2012.

[...]

In the past year, confirmed through various sources inside Vietnam, there were at least 13 individuals arrested and disappeared in the Central Highlands, though that number may be higher given difficulties confirming information from the remote regions. In December 2011, police warned an estimated 24 villages throughout Chu Se district not to hold Christmas celebrations and to disband worship activities permanently. In many cases, leaders were beaten and worshippers briefly detained.

Montagnard Protestants from Papet village, Bongoong commune refused to disband their worship activities. In February 2012, police beat a pastor in the village, Ju Rahlan, and forced authorities sometimes use "contract thugs" to harass, threaten, or beat them and have encouraged clan elders to pressure members of their extended families to cease practicing Christianity and return to traditional practices."²³⁰

In its 2012 annual report, covering the events of 2011, the *USCIRF* reported that Protestants were detained and had property destroyed in the Central Highlands,

"Independent Protestants in the Central Highlands were detained and had their property destroyed in an ongoing campaign to repress their activities."²³¹

In March 2011 *Human Rights Watch* reported that Montagnards were often tortured and mistreated whilst in custody,

"Montagnards who are arrested are often severely beaten or tortured in police custody and pre-trial detention.

Since 2001, at least 25 Montagnards have died in prisons, jails, or police lock-ups after beatings or illnesses sustained while in custody, or shortly after being prematurely released by prison authorities to a hospital or home."²³²

In its 2012 world report, covering the events of 2011, *Human Rights Watch* reported the conviction of Montagnard activists,

"In April, eight Montagnard Protestant activists were sentenced to prison terms ranging from 8 to 12 years, for allegedly undermining national unity policy."²³³

In March 2011 *Human Rights Watch* reported some progress in government treatment of Montagnards, but notes that police have been posted to Montagnard villages to monitor suspected leaders and prevent escapes to Cambodia,

"At the same time, the government has initiated some reforms to address Montagnard grievances, including official programs to allocate land to ethnic minority families, improve educational opportunities, and bring economic development to the impoverished region. Police who have been posted in villages to monitor activities of suspected Montagnard leaders and prevent escapes to Cambodia have also carried out public works projects such as assisting villagers with farming and village clean-up projects."²³⁴

b. Buddhists

²³⁰ United States Commission on International Religious Freedom, *USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam*, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

²³¹ United States Commission on International Religious Freedom, *USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam*, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

²³² Human Rights Watch, *Montagnard Christians in Vietnam: A Case Study of Religious Repression*, 30 March 2011, <http://www.hrw.org/reports/2011/03/30/montagnard-christians-vietnam-0>, accessed 9 August 2012.

²³³ Human Rights Watch, *World Report 2012: Vietnam*, January 2012, http://www.hrw.org/sites/default/files/related_material/vietnam_2012.pdf, accessed 9 August 2012.

²³⁴ Human Rights Watch, *Montagnard Christians in Vietnam: A Case Study of Religious Repression*, 30 March 2011, <http://www.hrw.org/reports/2011/03/30/montagnard-christians-vietnam-0>, accessed 9 August 2012.

In its report on international religious freedom, covering the events of 2011, the *USDOS* reported on Buddhists groups officially recognized in Vietnam,

“The officially sanctioned Vietnam Buddhist Sangha (VBS) incorporates Mahayana, Theravada, and Bhikshu Buddhism. All Buddhist groups within the VBS are represented proportionally throughout the leadership structure and organization. In practice, Theravada monks meet separately to determine issues such as doctrine, education, and other community needs to address within the VBS. There are several recently recognized religious organizations that have Buddhist influences but are separate and distinct from the VBS. Of these, the Pure-Land Buddhist Home Practice religious group has the largest membership, with more than 1.3 million followers.”²³⁵

In its 2012 annual report, covering the events of 2011, the *USCIRF* reported that Buddhist groups are required to affiliate with government-recognised organizations,

“Government-approved organizations oversee Buddhist and other indigenous religions' pagodas, temples, educational institutes, and activities. Approval is required for all ordinations and ceremonies, donations, and expansions of religious venues. The government-approved leaders of Buddhist, Hoa Hao, and Cao Dai organizations also vet the content of publications and religious studies curricula offered at schools. The Vietnamese government requires the UBCV, independent Hoa Hao, and Cao Dai groups to affiliate with the government-approved religious organization. Those who refuse typically face serious abuses, including arrests, detentions, fines, forced renunciations of faith, destruction of property, and other harassment. Notably, these groups, along with the ethnic minority Khmer Buddhists, represent the largest number of religious adherents in Vietnam.”²³⁶

In May 2012, *Tuoi Tre*, a daily published by the Communist Youth Union reported that Vietnam's Deputy Prime Minister attended a Buddhist celebration held by the Vietnam Buddhist Sangha,

“The Vietnam Buddhist Sangha held a grand ceremony at the Quan Su Pagoda in Hanoi on May 5 to celebrate Lord Buddha's 2556 th birthday. Deputy Prime Minister Nguyen Thien Nhan attended the event.

[...]

On addressing the event, Deputy Prime Minister Nguyen Thien Nhan praised the great achievements that the Vietnam Buddhist Sangha has made in recent times.”²³⁷

i. United Buddhist Church of Vietnam (UBCV)

In its 2012 annual report, covering the events of 2011, the *USCIRF* reported that the United Buddhist Church of Vietnam (UBCV) has been harassed by the government for its activities in defending religious freedom,

“The UBCV is Vietnam's largest religious organization with a history of peaceful social activism and moral reform. The UBCV has faced decades of harassment and repression for seeking independent status and for appealing to the government to respect religious freedom and related human rights.”²³⁸

In August 2012 *Radio Free Asia* reported that “the unregistered UBCV, with followers around

²³⁵ United States Department of State, 2011 Report on International Religious Freedom - Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

²³⁶ United States Commission on International Religious Freedom, USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

²³⁷ *Tuoi Tre*, Buddha's birthday celebrated across Vietnam, 5 May 2012, <http://tuoitrenews.vn/cmmlink/tuoitrenews/society/buddha-s-birthday-celebrated-across-vietnam-1.70924>, accessed 18 August 2012.

²³⁸ United States Commission on International Religious Freedom, USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

Vietnam, has clashed with officials since its founding in the 1960s.”²³⁹

In its 2012 annual report, covering the events of 2011, the *USCIRF* reported that several UBCV leaders are under house arrest,

“Senior UBCV monks, including the Most Venerable Thich Quang Do, with whom USCIRF delegations met in 2007 and 2009, remain under some form of administrative probation or arrest in their home or pagoda.”²⁴⁰

According to *Radio Free Asia*, reporting in August 2012, UBCV’s leader, Thich Quang Do, lives under house arrest at the Thanh Minh Zen Monastery in Ho Chi Minh City.²⁴¹

In May 2012 *Radio Free Asia* reported that UBCV’s main leader Thich Quang Do is prevented from preaching,

“[...] UBCV Patriarch Thich Quang Do, an 84-year-old nominee for the 2012 Nobel Peace Prize, had also been prevented from preaching to followers at the Thanh Minh Zen Monastery in Saigon, where he is being held under virtual house arrest.”²⁴²

In October 2011 the *International Federation for Human Rights (FIDH)* and *World Organisation Against Torture (OMCT)* reported that Thich Quang Do is under house arrest following 28 years in prison,

“Other prominent human rights defenders detained under house arrest for denouncing human rights violations and calling for the respect for fundamental freedoms include Buddhist monk Thich Quang Do, leader of the Unified Buddhist Church of Viet Nam (UBCV), who is currently held at the Thanh Minh Zen Monastery in Ho Chi Minh City after spending more than 28 years in prison, house arrest and internal exile for his peaceful human rights advocacy.”²⁴³

In its report on international religious freedom, covering the events of 2011, the *USDOS* reported that the government restricts the movement of some UBCV leaders,

“The government continued to restrict the movement of some UBCV leaders, although the UBCV operated many pagodas without restriction. As in previous years, UBCV leaders reported they were urged to restrict their movements although they were able to receive visits from foreign diplomats, visit other UBCV members, and maintain contact with associates overseas; however, these activities were closely scrutinized. While the government restricted most UBCV charitable activities, senior UBCV monks travelled in early January to distribute food aid to flood-stricken areas of the country. The UBCV reported having 20 representative boards in 15 cities and provinces. Provincial leaders of the UBCV throughout the southern region reported routine surveillance by local authorities. UBCV Supreme Patriarch Thich Quang Do stated he could meet with others inside and outside the pagoda.”²⁴⁴

In its 2012 annual report, covering the events of 2011, the *USCIRF* reported that the government restricts UBCV’s activities and has harassed UBCV monks and foreign visitors,

²³⁹ Radio Free Asia, Religious Leaders Barred, 6 August 2012, <http://www.rfa.org/english/news/vietnam/ubcv-08062012161634.html>, accessed 9 August 2012.

²⁴⁰ United States Commission on International Religious Freedom, USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

²⁴¹ Radio Free Asia, “Religious Leaders Barred”, 6 August 2012, available from <http://www.rfa.org/english/news/vietnam/ubcv-08062012161634.html>. Accessed 9 August 2012.

²⁴² Radio Free Asia, Vietnam: Crackdown ahead of Buddha Day, 3 May 2012, <http://www.rfa.org/english/news/vietnam/crackdown-05032012184026.html>, accessed 9 August 2012.

²⁴³ International Federation for Human Rights (FIDH) and World Organisation Against Torture (OMCT), Steadfast in Protest - Annual Report 2011, 25 October 2011, http://www.omct.org/files/2011/10/21443/obs_2011_uk_complet.pdf, accessed 9 August 2012.

²⁴⁴ United States Department of State, 2011 Report on International Religious Freedom - Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

“Local authorities continue to prevent monks from organizing UBCV provincial boards or carrying out charitable activities. Police routinely question UBCV monks and monitor their movement and activities. Foreign visitors to UBCV monasteries have been assaulted and harassed. Government officials have taken steps to make sure that government-affiliated monasteries do not affiliate overtly with the UBCV. Routine systematic harassment of UBCV monks and affiliated pagodas occurs in the provinces of Quang Nam-Danang, Thua Thien Hue, Binh Dinh, Khanh Hoa, Ba Ria-Vung Tau, Dong Nai, Hau Giang, and An Giang.

There are continued reports of harassment and disbanding of religious ceremonies and other activities conducted by UBCV monks. Police routinely interrogated the Venerable Thich Vien Dinh and other monks from the Giac Hoa Pagoda in Ho Chi Minh City and issued fines for minor building code violations.”²⁴⁵

In its 2012 annual report, covering the events of 2011, the *USCIRF* reported that the Religious Security Police harass and intimidate UBCV followers,

“During its visits to Vietnam, USCIRF learned that the Vietnamese government's Religious Security Police (*cong an ton giao*) routinely harasses and intimidates UBCV followers, warning that if they continue to frequent known UBCV pagodas, they may be arrested, lose their jobs, or see their children expelled from school. The government has actively sought to suppress the activities and growth of its Buddhist Youth Movement.”²⁴⁶

In May 2011 *Amnesty International* reported that UBCV followers are harassed,

“Members of the Unified Buddhist Church of Viet Nam (UBCV) continued to face harassment and restrictions on their freedom of movement in some provinces.”²⁴⁷

In August 2012 *Radio Free Asia* reported restrictions on gatherings organised by the UBCV,

“Vietnamese police on Monday blocked religious leaders and disabled war veterans from attending a gathering organized by a pagoda associated with a banned Buddhist group, beating and detaining one minister, the head monk told RFA. Monks at the Lien Tri Pagoda, a temple in Thu Duc on the outskirts of Ho Chi Minh City and under the unsanctioned Unified Buddhist Church of Vietnam (UBCV), held the gathering to provide a free vegetarian meal and gifts to disabled Vietnam War veterans who lack assistance from the government. But around 100 plainclothes police surrounded the temple to prevent participants from entering, the head monk, Thich Khong Tanh, told RFA.

[...]

Last month, authorities prevented UBCV monks and followers from attending anti-China demonstrations in Hanoi and Ho Chi Minh City, sending police officers to Lien Tri Pagoda and blocking Tanh from joining the protest, the group said.

[...]

“Tanh and the Lien Tri Pagoda have long been targeted by authorities for refusing to submit to the official Buddhist Church of Vietnam, the only recognized Buddhist body in the one-party communist state”²⁴⁸

In its 2012 report on international religious freedom, covering the events of 2011, the *USDOS* reported restrictions to on events organized by the UBCV,

²⁴⁵ United States Commission on International Religious Freedom, USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

²⁴⁶ United States Commission on International Religious Freedom, USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

²⁴⁷ Amnesty International, Annual Report 2011: The state of the world's human rights, 12 May 2011,

<http://www.amnesty.org/en/region/viet-nam/report-2011#section-159-5>, accessed 9 August 2012.

²⁴⁸ Radio Free Asia, Religious Leaders Barred, 6 August 2012, <http://www.rfa.org/english/news/vietnam/ubcv-08062012161634.html>, accessed 9 August 2012.

"In January authorities asked followers of the unsanctioned Buddhist Church of Vietnam to cancel or limit the opening ceremony of a yearly catechism retreat. The day after the ceremony, police summoned followers to working sessions to discuss the content of the retreat."²⁴⁹

In its report on international religious freedom, covering the events of 2011, the *USDOS* reported that the government imposed restrictions on the celebration of a Buddhist religious holiday by the UBCV,

"In September the United Buddhist Church of Vietnam (UBCV) reported that officials invited monks and nuns to working sessions with police officials a day before Vu Lan, an important religious holiday, and recorded the names of followers who visited. On the holiday, local authorities dispersed crowds. In May, the Danang People's Committee advised the unsanctioned Buddhist church to refrain from hanging religious banners or images in public and from reading messages from one of their monks on Vesak, the commemoration of the Buddha's birthday."²⁵⁰

In May 2012 *Radio Free Asia* reported that police made threats against UBCV monks in order to pressure them into abandoning celebrations of the traditional Buddhist holiday,

"The Paris-based International Buddhist Information Bureau (IBIB) said in a statement Thursday that authorities were targeting the outlawed Unified Buddhist Church of Vietnam (UBCV) in the lead-up to the 2,556th Vesak celebration on May 5.

[...]

IBIB said senior monks from the UBCV had faced increasing threats and pressure from police in the central provinces of Thua Thien-Hue, Quang Nam-Danang, Phu Yen, and Binh Thuan to ban celebrations of the traditional Buddhist holiday.

[...]

The IBIB said that over the past week, senior monks in the province had been summoned for interrogation and told to sign an indictment of the UBCV and its plans for Vesak celebrations, which the monks had refused to do.

[...]

And in Quang Nam-Danang, UBCV Buddhist Youth leader Le Cong Cau told the IBIB that security police had imposed a round-the-clock surveillance on Giac Minh Pagoda, which is the headquarters of the UBCV provincial committee and the organization's Buddhist Youth Movement.

The IBIB said that the local police station opposite the pagoda had trained a camera on the building's entrance, and posted an official at the window to take down the license plates of all cars entering the pagoda's courtyard.

It said around 20 other officials had been permanently posted around the entrance and in surrounding cafes, "ready to intercept anyone who enters or leaves the premises," preventing the delivery of food and supplies to the pagoda.

[...]

Senior monks from Giac Minh have also repeatedly been summoned for interrogations related to planned Vesak activities.

The IBIB said that according to Thich Giac Hieu, head of the UBCV's Phu Yen provincial committee, several monks and nuns, as well as members of the UBCV Buddhist youth movement, had been summoned for interrogations over the past few days.

He said that all had been warned of "serious consequences" if they attempted to attend

²⁴⁹ United States Department of State, 2011 Report on International Religious Freedom - Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

²⁵⁰ United States Department of State, 2011 Report on International Religious Freedom - Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

UBCV Vesak celebrations in Phu Yen this weekend.

The same was true for monks in Binh Thuan province, where UBCV provincial youth commissioner Thich Thong Hai had been called for a "working session," or police questioning, on April 20.

[...]

"During the 'working session,' which lasted two hours, People's Committee officials and police told Thich Thong Hai that the UBCV in Binh Thuan would not be allowed to hold Vesak celebrations," IBIB said.

"They warned that if the UBCV persisted despite this ban, the authorities would take 'preventive measures'.²⁵¹

In its 2012 annual report, covering the events of 2011, the *USCIRF* reported that the police restricted UBCV celebrations of Buddhist festivals,

"During Buddhist festivals in May and August 2011, Da Nang police blocked access to Giac Minh Buddhist pagoda and interrogated the pagoda's abbot, who is the provincial representative of the UBCV. Police monitored the Vesak celebrations on May 28 at the Giac Hoa and Lien Tri pagodas in Ho Chi Minh City but did not intervene. UBCV officials claimed attendance by followers at the celebrations was lower than normal due to the increased police presence. Some followers stated that they were questioned by police officers after celebrations at the Lien Tri pagoda.²⁵²

In January 2012 *Human Rights Watch* reported that the government harassed UBCV pagodas attempting to celebrate Buddhist festivals,

"During Buddhist festivals in May and August, Da Nang police blocked access to Giac Minh and An Cu pagodas and intimidated Buddhist followers. Both pagodas are affiliated with the un-sanctioned Unified Buddhist Church of Vietnam.²⁵³

In May 2011 *Amnesty International* reported that the government harassed members of two UBCV pagodas whilst they attempted to hold special prayers,

"Local authorities and police harassed and used unnecessary force against UBCV members at Giac Minh Pagoda in Quang Nam-Da Nang province in May and August as they attempted to hold special prayers.²⁵⁴

In its 2012 world report, covering the events of 2011 *Human Rights Watch* reported that police interrogated the leader of an UBCV pagoda during the May and August festivals,

"During Buddhist festivals in May and August Da Nang police blocked access to Giac Minh Buddhist pagoda and interrogated the pagoda's abbot, who is the provincial representative of the banned Unified Buddhist Church of Vietnam (UBCV).²⁵⁵

ii. Hoa Hao

In its 2011 report on international religious freedom, covering the events of 2010, the *USDOS*

²⁵¹ Radio Free Asia, Vietnam: Crackdown ahead of Buddha Day, 3 May 2012, <http://www.rfa.org/english/news/vietnam/crackdown-05032012184026.html>, accessed 9 August 2012.

²⁵² United States Commission on International Religious Freedom, USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

²⁵³ Human Rights Watch, World Report 2012: Vietnam, January 2012, http://www.hrw.org/sites/default/files/related_material/vietnam_2012.pdf, accessed 9 August 2012.

²⁵⁴ Amnesty International, Annual Report 2011: The state of the world's human rights, 12 May 2011, <http://www.amnesty.org/en/region/viet-nam/report-2011#section-159-5>, accessed 9 August 2012.

²⁵⁵ Human Rights Watch, World Report 2011: Vietnam, January 2011, http://www.hrw.org/sites/default/files/related_material/vietnam_2.pdf, accessed 9 August 2012.

reported that there are 1.3 million Hoa Hao Buddhists in Vietnam,

“According to the government, there are 1.3 million Hoa Hao followers; affiliated expatriate groups estimate as many as three million adherents. A small number of Hoa Hao belong to other sects that oppose the officially sanctioned Hoa Hao Administrative Committee, such as the Pure Hoa Hao Church and the Traditional Hoa Hao Church.”²⁵⁶

In its 2012 annual report, covering the events of 2011, the *USCIRF* reported that the government continues to ban and discourage participation in Hoa Hao religion, which has four million followers in Vietnam.²⁵⁷

In December 2011 *Human Rights Watch* stated that Hoa Hao has not been considered an official religion by the Vietnamese government since 1975, although a section of the movement was recognized in 1999,

“Founded in 1939 by Huynh Phu So, Hoa Hao is a Buddhist sect based in the western Mekong delta. Some Hoa Hao adherents opposed the Republic of Vietnam in the mid 1950s as well as the communist insurgency throughout the Vietnam War. After 1975, the Hoa Hao sect was not recognized as an official religion by the Socialist Republic of Vietnam. A section of the Hoa Hao church agreed to submit to state supervision and gained official recognition in 1999. But other Hoa Hao Buddhist factions remain at odds with the government.”²⁵⁸

In its 2012 report on international religious freedom, covering the events of 2011, the *USDOS* reported internal dissension in the Hoa Hao church regarding its relationship with the government,

“The Hoa Hao Administrative Council is the officially recognized Hoa Hao body; however, several leaders of the Hoa Hao community openly criticized the council as overly subservient to the government. Dissenting Hoa Hao groups formed two smaller churches, the Traditional Hoa Hao Church and the Pure Hoa Hao Church. They faced some restrictions on their religious and political activities. The government prohibited commemorations of the disappearance of the Hoa Hao's founder and readings of his writings. The government permitted publication of only five of the 10 Hoa Hao sacred books. Police regularly discouraged worshipers from visiting temples and facilities affiliated with the unrecognized Pure Hoa Hao Church in An Giang, Vinh Long, Dong Thap, and Can Tho, especially on church holidays related to the lunar calendar and the anniversary of the death of the founder of Hoa Hao Buddhism.”²⁵⁹

In December 2011 *Radio Free Asia* reported that “Vietnam recognizes the Hoa Hao, but one sect has broken away and opposes government controls over religion.”²⁶⁰

In December 2011 *Human Rights Watch* stated that “unsanctioned Hoa Hao Buddhist groups have long been a target of government repression.”²⁶¹

In its 2012 annual report, covering the events of 2011, the *USCIRF* provided background information on restrictions imposed to the Hoa Hao Central Buddhist Church (HHCBC),

²⁵⁶ United States Department of State, July-December, 2010 International Religious Freedom Report - Vietnam, 13 September 2011, available from <http://www.unhcr.org/refworld/docid/4e734c55c.html>, accessed 10 August 2012.

²⁵⁷ United States Commission on International Religious Freedom, *USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam*, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

²⁵⁸ Human Rights Watch, Vietnam: Release Hoa Hao Buddhist Activist, 12 December 2011, <http://www.hrw.org/news/2011/12/12/vietnam-release-hoa-hao-buddhist-activist>, accessed 9 August 2012.

²⁵⁹ United States Department of State, 2011 Report on International Religious Freedom - Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

²⁶⁰ Radio Free Asia, Vietnam: Court sentences Buddhist sect members, 13 December 2011, <http://www.rfa.org/english/news/vietnam/sect-12132011171108.html>, accessed 9 August 2012.

²⁶¹ Human Rights Watch, Vietnam: Release Hoa Hao Buddhist Activist, 12 December 2011, <http://www.hrw.org/news/2011/12/12/vietnam-release-hoa-hao-buddhist-activist>, accessed 9 August 2012.

“Independent Hoa Hao groups face severe restrictions and abuses of religious freedom, particularly in An Giang province.

[...]

There is continued friction between independent Hoa Hao and government officials in the Mekong Delta region, including reports of confiscation and destruction of HHCBC-affiliated buildings. HHCBC religious leaders refuse to affiliate with the government-approved Hoa Hao Administrative Council (HHAC) and are openly critical of it, claiming that it is subservient to the regime. HHCBC leaders and their followers have been arrested and sentenced to terms up to four years for staging hunger strikes, distributing the writings of their founding prophet, had ceremonies and holiday celebrations broken up by police and sacred properties confiscated or destroyed, and individual followers faced discrimination and loss of jobs.”²⁶²

In its 2012 report on international religious freedom, covering the events of 2011, the *USDOS* reported the harassment of Hoa Hao followers by the government,

“In March authorities of An Giang, Dong Thap, Vinh Long, and Can Tho ordered surveillance of unsanctioned Hoa Hao monks to prevent followers from commemorating the March 29 disappearance of the Hoa Hao founder. Police blocked roads and harassed or threatened followers. Police beat one follower severely.”²⁶³

In its 2012 world report, covering the events of 2011, *Human Rights Watch* reported that the police prevented Hoa Hao groups from commemorating the anniversary of their founder’s death,

“Local police continue to prohibit unsanctioned Buddhist Hoa Hao groups from commemorating the anniversary of the death of Hoa Hao founder Huynh Phu So.”²⁶⁴

In its 2012 report on international religious freedom, covering the events of 2011, the *USDOS* reported that authorities seized Hoa Hao lands without compensation in the Dong Thap province,

“In June Tran Van Nhon from Dong Thap Province reported that commune authorities illegally confiscated 700 to 800 square meters (7,500-8,000 sq feet) of this commune’s original 1,000 square meters (10,700 sq feet) of land without compensation. Nhon reported that he used the land to hold Hoa Hao worship services. Tong Thiet Linh, also from Dong Thap Province, reported that he stopped holding Hoa Hao worship services in his home after local police issued a citation and threatened to arrest Linh if he did not stop holding services as an unregistered church.”²⁶⁵

In its 2012 annual report, covering the events of 2011, the *USCIRF* reported that two Hoa Hao leaders from Can Tho were denounced in state media, detained and released. *USCIRF* reported that Hoa Hao activists were not receiving adequate medical treatment in prison,

“In March 2011, two leaders of large unrecognized Hoa Hao congregations in Can Tho, Dang Thanh Dinh and Dang Van Nghia, were denounced in the state-run media and by local officials for opposing the government and stirring unrest. The two leaders were later detained and released, but such public denunciations often lead to government action. Several Hoa Hao activists face serious medical problems during imprisonment. Hoa Hao Buddhist activist Mai Thi Dung, who is currently serving an 11-year prison term, is gravely ill, with both feet paralyzed, and is suffering from heart disease and gallstones, according to her family members.”²⁶⁶

²⁶² United States Commission on International Religious Freedom, *USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam*, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

²⁶³ United States Department of State, 2011 Report on International Religious Freedom - Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

²⁶⁴ Human Rights Watch, *World Report 2012: Vietnam*, January 2012, http://www.hrw.org/sites/default/files/related_material/vietnam_2012.pdf, accessed 9 August 2012.

²⁶⁵ United States Department of State, 2011 Report on International Religious Freedom - Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

²⁶⁶ United States Commission on International Religious Freedom, *USCIRF Annual Report 2012 - Countries of Particular Concern:*

In December 2011 *Human Rights Watch* reported that on 2 July 2011 the Dong Thap province police arrested Hoa Hao Buddhist activist Tran Hoai,

“[...] Dong Thap province police arrested Hoa Hao Buddhist activist Tran Hoai An as he returned from visiting Hoa Hao Buddhist prisoners. Tran Hoai An was also among the four Hoa Hao Buddhist activists who met with American diplomats in December 2010.”²⁶⁷

Amnesty International, *Human Rights Watch*, *Radio Free Asia* and *USCIRF* reported the imprisonment and sentencing of two Hoa Hao leaders, Nguyen Van Lia and Tran Hoi An, in December 2011.²⁶⁸

In December 2011 *Radio Free Asia* reported that the two activists were convicted for distributing anti-government propaganda,

“A Vietnamese court sentenced two activists from a Buddhist sect to prison Tuesday for distributing “anti-government” materials, according to relatives and state media.

[...]

The two are members of the Hoa Hao Buddhist church and were arrested in April after police found books, CDs and DVDs, and documents criticizing the communist Vietnamese government of violating religious freedom, state media said.”²⁶⁹

In its 2012 annual report, covering the events of 2011, the *USCIRF* reported that the two Hoa Hao activists were sentenced to three and five years,

“Hoa Hao activists Nguyen Van Lia and Tran Hoi An were sentenced to five and three years, respectively, for “abusing democratic freedom” (Article 258 of the Criminal Code). The two were arrested in November 2011 for allegedly possessing printed materials, CDs, and DVDs criticizing the Vietnamese government’s religious record. Both men are part of an independent Hoa Hao community in An Giang province and met with USCIRF in 2009 to discuss religious freedom violations. At least twelve other Hoa Hao are serving sentences for peaceful public protests against religious freedom restrictions.”²⁷⁰

In December 2011 the *Tuoi Tre*, a daily published by the Communist Youth Union, reported that the two convicted Hoa Hao activists pleaded guilty to acting against the State,

“At court, the two men pleaded guilty to acting against the State, wrongly criticizing Hoa Hao Buddhism that has been recognized by the State, and sowing division within Buddhism.

They said they had committed such wrongdoings since they have low education levels and little knowledge of the law.”²⁷¹

Vietnam, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

²⁶⁷ Human Rights Watch, Vietnam: Release Hoa Hao Buddhist Activist, 12 December 2011, <http://www.hrw.org/news/2011/12/12/vietnam-release-hoa-hao-buddhist-activist>, accessed 9 August 2012.

²⁶⁸ Amnesty International, Annual Report 2012: The state of the world’s human rights, 23 May 2012, <http://www.amnesty.org/en/region/viet-nam/report-2012>, accessed 9 August 2012; Human Rights Watch, Vietnam: Systematic Crackdown on Human Rights, 24 January 2012, <http://www.hrw.org/news/2012/01/23/vietnam-systematic-crackdown-human-rights>, accessed 9 August 2012; Human Rights Watch, Vietnam: Release Hoa Hao Buddhist Activist, 12 December 2011, <http://www.hrw.org/news/2011/12/12/vietnam-release-hoa-hao-buddhist-activist>, accessed 9 August 2012; Radio Free Asia, Vietnam: Court sentences Buddhist sect members, 13 December 2011, <http://www.rfa.org/english/news/vietnam/sect-12132011171108.html/>, accessed 9 August 2012; United States Commission on International Religious Freedom, USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

²⁶⁹ Radio Free Asia, Vietnam: Court sentences Buddhist sect members, 13 December 2011, <http://www.rfa.org/english/news/vietnam/sect-12132011171108.html/>, accessed 9 August 2012.

²⁷⁰ United States Commission on International Religious Freedom, USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

²⁷¹ Tuoi Tre, Two jailed over anti-state documents, 14 December 2011, <http://tuoitrenews.vn/cmlink/tuoiitrenews/society/two-jailed-over-anti-state-documents-1.54572/7.75506>, accessed 18 August 2012.

In December 2011 *Human Rights Watch* reported that Hoa Hao Buddhism was often suppressed by the government and that follower Nguyen Van Lia had previously been arrested,

“Nguyen Van Lia, 71, is a longtime adherent of Hoa Hao Buddhism, a religious group often suppressed by the government, and the co-author of several Hoa Hao Buddhist religious instruction texts and books. He is charged with violating article 258 of the penal code for “abusing democratic freedoms to infringe upon the interests of the state,” an opaque crime that could result in a sentence of up to seven years.

[...]

He was arrested on April 24 with his wife, Tran Thi Bac Lon, on what appeared to be a trumped-up traffic violation as they drove to attend a remembrance ceremony for another deceased Hoa Hao follower. Authorities released his wife that night, but have detained him ever since and prevented his family from seeing him for five months after his arrest.

[...]

He told his family that the police tried to coerce an admission of guilt from him during interrogations and said that when he refused to sign a document prepared by the police, the officers used force to press his fingerprint onto the document.

[...]

In 2003, Nguyen Van Lia was sentenced to three years in prison for commemorating the anniversary of the death of the Hoa Hao Buddhist founder, Huynh Phu So, who had never returned from a meeting with communist representatives in 1947. The sentence was later reduced to 18 months.”²⁷²

In December 2011 *Human Rights Watch* reported that Nguyen Van Lia’s family “has publicly raised serious concerns about the deterioration of his health.”²⁷³

In its 2012 annual report, covering the events of 2011, the *USCIRF* reported that “Hoa Hao scholar Nguyen Van Lia has lost most of his hearing, suffers from high blood pressure, and has several cracked ribs, reportedly from mistreatment in custody.”²⁷⁴

iii. Khmer

In its 2012 annual report, covering the events of 2011, the *USCIRF* reported, “the situation of the ethnic Khmer Buddhists has been an underreported problem in the State Department’s Religious Freedom report.”²⁷⁵

In its 2012 annual report, covering the events of 2011, the *USCIRF* reported that the government represses Khmer Buddhists in the Mekong Delta,

“The Vietnamese government’s ongoing repression of the language, culture, and religion of ethnic Khmer living in Vietnam has led to rising resentment in the Mekong Delta, where as many as one million ethnic minority Khmer Buddhists live. Khmer Buddhism is associated with the Theravada branch and has religious and ethnic traditions distinct from the dominant Mahayana Buddhist tradition practiced in most of Vietnam. Some Khmer Buddhists have called for a separate religious organization, distinct from the government-approved Vietnamese Buddhist Sangha (VBS). Religious freedom concerns continue to be central to demands of ethnic minority Khmer for human rights protections and preservation of their unique language and culture.

²⁷² Human Rights Watch, Vietnam: Release Hoa Hao Buddhist Activist, 12 December 2011, <http://www.hrw.org/news/2011/12/12/vietnam-release-hoa-hao-buddhist-activist>, accessed 9 August 2012.

²⁷³ Human Rights Watch, Vietnam: Release Hoa Hao Buddhist Activist, 12 December 2011, <http://www.hrw.org/news/2011/12/12/vietnam-release-hoa-hao-buddhist-activist>, accessed 9 August 2012.

²⁷⁴ United States Commission on International Religious Freedom, USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

²⁷⁵ United States Commission on International Religious Freedom, USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

Long-simmering tensions emerged in 2007, as Khmer Buddhist monks in Tra Vinh and Soc Trang provinces peacefully protested government restrictions on their freedoms of religion and movement and Khmer language training. The monks objected to the government's restricting the number of days allowed for certain Khmer religious festivals and called on the government to allow Khmer Buddhist leaders to make decisions regarding the monk ordinations and the content of religious studies at pagoda schools. The protestors also called for more education in Khmer language and culture. Provincial officials initially promised to address the monks' concerns, but soon began arresting monks suspected of leading the protests; some reportedly were beaten during interrogations. At least 20 monks were defrocked and expelled from their pagodas, and five suspected of leading the demonstrations were sentenced to between one and five years in prison. Defrocked monks were sent home to their villages, where they were placed under house arrest or police detention.

In 2009 interviews with USCIRF, monks who had fled Vietnam described severe restrictions on their religious life. They claimed that they had applied to hold a demonstration in advance, and contrary to government views, it was not a spontaneous event. They also described in detail the beatings and torture they endured in detention, including one monk stating that he was beaten every day for a full year.

The Vietnamese government, through the VBS, began an academy in 2008 that focused on Theravada Buddhism and allowed for the possibility of lengthier ordination ceremonies. In addition, the government expanded the Pali language school in Soc Trang province, the site of the demonstrations. However, it is unclear whether these actions will be sufficient to address long-standing grievances over religious restrictions, land confiscation, and discrimination based on ethnicity.²⁷⁶

In 2009 *Human Rights Watch* reported that following public protests by Khmer Krom in 2007, twenty monks were arrested and five monks were imprisoned, some of whom were beaten in detention,

“Of the 20 monks arrested and defrocked between February and May 2007, five remained in detention at Soc Trang provincial prison until May 10, when they were sentenced to prison.

The five monks were Ly Hoang, 21, from Sam Rong Pagoda; Kim Muol, 22, from Ta Sek Pagoda; Thach Thuong, 25, and Ly Suong, 32, from Tuk Prae Pagoda; and Danh Tol, 26, from Karon Pagoda in Can Tho Province.

During the monks' two-and-a-half month pre-trial detention, police interrogated them on almost a daily basis, sometimes from early morning until late at night. Some of the monks were beaten during interrogation. In a group letter written by the monks while in prison, they stated:

During the interrogation the Vietnamese authorities used all kinds of tricks and threats: beating us, trying to stir us up and misguide us, or make us lose our minds by using the sweet words of the Vietnamese devil savage tiger. They told us if we agreed to answer in the easy and honest way, they would reduce our sentence... During interrogation they tried to find out who were the masters, the leaders, the ones who initiated [the protest] and determine all the reasons [for the protest]. Moreover they recorded all of our words on the telephone, between the telecommunication system inside the country and outside. There were at least 300 pages [of interrogation reports]!²⁷⁷

In its 2011 world report, covering the events of 2010, *Human Rights Watch* reported that “religious

²⁷⁶ United States Commission on International Religious Freedom, USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

²⁷⁷ Human Rights Watch, *On the Margins; Rights abuses of ethnic Khmer in Vietnam's Mekong Delta*, January 2009, http://www.hrw.org/sites/default/files/reports/vietnam0109web_0.pdf, accessed 26 October 2012

leaders under house arrest include [...] Khmer Krom Buddhist Abbot Thach Sophon.”²⁷⁸

In its 2012 annual report, covering the events of 2011, the *USCIRF* stated that “Khmer Buddhist abbot Thach Sophon continues to serve a house detention sentence given in 2010.”²⁷⁹

In April 2011 a daily newspaper published by the Communist Youth Union, *Tuoi Tre*, reported that a governmental official attended a Khmer traditional celebration in the Soc Trang province,

“Khmer people in the southern province of Soc Trang on April 12 met in a get-together to celebrate their New Year festival, Chol Chnam Thmay.

Addressing the event, Duong Sa Kham, Head of the provincial Committee for Ethnic Affairs said the Party and State’s policies have created favourable conditions for the local ethnic community to improve their lives both materially and spiritually.”²⁸⁰

In June 2011 the *Tuoi Tre*, a daily published by Communist Youth Union, reported bilingual teaching of Khmer and Vietnamese language in pagodas in the Mekong Delta province of An Giang,

“The province is now home to 65 pagodas of Khmer ethnic people, providing free of charge Khmer-Vietnamese bilingual classes for both monks and nuns and children nearby.

According to Most Venerable Chau Cak My A pagoda of Nui Voi commune, Tinh Bien district, the teaching of Khmer language is necessary for both monks and nuns and people in the province, as it helps preserve Khmer language as well as enable local people read newspapers and documents.”²⁸¹

In their 2011 World Report covering the events of 2010, *Human Rights Watch* reported that Khmer Krom who fled to Cambodia from Vietnam were refused asylum,

“The authorities also refused asylum for Khmer Krom (ethnic Khmers from southern Vietnam) who fled to Cambodia from Vietnam. Despite promises to treat Khmer Krom as Cambodian citizens, authorities failed to grant many Khmer Krom citizenship and residence rights, including 24 who were deported to Cambodia in December 2009 after a failed asylum bid in Thailand. In February 2010 authorities rejected the group’s request to receive documents needed to rent housing, get jobs, and access healthcare, education, and other services.”²⁸²

In their 2012 World Report covering the events of 2011 *Human Rights Watch* reported that Cambodian authorities did not grant asylum to Khmer Krom and that asylum seekers from Vietnam were at risk of forced repatriation,

“Asylum seekers, especially from Vietnam and China, remain at risk of forced repatriation in violation of the Refugee Convention. On February 15 the government ordered closed the refugee center in Phnom Penh sheltering Montagnard refugees from Vietnam. Despite international urging, the government did not amend its sub-decree on determining refugee status, which fails to incorporate the Refugee Convention’s definition of refugee and otherwise to fulfill Cambodia’s obligations as a party to that convention.

²⁷⁸ Human Rights Watch, World Report 2011: Vietnam, January 2011, http://www.hrw.org/sites/default/files/related_material/vietnam_2.pdf, accessed 9 August 2012

²⁷⁹ United States Commission on International Religious Freedom, USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012

²⁸⁰ Tuoi Tre, Khmer in Soc Trang, Can Tho enjoy New Year, 13 April 2011, <http://tuoitrenews.vn/cmmlink/tuoiitrenews/lifestyle/khmer-in-soc-trang-can-tho-enjoy-new-year-1.27636>, accessed 18 August 2012

²⁸¹ Tuoi Tre, Vietnamese-Khmer bilingual teaching popular in An Giang, 28 June 2010, <http://tuoitrenews.vn/cmmlink/tuoiitrenews/society/vietnamese-khmer-bilingual-teaching-popular-in-an-giang-1.5475>, accessed 18 August 2012

²⁸² Human Rights Watch, World Report 2011, Cambodia, <http://www.hrw.org/world-report-2011/cambodia>, accessed 26 October 2012

Cambodian authorities still do not grant asylum to Khmer Krom—ethnic Khmer from southern Vietnam—who fled Vietnam. Despite promises to treat them as Cambodian citizens, authorities have failed to grant many of them citizenship or residence rights.”²⁸³

In March 2011 the *Refugee Council of Australia* reported that Cambodian authorities refuse to consider asylum applications from Khmer Krom as they are entitled to Cambodian citizenship, however the *Refugee Council of Australia* stated that Khmer Krom face difficulties in accessing citizenship and those without documents are effectively stateless,

“Cambodia’s Refugee Office refuses to consider asylum claims lodged by members of Vietnam’s Khmer Krom ethnic group on the basis that, as ethnic Khmers, they are automatically entitled to Cambodian citizenship. However, there is no regularised citizenship registration process for the Khmer Krom in Cambodia, with the result that they face difficulties in accessing citizenship rights. Those who are unable to obtain citizenship documents are effectively stateless. Political activity by Khmer Krom in Cambodia has been heavily repressed, often in collaboration with the Vietnamese Government. In one case, Cambodian authorities arrested and deported a leading Khmer Krom activist, who was later imprisoned in Vietnam following a trial which did not meet international standards.”²⁸⁴

We were unable to find information regarding home-grown or grass-root groups promoting greater religious freedom for Khmer Krom within the sources consulted during the timeframe of this research.

iv. Other Buddhist groups

In its 2012 annual report, covering the events of 2011, the *USCIRF* reported that the Lang Mai (Plum Village) Buddhist order is banned and its followers harassed in Vietnam,

“The Lang Mai (Plum Village) Buddhist order associated with well-known Zen Master Thich Nhat Hanh remains banned in Vietnam. The monks and nuns affiliated with the order are dispersed and some live in exile in third countries. In September 2009, after months of government harassment, over 300 Lang Mai Buddhist monks and nuns were forcibly removed from Bat Nha monastery in Lam Dong province. The government took action to disband the order after Thich Nhat Hanh called publicly on the government to release all political prisoners, disband the "religious police," and establish an "independent Buddhist church" not connected to politics.

Monks were reportedly beaten, degraded, and sexually assaulted; two senior monks, Phap Hoi and Phap Sy, were detained. Over 200 Buddhist monks and nuns sought temporary refuge at the nearby pagoda of Phuoc Hue; three months later, the government forcibly evicted all 400 monks and nuns residing at Phuoc Hue. A senior monk at another Lang Mai meditation center in Khanh Hoa province went into hiding to avoid arrest. Two hundred Lang Mai followers left to seek asylum in Thailand and, as of the end of the reporting period, were seeking religious worker visas to reside in the United States, Germany, Australia, or France. Another 200 monks and nuns returned to their home provinces in Vietnam, where police harassment continues and authorities threaten family members with job loss and reduced government benefits unless they renounce their Lang Mai affiliation.

In 2005, the Vietnamese government had welcomed Thich Nhat Hanh and the establishment of the Lang Mai order in Vietnam. His return was hailed as evidence of religious freedom progress by both Hanoi and the State Department when the CPC designation was removed in 2006.”²⁸⁵

²⁸³ Human Rights Watch, World Report 2012, Cambodia, <http://www.hrw.org/world-report-2012/world-report-2012-cambodia>, accessed 26 October 2012

²⁸⁴ Refugee Council of Australia, Developing an Asia-Pacific Protection Framework, March 2011, <http://www.refugeecouncil.org.au/r/i/sub/2011-12-IntakeSub-Sec4.pdf>, accessed 26 October 2012

²⁸⁵ United States Commission on International Religious Freedom, USCIRF Annual Report 2012 - Countries of Particular Concern:

c. Other religious groups

In its 2011 report on international religious freedom, covering the events of 2010, the *USDOS* reported that there are small populations of Muslims, Hindus, Baha'is and Jews in Vietnam,

"The small Muslim population numbers 70,000 to 80,000, and mosques are located in Ho Chi Minh City, Hanoi, western An Giang Province, and provinces in the southern coastal area. The government estimates there are nearly 73,000 Muslims. Approximately 40 percent of Muslims are Sunnis; the remaining 60 percent practice Bani Islam.

There are several smaller religious communities, the largest of which is the Hindu community. Approximately 50,000 ethnic Cham in the south-central coastal area practice a devotional form of Hinduism. There are an estimated 7,200 Bahais, largely concentrated in the south.

[...]

There is one Jewish temple in Ho Chi Minh City serving approximately 150 Jews, mainly foreign residents, living in the city."²⁸⁶

i. Falun Gong

In its 2012 report on international religious freedom, covering the events of 2011, the *USDOS* reported the imprisonment of Falun Gong practitioners,

"In October one Falun Gong adherent reported that although a group of Falun Gong practitioners had held weekly Falun Gong exercises in a Ho Chi Minh City park since 2009, police arrested seven of 25 Falun Gong practitioners in Ho Chi Minh City and detained them for eight hours. Two of the seven detainees did not have identification documents with them, and police transferred them to a Social Protection Center. They were released within 24 hours."²⁸⁷

In its 2012 report on international religious freedom, covering the events of 2011, the *USDOS* reported that Falun Gong practitioners were arrested for broadcasting to China,

"In November 2010 authorities arrested Vu Duc Trung and Le Van Thanh, affiliated with the Falun Gong movement, in Hanoi for illegally broadcasting spiritual as well as political messages into China. In February the Hanoi People's court convicted Trung and Thanh for "illegally broadcasting information and operating information networks without a license" and sentenced them to three and two years' imprisonment, respectively."²⁸⁸

The *USDOS* country report on human rights practices for 2011 stated that approximately 30 Falun Gong practitioners were beaten and detained following demonstrations outside the Chinese embassy,

"On November 8, plainclothes security officials beat and detained approximately 30 Falun Gong practitioners who demonstrated outside the Chinese embassy in Hanoi in support of Vu Duc Trung and Le Van Thanh, whom authorities had arrested in 2010 and charged with broadcasting illegally into China"²⁸⁹

Vietnam, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

²⁸⁶ United States Department of State, July-December, 2010 International Religious Freedom Report - Vietnam, 13 September 2011, available from <http://www.unhcr.org/refworld/docid/4e734c55c.html>, accessed 10 August 2012.

²⁸⁷ United States Department of State, 2011 Report on International Religious Freedom - Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

²⁸⁸ United States Department of State, 2011 Report on International Religious Freedom - Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

²⁸⁹ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

The *USDOS* country report on human rights practices for 2011 stated that two men affiliated with the Falun Gong movement were imprisoned for illegally broadcasting radio programmes into China,

“In February the Hanoi People’s Court convicted Vu Duc Trung and Le Van Thanh, affiliated with the Falun Gong movement, of “illegally broadcasting information [into China] and operating information networks without a license” and sentenced them to three and two years’ imprisonment, respectively. Police had arrested them in Hanoi in November 2010 for broadcasting Falun Gong radio programs.”²⁹⁰

In November 2010 the *Than Nien* also reported the arrest of the two men accused of broadcasting Falun Gong messages overseas,

“Investigators from the Ministry of Public Security have asked the country’s top prosecutors to press charges against two men who set up a broadcast station in Hanoi to propagate to people abroad a religion banned in several countries.

Vu Duc Trung, 30, and Le Van Thanh, 35, both Hanoi locals, are facing charges of “illegally loading information on telecommunication network.”

Investigations show that between April last year and September this year, Trung set up three systems for receiving and broadcasting telecom signals at Thanh’s house.”²⁹¹

In its 2012 report on international religious freedom, covering the events of 2011, the *USDOS* reported that the two men were convicted for “illegally using information in computer networks,”

“Falun Gong practitioners Le Van Thanh and Vu Duc Trung were each sentenced in September 2011 to two years for “illegally using information in computer networks” (Article 226 of the Criminal Code). The two men operated a short-wave radio broadcast called Sound of Hope broadcasting information about human rights abuses in China. Thirty Falun Gong practitioners were beaten and briefly detained for staging a peaceful meditation protest outside the Chinese embassy. Falun Gong is not explicitly banned in Vietnam.”²⁹²

In its 2012 annual report, covering the events of 2011, *Amnesty International* reported that the police beat and arrested at least 30 Falun Gong followers who were demonstrating against the arrest of Vu Duc Trung and Le Van Thanh,

“In November, police beat and arrested at least 30 peaceful Falun Gong demonstrators outside the Chinese embassy in Ha Noi. They had been protesting against the trial of two local Falun Gong broadcasters, Vu Duc Trung and Le Van Thanh.”²⁹³

In November 2011 *Amnesty International* reported that the 30 demonstrators who were arrested were detained at different detention centres,

“The beating and arrest of at least 30 peaceful Falun Gong demonstrators outside the Chinese embassy in Hanoi yesterday is an unacceptable violation of freedom of expression, Amnesty International said today.

The demonstrators were protesting the trial and mistreatment of two local Falun Gong

²⁹⁰ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

²⁹¹ Thanh Nien, Hanoi men face charges for propagating controversial religion, 9 November 2010, <http://www.thanhniennews.com/index/pages/20101109172740.aspx>, accessed 18 August 2012.

²⁹² United States Commission on International Religious Freedom, USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

²⁹³ Amnesty International, Annual Report 2012: The state of the world’s human rights, 23 May 2012, <http://www.amnesty.org/en/region/viet-nam/report-2012>, accessed 9 August 2012.

broadcasters, Vu Duc Trung and Le Van Thanh, who had worked for the movement's radio station The Sound of Hope.

[...]

According to Falun Gong sources, police first dumped dirty water on the protesters to encourage them to move on. When the demonstrators did not move, the demonstrators were reportedly beaten and kicked while being moved into police vehicles and taken away into detention. Falun Gong witnesses allege that the police focused on assaulting practitioners who had cameras.

The group were reportedly held first in a stadium, then distributed among several police detention centres in Hanoi. It is not clear if they have been charged.”²⁹⁴

ii. Cao Dai

In its 2011 report on international religious freedom, covering the events of 2010, the *USDOS* reported that there are between 2.3 and 3.9 million Cao Dai followers in Vietnam,

“Government statistics put the number of Cao Dai, a syncretic religion combining elements of many faiths, at 2.3 million, although Cao Dai officials claim approximately 3.9 million adherents.”²⁹⁵

In its 2012 annual report, covering the events of 2011, the *USCIRF* reported that the Vietnamese government bans and discourages participation in independent factions of the Cao Dai, which has three million members.²⁹⁶

In its 2012 annual report, covering the events of 2011, the *USCIRF* reported that the government has long harassed the Cao Dai,

“The government rejected the Cao Dai charter drawn up before the 1950s, has refused to allow the community to maintain its own independent source of income, and beginning in 1975, seized, without compensation, Cao Dai properties. Some Cao Dai traditionalists have refused to participate in the government-appointed management committees and have formed independent groups.”²⁹⁷

In its 2012 report on international religious freedom, covering the events of 2011, the *USDOS* reported that the government seized land and destroyed properties of a Cao Dai group,

“On July 20, local police dismantled a Cao Dai temple in Phan Rang city, Ninh Thuan Province. Prior to the temple being demolished, local officials demanded that the land be handed over to them. When Cao Dai adherents protested, local officials forcibly removed the Cao Dai followers, razed the temple, and confiscated the land without compensation.”²⁹⁸

In its 2012 annual report, covering the events of 2011, the *USCIRF* reported that a Cao Dai leader had been in prison since 2010 for criticizing police officers,

“Also remaining in prison is Cam Tu Huynh, a leader of an unrecognized sect of the Cao Dai faith who was arrested in 2010 for criticizing several police officers for breaking up a

²⁹⁴ Amnesty International, Viet Nam: Falun Gong practitioners detained over meditation protest”, 9 November 2011, <http://www.amnesty.org/en/news/viet-nam-falun-gong-practitioners-detained-over-meditation-protest-2011-11-09>, accessed 9 August 2012.

²⁹⁵ United States Department of State, July-December, 2010 International Religious Freedom Report - Vietnam, 13 September 2011, available from <http://www.unhcr.org/refworld/docid/4e734c55c.html>, accessed 10 August 2012.

²⁹⁶ United States Commission on International Religious Freedom, USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

²⁹⁷ United States Commission on International Religious Freedom, USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

²⁹⁸ United States Department of State, 2011 Report on International Religious Freedom - Vietnam, 30 July 2012, available at: <http://www.unhcr.org/refworld/docid/50210573c.html> [accessed 9 August 2012]

public protest against the government-sanctioned Cao Dai Administrative Board.

[...]

Eleven Cao Dai members were arrested in 2005 for protesting government intrusion in Cao Dai affairs; five remain in prison at the time of this report.”²⁹⁹

In its 2011 world report covering the events of 2010 *Human Rights Watch* reported that members of the Cao Dai religion were in prison “for their religious or political beliefs-or a combination of the two” .³⁰⁰

In its 2011 world report covering the events of 2010 *Human Rights Watch* also reported that a Cao Dai leader was sentenced for slander,

“In May religious leader Cam Tu Huynh was sentenced to prison on charges of slander for criticizing police crackdowns against followers of the unrecognized branch of the Cao Dai religion.”³⁰¹

iii. Baha’i

In its report on international religious freedom, covering the events of 2011, the *USDOS* reported that the Vietnamese government allowed Baha’i practitioners to attend a gathering for the first time,

“From April 23-24, the Baha’i Community of Vietnam held its fourth National Congress in the southern city of Phan Thiet, Binh Thuan Province. More than 300 members of the Baha’i Faith gathered for the annual election of their national nine-member religious administrative board known as the National Spiritual Assembly. During the gathering, for the first time the government allowed Baha’i representatives from other regional nations to join the event and actively participate.”³⁰²

²⁹⁹ United States Commission on International Religious Freedom, USCIRF Annual Report 2012 - Countries of Particular Concern: Vietnam, 20 March 2012, available from <http://www.unhcr.org/refworld/docid/4f71a66ec.html>, accessed 9 August 2012.

³⁰⁰ Human Rights Watch, World Report 2011: Vietnam, January 2011, http://www.hrw.org/sites/default/files/related_material/vietnam_2.pdf, accessed 9 August 2012.

³⁰¹ Human Rights Watch, World Report 2011: Vietnam, January 2011, http://www.hrw.org/sites/default/files/related_material/vietnam_2.pdf, accessed 9 August 2012.

³⁰² United States Department of State, 2011 Report on International Religious Freedom - Vietnam, 30 July 2012, available from <http://www.unhcr.org/refworld/docid/50210573c.html>, accessed 9 August 2012.

D. Political dissidents and activists

1. Government/political system

In 2009 the *Vietnamese government* stated that the governmental system is defined by the 1992 Constitution and that the National Assembly, elected by the people is the supreme decision making body,

“The 1992 Constitution defines the structure and functions of the system of government. National Assembly is the supreme body of State authority representing the will and desire of the people. It is elected by the people and has constitutional, legislative, policy-planning for national development and oversight functions. The operation of all State authorities, including the Government, Court, Procuracy and the President is subject to National Assembly oversight. Government is the executive and top administrative body of Viet Nam responsible for the comprehensive management of all areas and implementation of the Constitution and laws. People’s Councils are the local State authorities responsible for the implementation of the Constitution and laws, and management of all areas in their respective localities through the People’s Committees – the executive bodies elected by the People’s Councils. Having judicial functions, the People’s Courts and People’s Procuracies are entrusted with protecting the legal rights and interests of the people.”³⁰³

The *USDOS* country report on human rights practices for 2011 stated that under the constitution Vietnam is a one party state, with all political power invested in the Communist Party of Vietnam, opposition parties are not permitted and members face arrest and detention,

“The constitution vests all authority and political power in one party, the CPV, and recognizes the leadership of the CPV. The CPV Politburo functions as the supreme decision-making body in the country, although technically it reports to the CPV Central Committee. Political opposition movements and other political parties are illegal.

The government continued to restrict public debate and criticism severely. No public challenge to the legitimacy of the one-party state was permitted, although there were instances of unsanctioned letters critical of government policy from private citizens. For example, former government officials and leading academicians criticized the government’s decision to allow substantial foreign investment in bauxite mining and its handling of sovereignty claims in the South China Sea (East Sea). The government continued to crack down on the small, opposition political groups established in 2006, and group members faced arrests and arbitrary detentions.”³⁰⁴

The *USDOS* country report on human rights practices for 2011 states that the National Assembly is subject to the control of the Communist Party of Vietnam,

“The National Assembly, although subject to the control of the CPV (all of its senior leaders and more than 90 percent of its members are party members), continued to take incremental steps to assert itself as a legislative body. A majority of National Assembly committees increased the number of members on the committees in an attempt to exert more influence over budgetary matters and to review and provide recommendations on policy matters. For example, the number of members on the External Relations Committee increased from 30 to 36, the Committee on Social Issues increased its membership from 40

³⁰³ United Nations General Assembly, Human Rights Council, national report submitted in accordance with paragraph 15 (A) of the annex to human rights council resolution 5/1; Vietnam, A/HRC/WG.6/5/VNM/1, 16 February 2009, http://lib.ohchr.org/HRBodies/UPR/Documents/Session5/VN/A_HRC_WG6_5_VNM_1_E.pdf, accessed 5 August 2012

³⁰⁴ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

to 50 members, and the committees on legal affairs and defense increased the number of vice chairs. In August the National Assembly appointed a Constitutional Amendment Drafting Committee and adopted a statement by its Standing Committee giving guidance on the scope and timetable of the drafting process.”³⁰⁵

In its 2012 annual report *Freedom House* stated that the Communist Party of Vietnam (CPV) is the only legal political party and that the National Assembly follows directives from the CPV,

“Vietnam is not an electoral democracy. The CPV, the sole legal political party, controls politics and the government, and its Central Committee is the top decision-making body. The National Assembly, whose 500 members are elected to five-year terms, generally follows CPV dictates. The Vietnam Fatherland Front, essentially an arm of the CPV, vets all candidates. The president, elected by the National Assembly for a five-year term, appoints the prime minister, who is confirmed by the legislature.”³⁰⁶

In its 2012 annual report *Freedom House* stated that corruption and nepotism are problems amongst officials,

“Corruption and abuse of office are serious problems. Although senior CPV and government officials have acknowledged growing public discontent, they have mainly responded with a few high-profile prosecutions of corrupt officials and private individuals rather than comprehensive reforms. Government decisions are made with little transparency, and revelations of contracts with Chinese and other foreign companies for major mining or development projects have generated considerable controversy. The sons of several senior CPV leaders were appointed to top positions during the 11th Party Congress in 2011, suggesting that nepotism is becoming a serious problem in Vietnam.”³⁰⁷

The *USDOS* country report on human rights practices for 2011 states that recent elections in May 2011 were not free or fair,

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

According to the government, more than 99 percent of the 62 million eligible voters cast ballots in the May election, a figure that international observers considered improbably high. (Voters are permitted to cast ballots by proxy, and local authorities are charged with assuring that all eligible voters cast ballots by organizing group voting and all voters within their jurisdiction are recorded as having voted.) CPV candidates won 458 of the 500 seats. Only four of the 15 self-nominated candidates won.”³⁰⁸

In its 2012 world report covering the events of 2011 *Human Rights Watch* stated that the Vietnamese National Assembly elections in May were not free or fair and Prime Minister Nguyen Tan Dung started a second term in July,

³⁰⁵ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

³⁰⁶ Freedom House, Freedom in the World 2012; Vietnam, <http://www.freedomhouse.org/report/freedom-world/2012/vietnam>, accessed 15 August 2012

³⁰⁷ Freedom House, Freedom in the World 2012; Vietnam, <http://www.freedomhouse.org/report/freedom-world/2012/vietnam>, accessed 15 August 2012

³⁰⁸ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

“The 11th Vietnam Communist Party Congress in January 2011 and the stage-managed National Assembly election in May determined the leadership of the party and government for the next five years. During both, there was no sign of any serious commitment to improve Vietnam’s abysmal human rights record. Prime Minister Nguyen Tan Dung began his second term in July, enjoying strong support from the Ministry of Public Security and other hard-liners.”³⁰⁹

In its 2012 annual report *Amnesty International* reported that, “[a] new government was formed in July, with the Prime Minister elected for a second five-year term.”³¹⁰

2. Domestic legal framework on freedom of political expression

The *USDOS* country report on human rights practices for 2011 stated that Vietnamese citizens could not freely choose their government,

“The constitution does not provide for the right of citizens to change their government peacefully, and citizens could not freely choose the officials that govern them.”³¹¹

The *USDOS* country report on human rights practices for 2011 states that freedom of association was severely restricted and that opposition political parties were not permitted,

“The government severely restricted freedom of association and neither permitted nor tolerated opposition political parties. The government prohibited the establishment of private, independent organizations, insisting that persons work within established, party-controlled mass organizations, usually under the aegis of the VFF. However, some entities, including unregistered religious groups, were able to operate outside of this framework with little or no government interference.

Authorities occasionally physically prevented political activists and family members of political prisoners from meeting with foreign diplomats. Tactics included setting up barriers or guards outside diplomats’ residences or calling individuals into local police stations for random and repetitive questioning.”³¹²

The *USDOS* country report on human rights practices for 2011 stated that freedom of assembly was limited and protests were restricted by the government,

“The law limits freedom of assembly, and the government restricted and monitored all forms of public protest or gathering. Law and regulation require persons wishing to gather in a group to apply for a permit, which local authorities may issue or deny arbitrarily. In practice only those arranging publicized gatherings to discuss sensitive matters appeared to require permits, and persons routinely gathered in informal groups without government interference. The government generally did not permit demonstrations that could be seen to have a political purpose. The government also restricted the right of several unregistered religious groups to gather in worship.”³¹³

The *USDOS* country report on human rights practices for 2011 stated that freedom of speech and of the press were restricted,

³⁰⁹Human Rights Watch, World Report 2012: Vietnam, <http://www.hrw.org/world-report-2012/world-report-2012-vietnam>, accessed 15 August 2012

³¹⁰Amnesty International, Annual Report 2012, Vietnam, 24 May 2012, <http://www.amnesty.org/en/region/viet-nam/report-2012>, accessed 6 August 2012

³¹¹United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/i/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

³¹²United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/i/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

³¹³United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/i/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

“Although the constitution and law provide for freedom of speech, including for members of the press, the government continued to use broad national security and antidefamation provisions to restrict these freedoms. The law defines the crimes of “sabotaging the infrastructure of socialism,” “sowing divisions between religious and nonreligious people,” and “conducting propaganda against the Socialist Republic of Vietnam” as serious offenses against national security. It also expressly forbids “taking advantage of democratic freedoms and rights to violate the interests of the state and social organizations.”

Freedom of Speech: The government continued to restrict speech that criticized individual government leaders; promoted political pluralism or multiparty democracy; or questioned policies on sensitive matters such as human rights, religious freedom, or sovereignty disputes with China.

Freedom of Press: The CPV, government, and party-controlled mass organizations controlled all print, broadcast, and electronic media. The government exercised oversight through the Ministry of Information and Communication, under the overall guidance of the CPV Propaganda and Education Commission. Private ownership of any media outlet continued to be prohibited.”³¹⁴

The *USDOS* country report on human rights practices for 2011 stated that the government intervened to censor stories and journalists practiced self censorship under fear of arrest,

“The Ministry of Information and Communication and the Propaganda and Education Commission frequently intervened directly to dictate or censor a story. More often, however, the party and government maintained control over media content through pervasive self-censorship, backed by the threat of dismissal and possible arrest. As long as the government did not deem their content to have been “sensitive,” authorities permitted some private investors to operate television channels and news-aggregator Web sites and publish certain pages in newspapers.”³¹⁵

The *USDOS* country report on human rights practices for 2011 stated that foreign media organisations faced difficulties in hiring local reporters and that reporters on temporary assignment in Vietnam are usually assigned a Foreign Ministry minder,

“Foreign journalists must be approved by the Foreign Ministry’s press center and based in Hanoi, with the exception during the year of one correspondent reporting solely on economic matters who lived in and worked from Ho Chi Minh City while accredited to Hanoi. Foreign journalists are required to renew their visas every three to six months. The allowed number of foreign media employees was limited, and Vietnamese employees working for foreign media are required to register with the Foreign Ministry.

The procedure for foreign media outlets to hire local reporters and photographers and receive accreditation approval continued to be cumbersome. The press center nominally monitored journalists’ activities and approved, on a case-by-case basis, requests for interviews, photographs, filming, or travel, which must be submitted at least five days in advance. Reporters temporarily on assignment in the country are typically assigned a Foreign Ministry minder—with the cost paid by the news organization. By law foreign journalists are required to address all questions to government agencies through the Foreign Ministry, although this procedure often was ignored in practice. Foreign journalists noted that they notified authorities about their travel outside Hanoi when it involved a story

³¹⁴ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

³¹⁵ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

that the government would consider sensitive or where the travel was in an area considered sensitive, such as the Northwest or Central Highlands."³¹⁶

The *USDOS* country report on human rights practices for 2011 stated that the government increased efforts to control the press,

"Despite the continued growth of Internet blogs, the party and government increased efforts to suppress press freedom, continuing a three-year-old "rectification" campaign."³¹⁷

In February 2011 *Human Rights Watch* reported that the Vietnamese government introduced Decree No. 2, Sanctions for Administrative Violations in Journalism and Publishing which imposes fines on journalists and media agencies who breach its articles, *Human Rights Watch* expressed concern that it would enforce self-censorship within the media,

"The Vietnamese government's new media decree, which fines journalists for vague infractions and requires them to publish sources, is a further blow to freedom of expression in Vietnam, Human Rights Watch said today. Decree No. 2, Sanctions for Administrative Violations in Journalism and Publishing, goes into effect on February 25, 2011.

The decree, which Prime Minister Nguyen Tan Dung signed on January 6, stipulates fines from one million to 40 million dong (US\$50-2,000) for journalists and newspapers that violate the decree's overly broad and vague provisions, such as failing to abide by the requirements of the 1990 Press Law (as amended in 1999) to "provide honest domestic and international news in accordance with the interests of the country and the people."

[]

Decree No. 2 authorizes many branches of government to impose fines on journalists and newspapers at any time, based on arbitrary determinations by officials at various levels and from numerous agencies of what constitutes "the interests of the country and the people." These include inspectors from the Ministry of Information and Communications, chairs of the People's Committees at all levels, the police force, the border army, the marine police, customs and tax officials, market management inspectors, and others."

[]

Article 7 of the decree imposes fines on journalists who fail to publish their sources of information in newspapers. It also sets out fines of between 10 million and 20 million dong (US\$500-1,000) for journalists and newspapers if they "use documents and materials from organizations and personal letters and materials from individuals, without clearly stating the sources of such information, related to cases under investigation, cases that have not been brought to trial, 'negative' cases (*cac vu viêc tieu cuc*), or cases where there are indications that laws have been broken but the relevant state offices have not yet issued conclusions."

"The new media decree appears designed to intimidate whistle-blowers and victims of rights abuses from cooperating with the media," Robertson said. "It will discourage them from providing information to journalists for fear of being exposed and then targeted for reprisals by authorities."

Decree No. 2 appears to conflict with another Vietnamese law, the 1990 Press Law, which states in article 7 that "the press has the right and duty not to disclose the names of those who provide information if it is harmful to them, unless requested by the Head of the People's Procuracy or the Judge of the People's Court at the provincial and equivalent level or higher, for investigation and trial of serious criminal cases."³¹⁸

³¹⁶ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/i/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

³¹⁷ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/i/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

³¹⁸ Human Rights Watch, Vietnam: New decree punished press, 23 February 2011, <http://www.hrw.org/news/2011/02/23/vietnam-new-decree-punishes-press>, accessed 6 August 2012

In its index of Attacks against the Press during 2011, the *Committee to Protect Journalists* stated that journalists and bloggers were being targeted in a media crackdown,

“Vietnam intensified a media crackdown targeting online journalists and bloggers, reasserting the government’s near-total control of domestic news media. Authorities arrested and detained five bloggers and contributors to online news publications, bringing to nine the number of journalists behind bars. Political bloggers Pham Minh Hoang and Vi Duc Hoi were both given harsh prison sentences on antistate charges related to their writings. Authorities continued to hold and deny visitation privileges for blogger Nguyen Van Hai even though his prison sentence expired in October 2010. A new executive decree that came into force in February gave the government greater powers to penalize journalists, editors, and bloggers who reported on issues deemed sensitive to national security. An “accusation” bill passed in November was designed to force journalists to reveal the identities of confidential sources critical of government agencies.”³¹⁹

The *USDOS* country report on human rights practices for 2011 stated that internet access is available only through state owned ISPs, and that the government monitored email and internet activities,

“The government allows access to the Internet through a limited number of service providers (ISPs), all of which were state-owned, joint-stock companies.

The government forbids direct access to the Internet through foreign ISPs, requires domestic ISPs to store information transmitted on the Internet for at least 15 days, and requires ISPs to provide technical assistance and workspace to public security agents to allow them to monitor Internet activities. The government requires cybercafes to register the personal information of their customers and store records of Internet sites visited by customers. ISP compliance with these government regulations was unclear. Although citizens enjoyed increasing access to the Internet, the government monitored e-mail, searched for sensitive key words, and regulated Internet content. In March the NGO Reporters Without Borders strongly criticized the government for continued regulation of Internet content and monitoring of individual use.

City and provincial authorities issue additional local regulations to control online access. In compliance, Internet cafes continued to install and use government-approved software to monitor customers’ online activities. Location of Internet cafes within 220 yards of a school continued to require a curfew on operations, and ISPs were obliged to cut online access to Internet cafes between 11 p.m. and 6 a.m. to curb online gaming.

Ministry of Information and Communication regulations require Internet companies, social networking sites, and Web sites that provide information in the areas of “politics, economics, culture, and society” to continue to register and obtain a government license before operation.

From May to July, the blocks on Facebook appeared to weaken, with two of the three major ISPs allowing access to the site. Subscribers of other ISPs often used workarounds such as virtual private networks to access the site.”³²⁰

The *USDOS* country report on human rights practices for 2011 stated that bloggers are legally prevented from publishing material which the government deems offensive, further internet companies are required to provide the government with information about individual bloggers, if requested,

³¹⁹ Committee to Protect Journalists, Attacks on the Press in 2011, Vietnam, <http://cpj.org/2012/02/attacks-on-the-press-in-2011-vietnam.php>, accessed 5 August 2012

³²⁰ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

“Provisions of law and regulation, such as the prohibition of antistate propagandizing, prohibit bloggers from posting material that the government believes would undermine national security, disclose state secrets, or incite violence or crimes. Consequently, these provisions prohibit individuals from downloading and disseminating documents the government deems offensive. Regulations also require global Internet companies with blogging platforms operating in the country to report to the government every six months and, if requested, to provide information about individual bloggers. A number of prominent print and online news journalists maintained their own professional blogs, several of which were considered far more controversial than their mainstream writing. In a few instances, the government fined or punished these individuals for the content of their blogs.”³²¹

The *USDOS* country report on human rights practices for 2011 stated that the government blocked websites that it considered politically inappropriate and owners of domestic websites were required to register their sites and submit planned content for approval,

“The government used firewalls to block some Web sites that it deemed politically or culturally inappropriate, including sites operated by overseas Vietnamese political groups. The government appeared to have lifted most of its restrictions on access to the Voice of America Web site, although it continued to block Radio Free Asia most of the time. BBC online in Vietnamese and English was blocked at times during the year.

The Ministry of Information and Communication requires owners of domestic Web sites, including those operated by foreign entities, to register their sites with the government and submit their planned content and scope to the government for approval. Enforcement remained selective.”³²²

3. Situation/treatment of political activists and dissidents

In January 2012 *Human Rights Watch* reported a systematic crackdown on human rights in Vietnam,

“The Vietnam government intensified its repression of activists and dissidents during 2011, and cracked down harshly on freedom of expression, association, and assembly []. Bloggers, writers, human rights defenders, land rights activists, anti-corruption campaigners, and religious and democracy advocates faced harassment, intimidation, arrest, torture, and imprisonment.”³²³

In its 2012 annual report *Amnesty International* stated that dissidents most at risk were those advocating for democracy, environmental issues, land and labour rights and the rights of ethnic and religious minorities,

“Severe restrictions on freedom of expression and association continued, with dissidents critical of government policies harshly repressed. Individuals most at risk included pro-democracy activists, and those calling for reform or protesting about environmental issues, land and labour rights, and the rights of ethnic and religious minorities. The authorities used vaguely worded provisions of the national security section of the 1999 Penal Code, in particular Article 79 (aiming to “overthrow” the state) and Article 88 (“conducting propaganda” against the state), to punish peaceful dissent.”³²⁴

³²¹ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

³²² United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

³²³ Human Rights Watch, Vietnam: Systematic crackdown on human rights, 24 January 2012, <http://www.hrw.org/news/2012/01/23/vietnam-systematic-crackdown-human-rights>, accessed 10 August 2012

³²⁴ Amnesty International, Annual Report 2012, Vietnam, 24 May 2012, <http://www.amnesty.org/en/region/viet-nam/report-2012>, accessed 6 August 2012

In August 2012 *Amnesty International* reported that the Vietnamese government was conducting a “crackdown on freedom of expression and peaceful assembly,”

“On 5 August, authorities in the capital arrested and detained around 30 people who were peacefully protesting against China’s territorial claims in the disputed South China Sea, known in Viet Nam as the East Sea.

Anti-corruption activist Le Hien Duc, 81, was among those rounded up, along with students and bloggers. They were held at local police stations and a so-called rehabilitation centre. All of those detained have now been released.

“This is the latest blow to freedom of expression in Viet Nam, with the authorities using short term arrests as a way of intimidating those who seek to protest peacefully”, said Rupert Abbott, Amnesty International’s Researcher on Viet Nam.

“The ongoing crackdown has put bloggers, writers, lawyers, labour activists, members of religious groups, farmers, business people and democracy activists behind bars”, he said.³²⁵

In January 2012 *Human Rights Watch* stated that articles 79, 87, 88 and 258 of the penal code are commonly used in prosecuting activists,

“In Vietnam, most political detainees and prisoners have been charged with vaguely-worded articles in Vietnam’s penal code that criminalize peaceful dissent. These crimes include “subversion of the people’s administration” (article 79); “undermining the unity policy” (article 87); “conducting propaganda against the state” (penal code article 88); and “abusing democratic freedoms” to “infringe upon the interests of the State” (article 258).”³²⁶

In January 2012 *Human Rights Watch* reported that by law people may be held in “administrative detention” without trial, those deemed to threaten national security may be committed to mental institutions or held under house arrest, or in rehabilitation and education centres,

“Vietnamese law authorizes arbitrary “administrative detention” without trial. Under Ordinance 44 (2002) and Decree 76 (2003), peaceful dissidents and others deemed to threaten national security or public order may be involuntarily committed to mental institutions, placed under house arrest, or detained in state-run “rehabilitation” or “education” centers. Drug users can be held up to four years in government-run rehabilitation centers where they receive very little treatment but are subjected abuse including beatings, torture, forced labor (in the guise of so-called “labor therapy”), and solitary confinement.”³²⁷

a. Treatment/persecution of persons involved in political activities at a local level

In its 2012 world report covering the events of 2011 *Human Rights Watch* stated that political activists and dissidents are subject to harassment and torture by police and are routinely detained without access to legal counsel,

“The Vietnamese government systematically suppresses freedom of expression, association, and peaceful assembly. Independent writers, bloggers, and rights activists who question government policies, expose official corruption, or call for democratic alternatives to one-party rule are routinely subject to police harassment and intrusive surveillance,

³²⁵ Amnesty International, Viet Nam: Halt crackdown on freedom of expression, 7 August 2012, <http://www.amnesty.org/en/news/vietnam-half-crackdown-freedom-expression-2012-08-07-0>, accessed 10 August 2012

³²⁶ Human Rights Watch, Vietnam: Systematic crackdown on human rights, 24 January 2012, <http://www.hrw.org/news/2012/01/23/vietnam-systematic-crackdown-human-rights>, accessed 10 August 2012

³²⁷ Human Rights Watch, Vietnam: Systematic crackdown on human rights, 24 January 2012, <http://www.hrw.org/news/2012/01/23/vietnam-systematic-crackdown-human-rights>, accessed 10 August 2012

detained incommunicado for long periods of time without access to legal counsel, and sentenced to increasingly long terms in prison for violating vague national security laws.

Police frequently torture suspects to elicit confessions and, in several cases, have responded to public protests over evictions, confiscation of land, and police brutality with excessive use of force. Anti-China protests in Hanoi and Ho Chi Minh City in 2011 were dispersed and protesters were intimidated, harassed, and in some cases detained for several days.³²⁸

In its 2012 annual report, covering the events of 2011, *Amnesty International* stated that freedom of expression, association and peaceful assembly were severely restricted, the internet is monitored and dissidents, including from religious and ethnic groups, faced imprisonment and capital punishment,

“Harsh repression of dissidents continued, with severe restrictions on freedom of expression, association and peaceful assembly. Critics of government policies were targeted, including social and political activists. At least nine dissident trials took place, with 20 defendants. Vaguely worded provisions of the 1999 Penal Code were used to, in effect, criminalize peaceful political and social dissent. The government continued to censor the internet, although use of social networking sites reportedly increased as people used circumvention tools to bypass restrictions. Dozens of prisoners of conscience remained in prison. Religious and ethnic groups perceived to be opposing the government continued to face human rights violations. According to media reports, 23 people were sentenced to death and five executed; the true numbers are believed to be higher. Official statistics on the death penalty remained classified.”³²⁹

In August 2012 *Amnesty International* reported that those who criticise government policies are subject to harassment and imprisonment,

“The right to freedom of expression is protected under Article 19 of the International Covenant on Civil and Political Rights, to which Viet Nam is a state party, and Article 69 of Viet Nam’s Constitution.

But while people in Viet Nam are increasingly trying to exercise this right, the authorities are harassing and imprisoning those who criticise government policies and advocate greater freedoms.

“The mass arrests of peaceful protestors in Ha Noi and the ongoing detention of the three bloggers sadly reflect the dire situation of freedom of expression in Viet Nam,” said Abbott.

“Viet Nam’s government must stop its crackdown on freedom of expression.”

Last year, 2011, at least 20 dissidents were put on trial for anti-state propaganda and other crimes, and received lengthy prison sentences. And at least 18 more individuals were arrested during that year and held in pre-trial detention on similar charges.

This year, the crackdown on freedom of expression has continued, with more trials and detentions.³³⁰

The *USDOS* country report on human rights practices for 2011 stated that political activists faced arbitrary arrest and detention in prison, in their homes and re-education camps,

³²⁸ Human Rights Watch, World Report 2012: Vietnam, <http://www.hrw.org/world-report-2012/world-report-2012-vietnam>, accessed 15 August 2012

³²⁹ Amnesty International, Annual Report 2012, Vietnam, 24 May 2012, <http://www.amnesty.org/en/region/viet-nam/report-2012>, accessed 6 August 2012

³³⁰ Amnesty International, Viet Nam: Halt crackdown on freedom of expression, 7 August 2012, <http://www.amnesty.org/en/news/viet-nam-half-crackdown-freedom-expression-2012-08-07-0>, accessed 10 August 2012

“Arbitrary arrest and detention, particularly for political activists, remained a problem. According to activist groups and diplomatic sources, the government sentenced at least 29 arrested activists during the year to a total of 165 years in jail and 70 years of probation for exercising their rights. Authorities also increasingly charged political dissidents with “attempting to overthrow the state” due to their alleged membership in political parties other than the CPV. While violators of this legal provision had the possibility of receiving the death penalty, they typically received prison sentences of up to seven years. The government also used decrees, ordinances, and other measures to detain activists for the peaceful expression of opposing political views [].

For example, in February police in Ho Chi Minh City detained Nguyen Dan Que for allegedly urging individuals to take part in mass protests demanding political reforms but released him after three days of questioning. Local police continued to monitor him closely throughout the year.

In April police detained political dissidents Pham Hong Son and Le Quoc Quan for “causing public disorder” in an attempt to attend the open trial of fellow political activist Cu Huy Ha Vu but released them nine days later.

Peaceful protests during the year in Ho Chi Minh City and Hanoi over Chinese sovereignty claims in the South China Sea (East Sea) resulted in the temporary detention and surveillance of several protest organizers, and there were reports that local security officials prevented individuals from leaving their homes to take part in the demonstrations. Moreover, on November 27, authorities detained activist Bui Thi Minh Hang in Ho Chi Minh City for participating in one such “illegal” protest and previously participating in related protests in July and August in Hanoi. In December authorities sentenced her without due process to two years at a reeducation camp near Hanoi.

Authorities also subjected religious and political activists to varying degrees of informal detention in their residences. For example, Ho Chi Minh City local police continued to monitor prominent activists Nguyen Dan Que and Do Nam Hai closely.”³³¹

The *USDOS* country report on human rights practices for 2011 stated that ‘spontaneous’ demonstrations were banned on 18 August, following weeks of protests and that on 22 August 50 protestors were arrested for violating that decree. The *USDOS* further reported that the Hanoi Police Captain was temporarily suspended for trampling on the face of a protestor,

“On June 5, approximately 300 individuals gathered in front of the Chinese embassy in Hanoi to protest news reports that Chinese patrol ships harassed a Vietnamese seismic survey ship and Chinese violations of Vietnamese sovereignty continued in the disputed South China Sea (East Sea). More than 1,000 individuals joined a similar protest in Ho Chi Minh City. Similar public demonstrations took place once a week for 11 consecutive weeks in Hanoi but were censored shortly thereafter in Ho Chi Minh City. During the July 10 protest in Hanoi, police detained at least 20 individuals. One week later authorities temporarily suspended Hanoi Police Captain Pham Hai Minh from duty when he was photographed trampling the face of one of the protesters. On August 18, the Hanoi People’s Committee issued a decree “banning all spontaneous gatherings, demonstrations, and parades.” On August 22, police arrested 50 individuals for protesting in violation of that decree; authorities released all 50 five days later, but protest leaders and fellow demonstrators thereafter remained under investigation and reported being monitored by police. On September 5, a group of 10 persons filed a lawsuit against state-controlled media for claiming that hostile forces incited the protesters.”³³²

³³¹ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

³³² United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

In January 2012 *Human Rights Watch* reported that at least 33 peaceful activists were prosecuted and imprisoned and a further 27 had been arrested and were awaiting trial,

“In 2011, the government prosecuted at least 33 peaceful activists and sentenced them to a total of 185 years in prison, to be followed by a total of 75 years on probation. Among those convicted for their peaceful advocacy are Dr. Cu Huy Ha Vu, a prominent legal activist; and Phung Lam, Vi Duc Hoi, Nguyen Ba Dang, Pham Minh Hoang, Lu Van Bay, and Ho Thi Bich Khuong, all prominent pro-democracy advocates and human rights bloggers. The authorities arrested at least 27 other rights activists pending investigation and/or trial. At least two bloggers – Nguyen Van Hai(a.k.a. Dieu Cay) and Phan Thanh Hai(a.k.a. Anhasg– have been held without trial since 2010.”³³³

In its 2012 world report covering the events of 2011 *Human Rights Watch* stated that at least 24 activists were sent to prison and a further 27 were arrested by police,

“2011 saw a steady stream of political trials and arrests, likely spurred in part by Vietnamese government concerns that pro-democracy Arab Spring movement might reach Asia.

During the first 10 months of 2011, the authorities sent at least 24 rights activists to prison. All but one were convicted of “conducting propaganda against the state” (penal code article 88), “undermining national unity” (article 87), or “subversion of the administration” (article 79). These three vaguely defined articles have been employed to imprison hundreds of peaceful activists in the last decade. In addition, the police arrested at least 27 political and religious advocates in 2011. Blogger Nguyen Van Hai, known by his pen name Dieu Cay, has been held incommunicado since October 2010. Two other pro-democracy internet writers, Nguyen Ba Dang and Phan Thanh Hai, have been detained since 2010 without trial.

In a major trial in April 2011, prominent legal activist Dr. Cu Huy Ha Vu was convicted of conducting propaganda against the state and sentenced to seven years in prison. The sentence was upheld on appeal.”³³⁴

The *USDOS* country report on human rights practices for 2011 stated that political activists from several banned organisations remained in prison or under house arrest,

“Several other political dissidents affiliated with outlawed political organizations—including the People’s Democratic Party, People’s Action Party, Free Vietnam Organization, DPV, United Workers and Farmers Organization, Bloc 8406, and others—remained in prison or under house arrest in various locations.”³³⁵

The *USDOS* country report on human rights practices for 2011 stated that legal provisions allowed suspects to be detained indefinitely, without charge, and that several dissidents were held under administrative detention and house arrest,

“The law allows the government to detain persons without charges indefinitely under vague “national security” provisions. The government also arrested and indefinitely detained individuals under other legal provisions and subjected several dissidents throughout the country to administrative detention or house arrest.”³³⁶

³³³ Human Rights Watch, Vietnam: Systematic crackdown on human rights, 24 January 2012, <http://www.hrw.org/news/2012/01/23/vietnam-systematic-crackdown-human-rights>, accessed 10 August 2012

³³⁴ Human Rights Watch, World Report 2012: Vietnam, <http://www.hrw.org/world-report-2012/world-report-2012-vietnam>, accessed 15 August 2012

³³⁵ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

³³⁶ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

The *USDOS* country report on human rights practices for 2011 stated that the police commonly mistreated suspects and there were also cases in which family members were questioned,

“The law prohibits physical abuse, but police commonly mistreated suspects during arrest or detention. Incidents of physical harassment, intimidation, and the questioning of family members were reported in several locations, including but not limited to Hanoi, Ho Chi Minh City, and Bac Giang and Dong Nai provinces.

For example, in April local police arrested and beat Tran Van Du from Soc Trang Province while interrogating him in custody. In October the Soc Trang People’s Court sentenced the following police officers for “intentionally inflicting injury”: Vo Van Ut Deo to two years’ imprisonment; Danh Nhan, eight years; Tran Tuan Khai, four years; and Nguyen Quoc Thang, two years.

In August Hanoi police officials opened an investigation into an alleged “deliberate physical assault” by police Captain Minh after Internet footage showed him stomping on a detained protester during a demonstration over Chinese sovereignty claims in the South China Sea (East Sea) in July. Authorities placed Minh on administrative leave but later cleared and reinstated him.”³³⁷

The *USDOS* country report on human rights practices for 2011 stated that the sentences of three members of the United Workers Farmers Organization who had distributed pro-democracy pamphlets were upheld,

“In March the Tra Vinh Province Appeals Court upheld the original sentences of three members of the United Workers-Farmers Organization--nine years’ imprisonment for Nguyen Hoang Quoc Hung and seven years’ imprisonment for Do Thi Minh Hanh and Doan Huy Chuong--whose convictions were for causing public disorder to oppose the government. Police had arrested them for distributing pamphlets in February 2010 that called on citizens to advocate for democracy and freedom of assembly and to fight attempted invasions from China.”³³⁸

The *USDOS* country report on human rights practices for 2011 stated that a member of the Vietnam Populist Party was sentenced to 11 years, charged with planning a bombing campaign,

“In September the Dong Nai Province People’s Court sentenced Pham Thi Phuong, a member of the Vietnam Populist Party, to 11 years in prison for activities to overthrow the government. Authorities had arrested her and her husband, Pham Ba Huy, in Ho Chi Minh City in April 2010 for reportedly planning a campaign to bomb statues throughout the city. At year’s end Pham Ba Huy continued to await trial.”³³⁹

The *USDOS* country report on human rights practices for 2011 states that in May seven defendants were convicted of attempting to overthrow the government and were accused of having links to foreign pro-democracy groups and advocating on behalf of land rights claimants,

“During a one-day closed trial in May, the Ben Tre People’s Court convicted several defendants of attempting to overthrow the government and sentenced them as follows: Tran Thi Thuy from Dong Thap Province, eight years’ imprisonment and five years’ probation; Pham Van Thong, Ben Tre Province, seven years’ imprisonment and five years’ probation; Pastor Duong Kim Khai, Ho Chi Minh City, six years’ imprisonment and five years’ probation; and Cao Van Tinh, Con Tho Province, five years’ imprisonment and five

³³⁷ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/i/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

³³⁸ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/i/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

³³⁹ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/i/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

years' probation. The other three (congregant Pham Ngoc Hoa, Nguyen Thanh Tam, and lay pastor Nguyen Chi Thanh) were each sentenced to two years' imprisonment and three years' probation. In August Thuy, Thong, Khai, and Tinh appealed; the court reduced Khai's sentence to five years' imprisonment and Tinh's sentence to four years' imprisonment, and denied the appeals of Thuy and Thong. Police had arrested Thuy, Thong, Khai, and Tam in July-August 2010 for alleged ties to a banned, foreign-based, prodemocracy group and for organizing and advocating on behalf of land-rights claimants in Ben Tre and Dong Thap provinces. Police had also arrested Hoa and Thanh, affiliated with Khai and the unrecognized Mennonite Church, in November 2010 for their alleged ties to the same prodemocracy group and their work with Khai."³⁴⁰

The *USDOS* country report on human rights practices for 2011 states that two of four men that included a blogger, lawyer and DPV leader who were jointly tried in 2009 for attempting to create new political parties and to overthrow the government, appealed their sentences,

"In March the appellate division of the Ho Chi Minh City People's Court reduced Le Thang Long's original sentence from five years' imprisonment to three-and-a-half years. In May the Ho Chi Minh City People's Court denied the appeal of businessman and blogger Tran Huynh Duy Thuc and upheld his original sentence of 16 years' imprisonment. Long and Thuc--as well as prominent attorney Le Cong Dinh and DPV leader and Viet Youth for Democracy cofounder Nguyen Tien Trung--had all been arrested in 2009 and tried jointly in Ho Chi Minh City in January 2010 for involvement in a plot to create new political parties and overthrow the government. Dinh and Trung had pleaded guilty to joining political parties other than the CPV but had denied attempting to overthrow the government. During the year there were no developments in the cases of Dinh and Trung."³⁴¹

In August 2012 *Radio Free Asia* reported that Vietnamese-American pro-democracy activist Nguyen Quoc Quan's detention had been extended, with terrorism charges replaced by charges under 79 of the penal code that he attempted to overthrow the government,

"Vietnamese authorities have extended the detention of a Vietnamese-American by another four months after apparently finding no evidence to press "terrorism" charges against him, a political opposition group said Wednesday.

Nguyen Quoc Quan, 58, also known as Richard Nguyen, was arrested on April 17 as he deplaned in Tan Son Nhat airport and charged with terrorism under Article 84 of the Vietnamese Penal Code for allegedly trying to disrupt the anniversary of the fall of Saigon at the end of the Vietnam conflict.

At the end of a four-month detention period this month, the Vietnamese authorities "quietly" changed the democracy activist's charges from terrorism to subversion for merely being a member of opposition group Viet Tan, which is outlawed in the one-party communist state, family sources said.

He is now accused of "attempting to overthrow the people's government," according to the family sources cited by Viet Tan."³⁴²

The *USDOS* country report on human rights practices for 2011 states that there were no reports of politically motivated disappearances in 2011 but there was little information regarding a Monk and Union founder who had previously disappeared,

³⁴⁰ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/i/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

³⁴¹ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/i/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

³⁴² Radio Free Asia, Activist detention extended, 29 August 2012, <http://www.rfa.org/english/news/vietnam/detention-08292012174952.html>, accessed 31 August 2012

“There were no reports of politically motivated disappearances.

There continued to be no information on the whereabouts of Thich Tri Khai, a monk from the unregistered Unified Buddhist Church of Vietnam whom authorities arrested in 2008, and Le Tri Tue, a founder of the Independent Workers’ Union whom authorities placed in custody in 2007.”³⁴³

The *USDOS* country report on human rights practices for 2011 states that several political activists and religious leaders were released during the year, in some cases to begin sentences under house arrest,

“Authorities released several persons, including political activists and religious leaders, during the year, including the following:

In June authorities released activist and dissident author Tran Khai Thanh Thuy from prison, and she resettled abroad. A Hanoi court had convicted Thuy and her husband, Do Ba Tan, in February 2010 of assault and had sentenced her to three-and-one-half years in prison and him to two years’ probation following a 2009 incident in which unidentified individuals attacked them.

On July 1, authorities released democracy activist Ngo Quynh, who had been convicted and imprisoned for antistate propagandizing in 2009.

In March activist lawyer Nguyen Van Dai completed his 2007 sentence of four years in prison for posting appeals for a multiparty state on the Internet, and authorities released him to begin his sentence of four years’ house arrest.

In September Pham Ba Hai, leader of the Bach Dang Giang Foundation and a Bloc 8406 member, completed his 2006 sentence of five years in prison for antistate propaganda. At year’s end he was serving two years’ house arrest.

In February authorities released political activist and former police officer Tran Van Thien, age 75. A court in Ho Chi Minh City had convicted him in 1991 of attempting to overthrow the government by “trying to publish a book that distorted historical information” about Vietnam and had sentenced him to 20 years’ imprisonment.

In October 2010 the Can Tho Police Security Investigation Agency and the People’s Procuracy of Can Tho released Doan Van Chac from any wrongdoing and declined any further investigation into his case. Police had arrested him in June 2010 after he had evaded arrest since participating as a juvenile in a 1983 campaign against the government that resulted in the deaths of three officials.”³⁴⁴

The *USDOS* country report on human rights practices for 2011 states that in practice judges are not independent, most are members of the Communist Party of Vietnam. The *USDOS* further reports that there is shortage of trained lawyers and judges,

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

³⁴³ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

³⁴⁴ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

profile cases and other instances in which authorities charged a person with challenging or harming the party or state.

There continued to be a shortage of trained lawyers and judges. The Vietnam Bar Federation falls under the supervision of the VFF and is closely coordinated with the Ministry of Justice and the Vietnam Lawyers Association. The federation, which oversees local bar association functions, continued during the year to develop a professional code of conduct for lawyers.³⁴⁵

The *USDOS* country report on human rights practices for 2011 states that according to lawyers many judges generally presumed defendants to be guilty. The *USDOS* reports that in some cases defence lawyers were denied access to government evidence, cross examine witnesses or challenge statements,

“The constitution provides that citizens are innocent until proven guilty, although 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.

The public prosecutor brings charges against an accused person and serves as prosecutor during trials. Defendants have the right to be present and have a lawyer at trial, although not necessarily the lawyer of their choice, and this right was generally upheld in practice. Defendants unable to afford a lawyer generally were provided one only in cases involving a juvenile offender or with possible sentences of life imprisonment or capital punishment. The defendant or defense lawyer has the right to cross-examine witnesses, but there were cases in which neither defendants nor their lawyers were allowed to have access to government evidence in advance of the trial, cross-examine witnesses, or challenge statements. Defense lawyers commonly had little time before trials to examine evidence against their clients. In national security cases, judges occasionally silenced defense lawyers who were making arguments on behalf of their clients in court because the judges deemed the arguments reactionary. Convicted persons have the right to appeal. District and provincial courts did not publish their proceedings, but the Supreme People’s Court continued to publish the proceedings of all cases it reviewed.³⁴⁶

The *USDOS* country report on human rights practices for 2011 states that lawyers were under pressure not to take on democracy activists as clients and that human rights lawyers faced harassment, disbarment, arrest and detention,

“There continued to be credible reports that authorities pressured defense lawyers not to take as clients any religious or democracy activists facing trial. Human rights lawyers were restricted, harassed, arrested, disbarred, and in some cases detained for representing political activists. For example, on August 12, the Dak Lak Bar Association dismissed Huynh Van Dong for serving as a defense lawyer in May for two defendants charged with subversive acts against the state. Additionally, given their previous convictions, lawyers Le Tran Luat, Le Thi Cong Nhan, and Le Quoc Quan were not permitted to practice law. During the April trial of activist Cu Huy Ha Vu, one of his attorneys (Tran Vu Hai) accused the Hanoi People’s Court of violating criminal procedure by refusing to publicize the documents by which the court made its accusation. When the court refused to drop the charges and declare a mistrial, activist Vu sent his lawyers away in protest; the court found him guilty and sentenced him to seven years in prison.³⁴⁷

³⁴⁵ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/i/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

³⁴⁶ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/i/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

³⁴⁷ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/i/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

In August 2012 *Radio Free Asia* reported that human rights lawyer, Le Quoc Quan, was beaten with steel rods by men he believed to be plain clothes policemen, near his home in Hanoi,

“An outspoken and formerly imprisoned Vietnamese rights lawyer said Monday that he has been beaten by men he believes were plainclothes police.

Le Quoc Quan told RFA’s Vietnamese service that he was attacked by a group of men around 8:00 p.m. on Sunday in Hanoi while he was returning home from parking his car in a nearby lot.

Two of the attackers beat him with steel rods. He was injured on the head, the belly, and the knee before passers-by heard his calls for help and the attackers ran away, he said from his home.

He said he has been harassed by authorities before and believes the men, who were not in uniform, were connected to the police, adding that one of the attackers had a familiar face.

Quan, who has participated in anti-China demonstrations that authorities have watched closely since last year, said he did not know what prompted this attack against him, but that he believed it was to chastise him for his activism.

“I am considered a dissident by the Communist Party. I work to change this regime with nonviolent measures and I have suffered a lot of hardship [for this] in the past five years,” Quan said.

Other participants in the string of demonstrations held to oppose Beijing’s territorial claims in the South China Sea have also reported being harassed by the authorities.”³⁴⁸

In August 2012 *Radio Free Asia* reported that Le Quoc Quan had previously been jailed in 2007 following study at a pro-democracy organisation in the US and detained in 2011 whilst waiting outside the trial of another legal activist,

“Quan was jailed for three months in 2007 after he returned from spending half a year in the U.S. under a fellowship from the National Endowment for the Democracy, a Washington-based nonprofit organization funded by the U.S. government that supports pro-democracy activities worldwide.

Though authorities initially announced no formal charges against him, he was later charged with taking part in “activities to overthrow the people’s government” and was eventually released following protests from the United States.

Quan has written on topics including civil rights, political pluralism, and religious freedom and has attended activist demonstrations and trials of fellow dissidents.

Last year, he was detained while waiting outside the trial of legal activist Cu Huy Ha Vu and held for a week.

U.S.-based Human Rights Watch says he is one of a group of nearly a dozen lawyers and legal defenders who have been arbitrarily arrested, detained, disbarred, and pressured not to represent political or religious activists.”³⁴⁹

In August 2012 *Radio Free Asia* reported that dissident human rights lawyer, Tran Quoc Hien who is a member of the Bloc 8406 movement, had sought asylum in Thailand following harassment from security services in Vietnam,

“Vietnamese dissident lawyer Tran Quoc Hien has fled to Thailand where he is seeking refugee status following constant harassment by security agencies at home.

³⁴⁸ Radio Free Asia, Dissident lawyer attacked, 20 August 2012, <http://www.rfa.org/english/news/vietnam/lawyer-08202012184329.html>, accessed 31 August 2012

³⁴⁹ Radio Free Asia, Dissident lawyer attacked, 20 August 2012, <http://www.rfa.org/english/news/vietnam/lawyer-08202012184329.html>, accessed 31 August 2012

The 47-year-old former political prisoner, known as an outspoken union activist, is currently in Bangkok where he awaits a decision by U.N. refugee agency UNHCR on his application for asylum.

“My defection will help me to continue the struggle for democracy and human rights in Vietnam,” Hien told RFA’s Vietnamese service. Hien was sentenced to five years in jail for “spreading propaganda against the state” and “endangering state security” and was released in January this year on an additional two years of probation.

He was told on his release that he could not carry on his work and would not be permitted to meet with any pro-democracy activists during his probation period.

Hien expressed sadness and frustration for having to flee his home country to escape persecution but said that under current circumstances, he would be more effective overseas in fighting to bring about democracy at home.³⁵⁰

In August 2011 *Human Rights Watch* reported that a legal scholar was sentenced to seven years in prison following a trial in which his defence team was denied access to the documents on which the prosecutions case was based,

“In a trial on April 4, in which Human Rights Watch found serious procedural violations, Dr. Vu was sentenced to seven years in prison for propagandizing against the Vietnamese government, under article 88 of the Penal Code. The conviction violated his right to free expression, Human Rights Watch said.[]

Dr. Vu’s trial before the Hanoi People’s Court lasted less than six hours. The court refused the defense team’s request for access to the documents on which the prosecution’s case was based. Judge Nguyen Huu Chinh expelled a defense lawyer from court for continuing to request the documents. When the judge rejected requests by the remaining defense lawyers for the documents, they walked out of the trial in protest.”³⁵¹

In its 2012 world report covering the events of 2011 *Human Rights Watch* stated that police tortured suspects and that at least 13 people died in police custody,

“Police brutality, including torture and fatal beatings, continues to be reported in all regions of the country. At least 13 people died in police custody within the first 10 months of 2011.”³⁵²

In its 2012 world report covering the events of 2011 *Human Rights Watch* stated that political and religious detainees were frequently tortured and denied access to lawyers. According to *Human Rights Watch* the courts lack independence and trials often don’t meet international standards, further lawyers defending political activists face harassment and imprisonment,

“Political and religious detainees and others whose cases are considered sensitive are frequently tortured during interrogation, held incommunicado prior to trial, and denied family visits and access to lawyers. Vietnamese courts remain under the firm control of the government and the Vietnam Communist party, and lack independence and impartiality. Political and religious dissidents are often tried without the assistance of legal counsel in proceedings that fail to meet international fair trial standards. Defense lawyers who take on politically sensitive cases are intimidated, harassed, debarred, and imprisoned.”³⁵³

³⁵⁰ Radio Free Asia, Activist lawyer seeks asylum, 14 August 2012, <http://www.rfa.org/english/news/vietnam/asylum-08142012104220.html>, accessed 30 August 2012

³⁵¹ Human Rights Watch, Vietnam: Ensure fair hearing for legal scholar, 1 August 2011, <http://www.hrw.org/news/2011/08/01/vietnam-ensure-fair-hearing-legal-scholar>, accessed 6 August 2012

³⁵² Human Rights Watch, World Report 2012: Vietnam, <http://www.hrw.org/world-report-2012/world-report-2012-vietnam>, accessed 15 August 2012

³⁵³ Human Rights Watch, World Report 2012: Vietnam, <http://www.hrw.org/world-report-2012/world-report-2012-vietnam>, accessed 15 August 2012

In March 2011 *Human Rights Watch* reported that three labour activists were sentenced to prison after they distributed leaflets and helped to organise a strike, none of the activists had defence lawyers at their trial,

“The three were arrested in February 2010 for distributing leaflets and helping to organize a strike of 10,000 workers at the My Phong shoe factory in Tra Vinh. The People’s Court of Tra Vinh will consider their appeal on March 18, 2011.

Nguyen Hoang Quoc Hung, 30, Do Thi Minh Hanh, 26, and Doan Huy Chuong, 26, were convicted on October 26, 2010, by the same court of “disrupting security and order against the people’s administration,” under article 89 of the penal code. Hung was sentenced to nine years in prison. The other two were each sentenced to seven years. None of them had defense lawyers at the trial, nor were they allowed to speak in their own defense.”³⁵⁴

In June 2010 the *UN Special Rapporteur on Independence of Judges and Lawyers* expressed concern that a judgement may have prepared in advance in the trial of Le Cong Dinh, Le Thang Long, Nguyen Tien Trung, and Tran Huynh Duy Thuc

“On 20 January, a court in Ho Chi Minh City convicted Mr. Le Cong Dinh, Mr. Le Thang Long, Mr. Nguyen Tien Trung and Mr. Tran Huynh Duy Thuc under article 79 of the 1999 Penal Code for “organizing campaigns in collusion with reactionary organizations based abroad” that were “designed to overthrow the people’s Government [...] with the help of the Internet”, such as posting articles online, cooperating with “hostile” groups abroad and, in Mr. Dinh’s case, attending a class on non-violent political change.

[] Mr. Le Cong Dinh and Mr. Le Thang Long were sentenced to five years of imprisonment, while Mr. Nguyen Tien Trung and Mr. Tran Huynh Duy Thuc were sentenced to seven and 16 years of imprisonment respectively. Mr. Dinh, Mr. Long and Mr. Trung were also sentenced to three years of house arrest upon completing their terms in prison, while Mr. Thuc was sentenced to five years of house arrest upon completing his term in prison.

[] The prosecution allegedly gave no evidence to support the indictment, the trial did not allow meaningful defense for the accused, and the judges deliberated for only 15 minutes before returning with the judgment, which took 45 minutes to read. It has been alleged that the judgment had been prepared in advance of the hearing.”³⁵⁵

Besides a blogsite of the Tra Dam Chu Vietnam Party, which provides news and information about the group’s members,³⁵⁶ no further information was found about the group during the timeframe of this research.

b. Treatment of political dissidents and activists in detention

The *USDOS* country report on human rights practices for 2011 reports that over 100 political detainees were held in prison and approximately 4000 prisoners held in four re-education centres,

“There continued to be no precise estimates of the number of political prisoners. The government reportedly held more than 100 political detainees at year’s end, although some international observers claimed there were more []. Diplomatic sources reported the existence of four reeducation centers in the country holding approximately 4,000 prisoners.

³⁵⁴ Human Rights Watch, Vietnam: Overturn labor activists’ harsh prison sentences, 16 March 2011, <http://www.hrw.org/news/2011/03/16/vietnam-overturn-labor-activists-harsh-prison-sentences>, accessed 6 August 2012

³⁵⁵ UN Human Rights Council, Report of the Special Rapporteur on independence of judges and lawyers, Addendum: Communications to and from Governments, 18 June 2010, A/HRC/14/26/Add.1, <http://www.unhcr.org/refworld/docid/4c29b4bd2.html>, accessed 10 August 2012

³⁵⁶ Tra Dam Chu Vietnam Party blogsite, <http://tradamdanchuvietnam.blogspot.co.uk/>

For example, on February 8, authorities arrested Vu Quang Thuan, democracy activist and chairperson of the Vietnam Restoration Movement, upon arrival at Tan Son Nhat airport in Ho Chi Minh City for propagandizing against the state. He awaited trial at year's end.

On December 23, authorities arrested and detained Viet Khang (also known as Vo Minh Tri) after he composed and sang two songs to express his view on the government's handling of the dispute with China regarding sovereignty in the South China Sea (East Sea). At year's end his detention reportedly continued in Ho Chi Minh City.

At year's end dissident Nguyen Ba Dang, a member of the People's Democratic Party, awaited trial. Police had arrested him in January 2010 in Hai Duong Province for distributing antistate propaganda.³⁵⁷

The *USDOS* country report on human rights practices for 2011 states that prison conditions were poor,

"Prison conditions were austere but generally not life threatening. Overcrowding, insufficient diet, lack of access to potable water, and poor sanitation remained serious problems. Prisoners generally were required to work but received no wages. Authorities sometimes placed prisoners in solitary confinement, thus depriving them of reading and writing materials for periods of up to several months. Family members continued to make credible claims that prisoners received benefits by paying bribes to prison officials or undertaking hunger strikes.

Prisoners had access to basic health care, although in many cases officials prevented family members from providing medication to prisoners. Family members of imprisoned activists who experienced health problems claimed medical treatment was inadequate and resulted in greater long-term health complications. In July and September, respectively, two long-term prisoners convicted and jailed for attempting to overthrow the government (Nguyen Van Trai, a member of the People's Action Party of Vietnam, and Truong Van Suong) died in prison from liver cancer and heart disease, respectively.³⁵⁸

The *USDOS* country report on human rights practices for 2011 states that political prisoners were held separately to non political inmates and some high profile political prisoners were completely isolated,

"Political prisoners were typically sent to specially designated prisons that also held other regular criminals, and in most cases, political prisoners were kept separate from nonpolitical prisoners. Authorities completely isolated some high-profile political prisoners from all others. While prison sentences could be extremely lengthy, prisoners were not forced to serve beyond the maximum sentence for their charged offense.

Authorities limited prisoners to one 30-minute family visit per month and generally permitted family members to give supplemental food and bedding to prisoners. Prisoners did not have the right to practice their religion in public, nor to have access to religious books and scriptures, although authorities allowed Roman Catholic priest and democracy activist Thaddeus Nguyen Van Ly (rearrested in July) to keep a Bible, pray, and give communion. Prisoners were allowed to submit complaints to prison management and judicial authorities, but their complaints were routinely ignored.

Previously, authorities had permitted the International Committee of the Red Cross to visit prisons, but no such visits occurred during the year. Authorities allowed foreign diplomats to

³⁵⁷ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

³⁵⁸ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

make one limited prison visit and meet with a prominent prisoner. State control of the media restricted reporting on living conditions. There were no prison ombudsmen, and no individuals were allowed to serve on behalf of prisoners and detainees to consider such matters as alternatives to incarceration for nonviolent offenders.”³⁵⁹

In August 2011 *Human Rights Watch* expressed concern about the well being of Nguyen Van Hai a blogger and co-founder of the Club for Free Journalists, who had allegedly lost an arm whilst held in detention. According to *Human Rights Watch* his lawyers had been denied access to represent him and his whereabouts was unknown,

“Human Rights Watch is deeply concerned for the health of Nguyen Van Hai, popularly known by his blog moniker Dieu Cay. He is co-founder of the Club for Free Journalists, established in September 2007 to promote freedom of expression and independent journalism. He was arrested on April 20, 2008. On September 10, 2008, a criminal court sentenced him to 30 months in prison on a trumped-up tax evasion charge. In 2009, he received the Hellman/Hammett award.

On October 20, 2010, police transferred Nguyen Van Hai from Xuan Loc (Z30A) prison in Dong Nai province, where he had been serving his prison term, to the headquarters of the Security Investigative Bureau of the Ho Chi Minh City Municipal Department of Public Security at No. 4 Phan Dang Luu Street. Both decades-old facilities are notorious for their horrific conditions and the long-term imprisonment and ill-treatment of political prisoners.

On July 17, 2011, Nguyen Van Hai’s former wife, Duong Thi Tan, filed a complaint with the Ho Chi Minh City Municipal Department of Public Security about his health and safety. She alleged that a police officer told her on July 5 that “Mr. Hai has lost an arm.” Concerns have been heightened by the Ho Chi Minh City police’s rejection of an application from Nguyen Van Hai’s lawyer to represent him and multiple requests by his family to visit him. His current whereabouts and health condition are unknown.”³⁶⁰

In July 2011 *Amnesty International* reported that Nguyen Van Hai has lost an arm whilst in prison and that his family and lawyer had not seen him since October 2010,

“Imprisoned blogger Nguyen Hoang Hai, known as Dieu Cay, has “lost his arm,” according to a security official at the prison investigation office. No further information has been given and requests to meet with Hai continue to be denied. He has not been seen by his family or lawyer since October 2010.”³⁶¹

c. Treatment of bloggers who express dissenting political views

In its 2012 world report covering the events of 2011 *Human Rights Watch* stated that independent media is banned and those who criticise the government through online publications are subject to criminal penalties and harassment,

“The government does not allow independent or privately-owned domestic media to operate and exerts strict control over the press and internet. Criminal penalties apply to authors, publications, websites, and internet users who disseminate materials deemed to oppose the government, threaten national security, reveal state secrets, or promote “reactionary” ideas. The government blocks access to politically sensitive websites,

³⁵⁹ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

³⁶⁰ Human Rights Watch, Vietnam: Free seriously ill rights advocates, 31 August 2011, <http://www.hrw.org/news/2011/08/31/vietnam-free-seriously-ill-rights-advocates>, accessed 10 August 2012

³⁶¹ Amnesty International, Vietnamese blogger loses arm in prison, 21 July 2011, <http://www.amnesty.org/en/library/asset/ASA41/004/2011/en/5e15e8dc-3970-4b63-8178-dfe2706c313a/asa410042011en.pdf>, accessed 6 August 2012

requires internet cafe owners to monitor and store information about users' online activities, and subjects independent bloggers and online critics to harassment and pressure."³⁶²

In July 2012 *Human Rights Watch* reported that websites critical of the government were subject to restrictions,

"Restrictions on Internet freedom have been a serious problem in Vietnam since May 2004, when the government began to firewall critical websites."³⁶³

The *USDOS* country report on human rights practices for 2011 stated that at least nine bloggers who criticised the government were imprisoned,

"Authorities detained and imprisoned dissidents who used the Internet to criticize the government and publish ideas on human rights and political pluralism. Prime Ministerial Decree Number 2 heralded an increase in the number of bloggers arrested for online expression, totaling at least nine individuals during the year. The majority of bloggers arrested were charged with propagandizing against the state or attempting to overthrow the government.

For example, in July police detained Dang Xuan Dieu, Ho Duc Hoa, and Nguyen Van Oai at Tan Son Nhat airport in Ho Chi Minh City after they returned from Thailand where they had attended an Internet/blogger training course organized by a foreign NGO. Police also arrested Redemptorist follower Le Van Son, who also attended the course, on August 3 in Hanoi. That same day, authorities arrested three more Roman Catholic bloggers (Tran Huu Duc, Dau Van Duong, and Dang Xuan Tuong) in Vinh City, Nghe An Province, for participating in the same training. In September police arrested Ta Phong Tam after she posted an analysis of the arbitrary nature of Le Van Son's arrest.

On August 18, local authorities arrested Nguyen Xuan Anh, Redemptorist member and resident of Vinh City, and charged him with participating in a banned, foreign-based, prodemocracy group and attempting to overthrow the government. By year's end the Vinh Diocese reported that authorities had arrested 16 individuals (15 Roman Catholics and one Protestant).

On April 19, authorities dropped an investigation and all charges against Le Nguyen Huong Tra (also known as Co Gai Do Long) and stated that her behavior "was less serious than previously thought." Security officials had accused her of abusing democratic freedoms and had arrested her in October 2010, nine days after she had posted commentaries critical of Vice Minister of Public Security Nguyen Khanh Toan's son.

On the day of his scheduled release in October 2010 from a 30-month sentence for alleged tax evasion, authorities rearrested Nguyen Van Hai (also known as Dieu Cay) for antistate propagandizing, allegedly based on three-year-old blog postings. There were unconfirmed reports during the year that he lost his arm while in custody.

In January the People's Court of Lang Son Province convicted Vi Duc Hoi, a former CPV official from the province, of antistate propagandizing after his online postings in 2007-09 of prodemocracy articles criticized the CPV. The court sentenced him to eight years in prison followed by five years' house arrest (reduced on appeal in April to five years' imprisonment and three years' house arrest). Hoi, a CPV member beginning in 1980, had been removed

³⁶² Human Rights Watch, World Report 2012: Vietnam, <http://www.hrw.org/world-report-2012/world-report-2012-vietnam>, accessed 15 August 2012

³⁶³ Human Rights Watch, Vietnam: Clinton should spotlight internet freedom, 9 July 2012, <http://www.hrw.org/news/2012/07/09/vietnam-clinton-should-spotlight-internet-freedom>, accessed 15 August 2012

from the CPV in 2007 after he authored online articles disparaging corruption in the party.”³⁶⁴

The *USDOS* country report on human rights practices for 2011 stated that foreign hosted websites that were critical of the Vietnamese government were subjected to denial of service attacks,

“Web sites critical of the government that were hosted overseas were continually targeted throughout the year by distributed denial-of-service attacks. A majority of the targeted Web sites were news-aggregator sites that regularly republished postings by high-profile dissidents critical of the government. Hackers rendered several other Web sites inoperable. In June and July the popular news portal VietnamNet was hacked multiple times and rendered inaccessible. An investigation into these attacks continued at year’s end. In August a botnet attacked a Web site belonging to a foreign-based prodemocracy group using an estimated 77,000 Internet Protocol addresses located in Vietnam, which suggested government involvement, according to *Access Contested: Security, Identity, and Resistance in Asian Cyberspace*.

Political dissidents and bloggers routinely reported having their home Internet connections disconnected on orders from the security services.”³⁶⁵

In July 2012 *Human Rights Watch* reported that in April 2012 a draft Decree on the Management, Provision, and Use of Internet Services and Information on the Network was announced, which requires companies to filter content and remove ‘prohibited information’,

“A new draft Decree on Management, Provision, and Use of Internet Services and Information on the Network revealed by Ministry of Information and Communications in April 2012 extends many speech crimes to the Internet and requires companies to filter whatever the government finds objectionable. In a country where newspapers, TV, and radio are strictly controlled by the government, the Internet is one of the few bastions of free expression.

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Article 5 of the draft decree prohibits any act “abusing the provision and use of the Internet and information on the web” which can be arbitrarily interpreted as to “oppose the Socialist Republic of Vietnam,” “undermining the grand unity of all people,” or “undermining the fine customs and traditions of the nation.” Article 24 requires foreign-based companies who provide information in Vietnamese language to collaborate with the authorities to filter and eliminate any prohibited information interpreted as “prohibited acts” stated in article 5. Similarly, article 25 requires the filtering of any information on the Internet interpreted as “prohibited acts” stated in article 5. And article 29 requires individuals who use domestic and foreign social network services to make sure that any information she circulates and/or provides links to does not contain prohibited content.”³⁶⁶

In its 2011 annual index *Attacks on the Press*, the *Committee to Protect Journalists* listed Vietnam as the 4th worst country for bloggers and the 5th worst jailer of journalists.³⁶⁷

In May 2012 the *Committee to Protect Journalists* reported that government officials gave editors instructions on the coverage of news,

³⁶⁴ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

³⁶⁵ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

³⁶⁶ Human Rights Watch, Vietnam: Clinton should spotlight internet freedom, 9 July 2012, <http://www.hrw.org/news/2012/07/09/vietnam-clinton-should-spotlight-internet-freedom>, accessed 15 August 2012

³⁶⁷ Committee to Protect Journalists, *Attacks on the Press in 2011*, Vietnam, <http://cpj.org/2012/02/attacks-on-the-press-in-2011-vietnam.php>, accessed 5 August 2012

“Government officials in Vietnam meet weekly with editors to give coverage instructions. Reporting on sensitive topics such as relations with China can result in arrest and imprisonment.”³⁶⁸

In August 2012 *Amnesty International* reported that three bloggers who are founding members of the Free Vietnamese Journalists' Club (Nguyen Van Hai, Ta Phong Tan Phan Thanh Hai) are awaiting trial, accused of propaganda against the state, under article 88 of the Criminal Code,

“The three bloggers are Nguyen Van Hai, known as Dieu Cay (“the peasant’s pipe”); former policewoman Ta Phong Tan, whose blog is called “Justice and Truth”; and Phan Thanh Hai, known as AnhBaSG. They are all founding members of the Free Vietnamese Journalists’ Club and used their blogs to promote human rights.

They are accused of conducting anti-state propaganda under Article 88 of Viet Nam’s Criminal Code, and face up to 20 years in prison if convicted.

“The three bloggers are prisoners of conscience, detained solely for the peaceful exercise of their right to freedom of expression through their online writings”, said Abbott.

“Amnesty International again calls on Viet Nam’s government to immediately and unconditionally release them,” he said.

Ho Chi Minh City’s People’s Court was due to try the three bloggers on 17 April this year. That trial was postponed, with a new court date set for 7 August.

But the trial has been further delayed, as authorities investigate the tragic death last week of Ta Phong Tan’s mother, Dang Thi Kim Lieng. She died after setting herself on fire outside government buildings in southern Bac Lieu province, in protest against the treatment of her daughter.

The three bloggers have been held in lengthy pre-trial detention. Dieu Cay, who has been in prison since 2008 on trumped-up tax fraud charges, was due for release in October 2010 but has been held ever since under Article 88. Phan Thanh Hai has been held in pre-trial detention for 21 months, and Ta Phong Tan for almost one year. Families and lawyers have been given only limited access to them.

Because the bloggers have been detained for exercising their right to freedom of expression, their detention is arbitrary under international law. Their prolonged pre-trial detention, at least in the case of Dieu Cay and Phan Thanh Hai, who have both been held for 21 months, also contravenes national law, as Viet Nam’s Code of Criminal Procedure sets a maximum period of pre-trial detention of 16 months for those charged with “especially serious crimes.”³⁶⁹

In August 2012 the *UN News Service* reported the concerns of OHCHR regarding the persecution of bloggers and other peaceful activists using the internet to express their opinions,

“The United Nations human rights office today voiced concern at reports of the ongoing persecution of bloggers and people who use the Internet and other means to freely express their opinions in Viet Nam.

“We are concerned by what appears to be increasingly limited space for freedom of expression in Viet Nam,” Ravina Shamdasani, spokesperson for the Office of the High Commissioner for Human Rights (OHCHR), told reporters in Geneva.

³⁶⁸ Committee to Protect Journalists, 10 most censored countries, 2 May 2012, <http://cpj.org/reports/2012/05/10-most-censored-countries.php#runners-up>, accessed 5 August 2012

³⁶⁹ Amnesty International, Viet Nam: Halt crackdown on freedom of expression, 7 August 2012, <http://www.amnesty.org/en/news/viet-nam-half-crackdown-freedom-expression-2012-08-07-0>, accessed 10 August 2012

The office voiced particular concern that the upcoming trial of Nguyen Van Hai (also known as Dieu Cay), Pan Thanh Hai and Ta Phong Tan for “conducting propaganda” against the State is directly linked to their legitimate exercise of freedom of expression, including their online publications about social and human rights issues.

Mr. Nguyen Van Hai and Mr. Pan Thanh Hai have been in detention since 2010 while Ms. Ta Phong Tan has been detained since September 2011. The three face charges under Article 88 of the Criminal Code and could face penalties ranging from seven to 16 years’ imprisonment.

“The trial, which was scheduled for 7 August and was just postponed indefinitely, will reportedly be closed and witnesses will not be called, raising concerns that the process will not comply with fair trial guarantees,” said Ms. Shamdasani.

“A number of arrests and harsh convictions in recent years suggest a disturbing trend of curbing freedom of expression, opinion and association of bloggers, journalists and human rights activists who question Government policies in a peaceful manner,” she added.”³⁷⁰

In August 2012 the *Committee to Protect Journalists* reported that two bloggers were imprisoned for 5 and 6 years for publishing articles highlighting corruption and calling for democracy,

“Harsh prison sentences handed down recently to two independent Vietnamese bloggers represent the latest official abuses in a widening crackdown on Internet freedoms in the country, the Committee to Protect Journalists said today.

Dinh Dang Dinh, a former schoolteacher and police officer, and Le Thanh Tung, a former military officer, were sentenced to six and five years in prison, respectively, on anti-state charges for their blog postings that were perceived as critical of the Communist Party-dominated government and its policies, according to international news reports.

Dinh was sentenced on August 8 by a Dak Nong province court for violating the criminal code's Article 88, a vague provision banning propagandizing against the state that is often used to stifle and punish activists, dissidents, and independent bloggers, according to CPJ research. He was charged for articles written and posted between 2007 and 2011, according to news reports.

Dinh had written and posted critical articles on government corruption and a controversial bauxite mining project, according to Radio Free Asia (RFA). First detained in October 2011, the blogger was held in detention until his one-day trial. RFA reported that Dinh's family had come under pressure from the authorities not to publicize his case and had not been informed when his trial would be held.

Tung was convicted by a Hanoi court on August 11 for “propaganda against the state” in a series of blog postings he published between August 2009 and October 2011, according to news reports. The court ruled in a one-hour trial that his articles “distorted the policies of the state and the party” and violated Article 88, the reports said.

Several of his articles advocated for democracy and more political liberalism in Vietnam's authoritarian one-party political system. Tung was also given a subsequent sentence of four years' house arrest, according to news reports. He was first detained in December 2011.”³⁷¹

In April 2011 *Human Rights Watch* stated that the suppression of bloggers and writers critical of the government had increased,

³⁷⁰ UN News Service, UN concerned at shrinking space for freedom of expression in Viet Nam, 3 August 2012, <http://www.unhcr.org/refworld/docid/50228f382.html>, accessed 15 August 2012

³⁷¹ Committee to Protect Journalists, Attacks on the Press in 2011, Vietnam, <http://cpj.org/2012/02/attacks-on-the-press-in-2011-vietnam.php>, accessed 5 August 2012

“During the last year, the Vietnamese government has intensified its suppression of independent writers and bloggers who question government policies, expose official corruption, or call for democratic alternatives to one-party rule. Writers, bloggers, and online activists are placed under intrusive surveillance, detained incommunicado for long periods of time without access to legal counsel, and sentenced to increasingly long terms in prison.”³⁷²

The *USDOS* country report on human rights practices for 2011 states that the government imprisoned individuals who published ideas on democracy and human rights on the internet,

“Authorities also continued to detain and imprison other individuals who used the Internet to publish ideas on human rights, government policies, and political pluralism.”³⁷³

In its 2012 world report covering the events of 2011 *Human Rights Watch* stated that online critics faced harassment and in some cases imprisonment,

“Authorities continue to harass, interrogate, and in some cases detain and imprison online critics. In January 2011 police arrested human rights blogger Ho Thi Bich Khuong. In May democracy advocate Nguyen Kim Nhan was arrested for allegedly conducting propaganda against the state, five months after he was released from prison on the same charge. In August blogger Lu Van Bay was sentenced to four years for his pro-democracy articles published on the Internet. Also in August blogger Pham Minh Hoang was sentenced to three years for subversion.”³⁷⁴

In July 2012 *Human Rights Watch* reported that bloggers face harassment, over 12 online activists have been imprisoned in the last three years and several bloggers have been held for months without trial,

“Vietnam continues to harass, intimidate, arrest, and imprison bloggers and online activists, often using draconian provisions of the penal code, including article 88 that prohibits “conducting propaganda against the state” and sets out penalties of up to 20 years in prison. In the last three years, Vietnam authorities have imprisoned more than a dozen prominent bloggers and activists for using the Internet to express their opinions and advance their causes. The list included bloggers Tran Huynh Duy Thuc, Vi Duc Hoi, Ho Thi Bich Khuong, Nguyen Tien Trung, and Nguyen Ba Dang, and Internet-using activists like Father Nguyen Van Ly, Dr. Cu Huy Ha Vu, lawyer Le Cong Dinh, and others.

The police have also detained three of the country’s most prominent bloggers and activists for almost a year without trial for using the Internet to exercise their rights. These bloggers are the three founding members of Club for Free Journalists – Nguyen Van Hai (a.k.a Dieu Cay), Phan Thanh Hai (a.k.a Anhbasg), and Ta Phong Tan. Several other bloggers, including blogger Le Van Son (a.k.a Paulus Le Son), Le Thanh Tung, and Dinh Dang Dinh, have also been held for many months without trial.”³⁷⁵

In July 2012 the *Committee to Protect Journalists* reported that the mother of a former police officer who faces a 20 year sentence for crimes against the state for documenting social issues in a blog, died after self immolating in protest,

³⁷² Human Rights Watch, Vietnam: Free influential democracy activist, 22 April 2011, <http://www.hrw.org/news/2011/04/22/vietnam-free-influential-democracy-activist>, accessed 6 August 2012

³⁷³ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/i/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

³⁷⁴ Human Rights Watch, World Report 2012: Vietnam, <http://www.hrw.org/world-report-2012/world-report-2012-vietnam>, accessed 15 August 2012

³⁷⁵ Human Rights Watch, Vietnam: Clinton should spotlight internet freedom, 9 July 2012, <http://www.hrw.org/news/2012/07/09/vietnam-clinton-should-spotlight-internet-freedom>, accessed 15 August 2012

"The mother of an imprisoned Vietnamese blogger died after setting herself on fire to protest her daughter's detention on anti-state charges, her family has told international news outlets Dang Thi Kim Lieng, the mother of Ta Phong Tan, set herself ablaze early Monday outside a local government office in Bac Lieu province in the Mekong Delta, the BBC reported, citing family members. She died en route to a hospital in Ho Chi Minh City, where her daughter is due to stand trial next week, according to the U.S. Government-funded Radio Free Asia, citing Ta Phong Tan's sister, Ta Minh Tu.

Tu's brother told her that he had seen their mother's body in the hospital, RFA reported. "I wasn't aware of her self-immolation in front of the Bac Lieu People's Committee. I was informed by some acquaintances and later by the police," Tu told RFA.

Ta Phong Tan was arrested in September 2011 and charged with anti-government propaganda in April, according to CPJ research. The former police officer had documented social injustice on her blog, Conglysuthat_(Justice and Truth). If found guilty, Ta Phong Tan faces up to 20 years in prison, news reports said."³⁷⁶

In May 2012 *Human Rights Watch* reported that Ho Thi Bich Khuong was convicted of giving interviews to foreign media in December 2011,

"The People's Court of Nghe An is scheduled on May 30, 2012, to hear her appeal against her five-year sentence for violating article 88 of the penal code, which forbids "conducting propaganda against the Socialist Republic of Vietnam."

She was convicted on December 29, 2011, for giving interviews to the foreign media that authorities alleged were critical of the government, and for producing, storing, and distributing documents that were considered to oppose the state.

"For the third time in seven years, Ho Thi Bich Khuong is in prison for exercising the right to voice her views," said Phil Robertson, deputy Asia director at Human Rights Watch. "The systematic application of article 88 to arbitrarily punish bloggers and critics shows that Vietnam's disrespect for freedom of expression continues unabated."

In May 2005, the authorities arrested Ho Thi Bich Khuong in Hanoi, where she filed complaints at the central government grievance office against the confiscation of her shops by local authorities. The People's Court of Ba Dinh district in Hanoi sentenced her to six months in prison for "disrupting public order" under article 245 of the penal code. In April 2007, police arrested her in an Internet café in Nghe An province for reading information on foreign-based websites. In April 2008, a year after detaining Ho Thi Bich Khuong, the People's Court of Nghe An sentenced her to two years in prison for "abusing democratic freedoms to infringe upon the interests of the state" under article 258."³⁷⁷

In May 2012 *Human Rights Watch* reported that Ho Thi Bich Khuong was tortured by police in detention and stated that the police systematically tortured individuals in pre-trial detention,

"On March 28, 2012, the People's Court of Nghe An scheduled the appeal hearing for Ho Thi Bich Khuong. She successfully appealed for a postponement of the hearing, telling the court that she was held in solitary confinement, and was not even informed about the appeal trial. She also told her family that she was beaten four times by another prisoner while prison guards looked away.

³⁷⁶ Committee to Protect Journalists, Imprisoned blogger's mother self immolates in Vietnam, 30 July 2012, <http://cpj.org/2012/07/imprisoned-bloggers-mother-self-immolates-in-vietn.php>, accessed 10 August 2012

³⁷⁷ Human Rights Watch, Vietnam: Overturn activists blogger's sentence, 29 May 2012, <http://www.hrw.org/news/2012/05/29/vietnam-overturn-activist-blogger-s-sentence>, accessed 15 August 2012

This is not the first time Ho Thi Bich Khuong has been tortured in detention. Her prison memoir was published in serialized form in July and August 2009 by *Ngươi Viet Online*, an influential Vietnamese-American newspaper in Orange County, California. In the memoir, she gave a meticulous description of being beaten by investigation police during pre-trial detention and the horrific conditions in the prison more generally.

“Police continue to systematically torture people in pre-trial detention,” said Robertson. “The government should conduct a thorough and transparent investigation of Ho Thi Bich Khuong’s serious allegations and hold to account any officials responsible for beating her or tolerating abuse by other prisoners.”³⁷⁸

In April 2012 *Human Rights Watch* reported that three founding members of the Club for Free Journalists, including a former police officer and war veteran, had been detained accused of violating article 88 of the penal code,

“Vietnamese authorities should immediately release the bloggers Nguyen Van Hai (a.k.a Dieu Cay), Phan Thanh Hai (a.k.a Anhbassg), and Ta Phong Tan and drop all charges against them, Human Rights Watch said today. The People’s Court of Ho Chi Minh City will reportedly convene a criminal trial against them on April 17, 2012, for conducting propaganda against the state under article 88 of the penal code.

The three bloggers are founding members of the Club for Free Journalists, which they established in September 2007 to promote freedom of expression and independent journalism. During the first few months the club was operating, members covered sensitive news and events that were either suppressed or ignored by local authorities and the government-controlled media. Some of their reports covered wild-cat strikes by industrial workers in Binh Duong province, the trial of prominent dissidents such as Le Thi Cong Nhan and Nguyen Van Dai, 2008 protests against the Beijing Olympics, land disputes between Catholic churches and local governments, and the 2007 protests by Buddhist monks in Burma.

However, shortly after the club was founded, police began to harass, intimidate and detain its members, starting with the arrest of Nguyen Van Hai, the founding manager, in April 2008.

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Nguyen Van Hai, a 60-year-old war veteran, received the prestigious Hellman Hammett award in 2009 for writers who have suffered persecution as a result of their writings. He has been arrested and interrogated repeatedly by Ho Chi Minh City police since he participated in multiple protests against China between December 9, 2007 and January 19, 2008. Police arrested him on April 20, 2008, nine days before the Beijing Olympic torch traveled to Ho Chi Minh City, and later prosecuted him on a trumped-up tax evasion charge. On September 10, 2008, the People’s Court of District Three sentenced him to two years and six months in prison.

On October 20, 2010, the day he finished his prison term, police officials refused to release him. Instead, the authorities came up with a new charge that he had violated article 88 of the Penal Code by carrying out “propaganda against the Socialist Republic.” His former wife, Duong Thi Tan, who was preparing to pick him up from the prison, was detained and interrogated by police in Ho Chi Minh City, and authorities searched her house. “Vietnam shamelessly constructs spurious legal charges and rationales to keep peaceful critics like Nguyen Van Hai behind bars,” Robertson said. “This latest charge reveals the reality that the authorities locked him up for nothing more than political reasons.”

³⁷⁸ Human Rights Watch, Vietnam: Overturn activists blogger’s sentence, 29 May 2012, <http://www.hrw.org/news/2012/05/29/vietnam-overturn-activist-blogger-s-sentence>, accessed 15 August 2012

Phan Thanh Hai, 43, is a dissident writer who blogs under the pen name “Anhbasg” or “Anh Ba Sai Gon.” His writings aim to promote government transparency, freedom of expression, and freedom of association. After he participated in a protest in Ho Chi Minh City against the Beijing Olympics in December 2007, police put him under intrusive surveillance, detained, and interrogated him many times.

Although he finished his legal studies in 2008 and fulfilled all requirements to become a practicing lawyer, his application was turned down by the Justice Ministry because of his involvement in protests and his blogging activities. Regular police harassment has effectively prevented him from securing regular employment. On October 18, 2010, police arrested him in Ho Chi Minh City for allegedly conducting propaganda against the state under article 88 of the penal code. Phan Thanh Hai received the Hellman Hammett award in 2011.

Ta Phong Tan, 44, is a former police officer and a former communist party member. She began her writing career as a freelance journalist in 2004. Her articles appeared in many mainstream newspapers including *Tuoi Tre* (Youth), *Nguoi Lao Dong* (Laborer), *Vietnam Net*, *Phap Luat TP Ho Chi Minh* (Ho Chi Minh City Law), *Thanh Tra* (Inspectorate), *Can Tho*, and *Binh Duong*. Since March 2006 dozens of her articles have been published on the website of BBC’s Vietnamese service. This eventually prompted the Communist Party of Vietnam to revoke her membership.

Since she began her blog, *Justice & Truth (Cong ly & Su that)* in November 2006, she has become one of the most prolific bloggers in Vietnam. She has written more than 700 articles about social issues, including the mistreatment of children, official corruption, unfair taxation of poor people, and grievances connected to illegal land confiscations by local officials. In addition, using her knowledge of police work, she provides insightful observations about widespread abuse of power by the police in Vietnam.

As a result of her writing, the police have repeatedly harassed her. Since 2008 she has been detained and interrogated on numerous occasions about her activities, her associates, and the contents of her blog. Ta Phong Tan was arrested on September 5, 2011. She also received the Hellman Hammett award in 2011.³⁷⁹

In August 2012 *Radio Free Asia* reported that a blogger was sentenced to six years under Article 88 of the Criminal Code,

“Vietnamese authorities on Thursday sentenced an activist blogger to six years in jail for ‘conducting propaganda’ against the one-party state on charges rights groups say Hanoi routinely uses to silence dissent.

A court in central Vietnam’s Dak Nong province imposed the sentence on Dinh Dang Dinh under Article 88 of the Criminal Code, which prohibits “making, storing and/or circulating documents and/or cultural products with contents against the Socialist Republic of Vietnam.”

Dinh, 49, had written articles on government corruption and an environmentally sensitive bauxite-mining project given to a Chinese developer in Dak Nong.

Dinh’s wife was not given notice about the trial and authorities have pressured the family to keep quiet about his case, a fellow blogger who monitors Dinh’s case told RFA, speaking on condition of anonymity.³⁸⁰

³⁷⁹ Human Rights Watch, Vietnam: Immediately release rights bloggers, 16 April 2012, <http://www.hrw.org/news/2012/04/16/vietnam-immediately-release-rights-bloggers>, accessed 10 August 2012

³⁸⁰ Radio Free Asia, Dissident blogger jailed, 9 August 2012, <http://www.rfa.org/english/news/vietnam/blogger-08092012145526.html>, accessed 15 August 2012

In August 2012 *Radio Free August* reported that a Catholic blogger who is a former policeman was barred from travelling abroad,

"A blogger in Vietnam who has been critical of the one-party communist state was prevented by the authorities on Thursday from traveling abroad, a month after he was attacked by suspected government agents.

Catholic blogger Nguyen Huu Vinh said staff at the Noi Bai Airport in Hanoi stopped him from boarding a flight to Singapore when he wanted to accompany his mother, who needed medical treatment in the island state.

The airport authorities said they were acting on police orders.

"At noon today, I escorted my mother to the airport to travel to Singapore, where she needs medical treatment. After checking in, we proceeded to the waiting lounge but I was withheld there," he told RFA Vietnamese service.

"I did not know the reason. I was taken to a room and told I was prevented from going abroad based on orders by the Hanoi Police. At that time, I was so surprised because, under Vietnam Law, notifications of such preventions should be made before departure," Vinh explained.

Vinh, a former policeman in his mid-50s, has been an outspoken blogger, writing about social injustice, official corruption, and Hanoi's response to what many Vietnamese see as Chinese "aggression" in the South China Sea, waters claimed by both countries.

He has been questioned more than 30 times by the authorities over his writing, including by the Ministry of Public Security.

He was attacked by knife-wielding thugs last month after he took part in an anti-China rally in Hanoi amid a government crackdown on activists who attended the rare public demonstrations.³⁸¹

In August 2012 *Reporters Without Borders* reported that a journalist and former government official had been held incommunicado for a month,

"As the Vietnamese authorities continue to arrest and convict bloggers, Reporters Without Borders has just learned that they have also been holding the journalist and political essayist Pham Chi Dung for the past month.

"Holding a citizen incommunicado for a month before letting his arrest be known is the hallmark of an arbitrary regime," Reporters Without Borders said. "We reiterate our outrage at the current renewed crackdown on all those who dare to criticize.

"The Vietnamese authorities are again displaying complete intolerance and incomprehension towards criticism, which they automatically regard as a weapon designed to overthrow the government. Dung must be released at once and given a fair trial."

Arrested on 17 July, the 46-year-old Dung is charged with an attempt to overthrow the government. The authorities claim that he "conspired with foreign reactionaries" and "worked on documents containing elements that were entirely fabricated and defamed the government with the aim of overthrowing it."

³⁸¹Radio Free Asia, Blogger barred from travel, 2 August 2012, <http://www.rfa.org/english/news/vietnam/blogger-08022012141554.html>, accessed 15 August 2012

Dung used to be a senior interior ministry official assigned to the Ho Chi Minh City popular committee (government). He also worked for several years with Truong Tan Sang, who is now Vietnam's president."³⁸²

The *USDOS* country report on human rights practices for 2011 stated that a man with alleged ties to the Democratic Party of Vietnam was sentenced to seven years, accused of posting articles opposing the government on the internet,

"In January Binh Phuoc People's Court convicted Phung Lam from Binh Phuoc Province of propagandizing against the state and sentenced him to seven years in prison. Police had arrested him in June 2010 for alleged ties to the Democratic Party of Vietnam (DPV) and DPV chairman Nguyen Sy Binh, claiming that Lam posted articles opposing the government on the Internet. Lam had fled to Cambodia in May 2010, but police arrested him when he attempted to return to visit his family."³⁸³

The *USDOS* country report on human rights practices for 2011 stated that a lawyer was sentenced to seven years for anti-state activities including writing internet articles and giving media interviews which were critical of the prime minister,

"In August an appeals court upheld the Hanoi People's Court sentence in April of attorney Cu Huy Ha Vu to seven years in jail for antistate propagandizing. Police had arrested him in November 2010 for his Internet articles and interviews with foreign media criticizing the prime minister. In November Vu's appeal of his sentence was unsuccessful."³⁸⁴

The *USDOS* country report on human rights practices for 2011 stated that a university professor was imprisoned for activities aimed at overthrowing the government including posting comments critical of the government online and having links to a foreign-based pro-democracy group,

"Also in August the Ho Chi Minh City People's Court sentenced Pham Minh Hoang, a dual national and professor at the Ho Chi Minh City University of Technology, to three years' imprisonment followed by three years' house arrest for alleged ties to a foreign-based prodemocracy group, posting critical comments online against the government under a pseudonym in 2010, and activities aimed at overthrowing the government. Hoang admitted guilt and asked to return to a foreign country. An appeals court in Ho Chi Minh City in November reduced the imprisonment from three years to 17 months, and Hoang continued to serve his sentence at year's end."³⁸⁵

In November 2011 *Human Rights Watch* reported that a blogger with alleged affiliations to banned political party Viet Tan was convicted in August 2011 and sentenced to three years in prison followed by three years of probation,

"Pham Minh Hoang, 56, who blogs under the pen name Phan Kien Quoc, was convicted on August 10, on charges of "conducting activities to subvert the administration," under article 79 of the penal code. He was sentenced to three years in prison, to be followed by three years on probation.[]

Pham Minh Hoang was born in Vung Tau in what is now Ba Ria-Vung Tau province and went to France to study in 1973. He returned to Vietnam as a French citizen in 2000 and taught applied science at the Ho Chi Minh City Polytechnic University. In his blog, he has

³⁸² Reporters Without Borders, Another journalist arrested, held incommunicado for past month, 17 August 2012, <http://en.rsf.org/vietnam-another-journalist-arrested-held-17-08-2012.43242.html>, accessed 30 August 2012

³⁸³ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

³⁸⁴ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

³⁸⁵ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

written about a variety of social and political issues in Vietnam. He has advocated respecting workers' rights and human rights and promoted national reconciliation, freedom of expression, and democracy.

He was arrested on August 13, 2010, for his alleged affiliation with the outlawed party Viet Tan, a group that once espoused rebellion against the communist government but later changed its approach for peaceful means. There is no evidence that Pham Minh Hoang has advocated or participated in violent action against the government. According to state media, Pham Minh Hoang wrote "33 articles that distort the policies and guidelines of the Party and the State."³⁸⁶

In April 2011 *Human Rights Watch* reported that a writer and former Vietnamese Communist Party member was sentenced to eight years for "conducting propaganda" against the state,

"The conviction of Vi Duc Hoi, a former member of the Vietnamese Communist Party, by the Lang Son People's Court was based on the grounds that his articles and internet postings advocating human rights and democratic reforms constituted a national security crime under article 88 of the penal code.[]

Vi Duc Hoi, 56, is a writer and blogger from the remote province of Lang Son in northern Vietnam near the China border. He is an ethnic Tay, the largest minority group in Vietnam. His essays on democracy, pluralism, and human rights and his memoir, *Facing Reality, My Path to Joining the Democratic Movement (Doi Mat: Duong di den voi phong trao dan chu)*, have been widely circulated on the Internet.

Vi Duc Hoi quietly started supporting calls for respect of human rights and greater democracy in 2006, while still holding important positions in the party and government apparatus in Lang Son. He was the head of the Committee for Propaganda and a member of the Party's Standing Committee of Huu Lung district. After his changing views became known, he was expelled from the party, subject to orchestrated public denunciation sessions, and detained and interrogated. He then publicly affiliated with the dissident *To Quoc (Fatherland)* bulletin.

In August 2010, Vi Duc Hoi published a fictionalized account of the violent death of 21-year-old Nguyen Van Khuong, who died shortly after being taken into police custody for a routine traffic violation in Bac Giang province in July 2010. It provides a detailed - and ostensibly fictitious - description of police officers beating Khuong to death. News of Khuong's death at the hands of the police had been widely reported in the Vietnamese state press as well as by overseas media, independent bloggers, and international rights organizations, and had caused a mass protest against police brutality by thousands of people in Bac Giang during the funeral procession."³⁸⁷

d. *Situation of members of Bloc 8406 Pro-Democracy movement*

In April 2011 *Human Rights Watch* stated that Block 8406 is a movement advocating democracy and human rights,

"Named for its inception date of April 8, 2006, Block 8406 swelled into a movement of thousands through online petitions calling for respect for basic human rights, establishment of a multiparty political system, and guarantees of freedom of religion and political association. Vietnamese authorities respond with harassment and arrests to nonviolent appeals by Block 8406 and other groups advocating for democracy and human rights.

[]

³⁸⁶ Human rights Watch, Vietnam: Overturn democracy activist's sentence, 28 November 2011, <http://www.hrw.org/news/2011/11/28/vietnam-overturn-democracy-activist-s-sentence>, accessed 10 August 2012

³⁸⁷ Human Rights Watch, Vietnam: Free influential democracy activist, 22 April 2011, <http://www.hrw.org/news/2011/04/22/vietnam-free-influential-democracy-activist>, accessed 6 August 2012

Since January, police have held a number of activists connected to Bloc 8406, pending investigation, such as a land rights petitioner, Ho Thi Bich Khuong, and a Protestant pastor, Nguyen Trung Ton. Other supporters of Bloc 8406 have been sentenced to long prison terms, including Pham Ba Hai, Nguyen Hoang Quoc Hung, Nguyen Xuan Nghia, Tran Anh Kim, Tran Khai Thanh Thuy, Tran Quoc Hien, Truong Minh Duc, Truong Quoc Huy, and Vi Duc Hoi. In addition, several Bloc 8406 members released from prison remain under house arrest, including Father Nguyen Van Ly, Le Thi Cong Nhan, and Nguyen Van Dai.

Authorities are also holding other peaceful activists not directly associated with Bloc 8406, such as Pham Minh Hoang, who blogged as Phan Kien Quoc, and a Mennonite pastor, Duong Kim Khai. Both have been in detention for more than six months on allegations of subversion.

Nguyen Van Hai, who blogged under the name Dieu Cay, has been held incommunicado since October 20, 2010, after serving 30 months in prison on a trumped-up tax evasion charge.

Another blogger, Phan Thanh Hai, a.k.a. Anhasg, has been detained for almost six months. Police arrested him on October 18, two days before Nguyen Van Hai's scheduled release date. Both are founders of the Club for Free Journalists, established in September 2007 to promote freedom of expression and human rights. Another founding member of the club, Ta Phong Tan, also a blogger, has been harassed and interrogated by the police.³⁸⁸

The *USDOS* country report on human rights practices for 2011 states that Bloc 8406 members are harassed and imprisoned,

"Members of Bloc 8406 and other political activist groups that call for the creation of a multiparty state continued to face harassment and imprisonment."³⁸⁹

The *USDOS* country report on human rights practices for 2011 states that in August a member of Bloc 8406 who had been imprisoned for displaying banners critical of the Communist Party of Vietnam was released from prison under an amnesty,

"On August 29, the government amnestied and released Bloc 8406 member Tran Duc Thach []. Authorities had arrested Thach plus Bloc 8406 members Vu Van Hung and Pham Van Troi in 2008, convicted them in 2009 of antistate propagandizing for displaying banners that criticized the CPV and advocated multiparty democracy, and sentenced them to prison (Thach and Hung, three years' imprisonment; Troi, four years). In January 2010 the Hanoi Appellate Court--with foreign diplomats and journalists excluded--had upheld the prison sentences."³⁹⁰

The *USDOS* country report on human rights practices for 2011 states that a Roman Catholic priest who co founded Bloc 8406 was returned to prison following a one year humanitarian release to undergo medical treatment,

"In July authorities returned Roman Catholic priest and activist Thaddeus Nguyen Van Ly to prison to complete the remainder of his eight-year prison term for propagandizing against the state. Authorities had arrested him in 2007 in connection with his role in cofounding the Bloc 8406 movement and the Vietnam Progressive Party but had granted him a one-year

³⁸⁸ Human Rights Watch, Vietnam: Free political and religious detainees, 7 April 2011, <http://www.hrw.org/news/2011/04/07/vietnam-free-political-and-religious-detainees>, accessed 6 August 2012

³⁸⁹ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

³⁹⁰ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

humanitarian release in March 2010 to seek treatment for a brain tumor following two strokes in 2009.”³⁹¹

In August 2012 *Radio Free Asia* reported that a writer linked to Bloc 8406 was jailed for five years for publishing articles calling for democratic reform,

“Vietnamese authorities on Friday sentenced a writer linked to a banned political group to five years in jail on charges of anti-state propaganda over his articles calling for democratic reforms.

Le Thanh Tung, 44, was sentenced by a Hanoi court under Article 88 of the Criminal Code, which prohibits “conducting propaganda against the state,” charges rights groups say Vietnam routinely uses to silence dissent.

Tung, an ex-soldier and freelance journalist who was detained in December 2011, was affiliated with Bloc 8406, a banned coalition of political groups advocating democratic reform in the one-party Communist state.

Tung’s wife Tran Thi An, who attended the one-hour hearing, said her husband had been accused of defaming the government in his articles that called for reforms. []

Tung had been detained by Hanoi police 13 times since becoming involved in rights activism four years before his arrest.

Authorities also confiscated his cell phone several times and subjected him to other forms of intimidation.”³⁹²

In its 2012 annual report *Amnesty International* reported that many of the dozens of prisoners of conscience were associated with the Bloc 8406 movement,

“Dozens of prisoners of conscience arrested in previous years remained held after receiving long sentences in unfair trials. Many of them were connected with the online pro-democracy movement Bloc 8406.

A small number of prisoners of conscience were released. Dissident writer Tran Khai Thanh Thuy was released in July before the end of her prison term after agreeing to go into exile overseas. Truong Quoc Huy, a mobile phone technician, was released in December, eight months before the end of his six-year prison sentence. Human rights lawyer Nguyen Van Dai was released in March, after serving his four-year sentence. Both men were placed under house arrest for up to four years.

Father Nguyen Van Ly, a Catholic priest and co-founder of Bloc 8406, was rearrested by police in July and returned to Ba Sao prison in northern Viet Nam. Father Ly’s eight-year prison term was temporarily suspended for 12 months in March 2010 after he had had a stroke in prison and was diagnosed with a brain tumour. The authorities claimed that he was returned to prison for distributing anti-government leaflets while on medical release.”³⁹³

e. *Activities by Montagnards that are perceived as political or separatist activities by the authorities*

[See also [Section A. General Developments, 1. Central Highlands](#), [Section B. Ethnic Minorities, 2. Situation/treatment of ethnic minorities, a. Ethnic minorities that inhabit the Central Highlands](#)

³⁹¹ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

³⁹² Radio Free Asia, Activist jailed over reform calls, 10 August 2012, <http://www.rfa.org/english/news/vietnam/sentencing-08102012164738.html>, accessed 30 August 2012

³⁹³ Amnesty International, Annual Report 2012, Vietnam, 24 May 2012, <http://www.amnesty.org/en/region/viet-nam/report-2012>, accessed 6 August 2012

[\(Montagnards\)](#) and [Section C. Freedom of Religion, 2. Treatment of members of Religious Groups, iv. Central Highlands/Montagnards](#)]

In its 2012 world report covering the events of 2011 *Human Rights Watch* stated that ethnic minority and land rights activists faced arrest and imprisonment,

“Ethnic minority activists also face arrest and imprisonment. In January the Lang Son provincial court sentenced blogger Vi Duc Hoi, an ethnic Tay, on charges of conducting propaganda against the state to eight years in prison, reduced to five years on appeal in April. In March land rights activist Chau Heng, a member of the Khmer Krom minority group, was sentenced to two years in prison in An Giang on charges of “destruction of property” and “causing public disorder.” The People’s Court of Gia Lai imprisoned eight Montagnard Protestants in April to sentences between eight to twelve years for violating article 87 of the penal code, which outlaws “undermining unity policy.”³⁹⁴

The *USDOS* country report on human rights practices for 2011 states that nine Montagnards were imprisoned for “undermining unity policy” but that human rights groups described their activities as related to Montagnard rights and land disputes,

“Land-rights protesters in Hanoi, Ho Chi Minh City, Danang, and several provinces in the Mekong Delta continued to report instances of physical harassment and intimidation by local authorities. Most incidents between local authorities and ethnic minorities involved land, money, or domestic disputes. For example, the People’s Court of Gia Lai Province convicted nine Montagnards of “undermining unity policy” and sentenced them to prison for what human rights groups reported were advocacy activities related to Montagnard rights or land disputes. The sentences handed down in April were as follows: Siu Hlom, 12 years; Siu Nheo and Siu Brom, 10 years each; Rah Lan Mlih, Ro Mah Pro, and Rah Lan Blom, nine years each; and Kpa Sin and Ro Man Klit, eight years each. In December the court also sentenced Siu Thai (Ama Thuong), arrested in April, to 10 years’ imprisonment.”³⁹⁵

f. Land rights activists

[See also [Section E. Land and Property Rights](#)]

The *USDOS* country report on human rights practices for 2011 stated that a Khmer Krom land rights activists who led protests against land seizures was denied refugee status in Thailand and was imprisoned on return to Vietnam,

“In March the People’s Court of Tri Ton District, An Giang Province, sentenced Chau Heng, a Khmer Krom land-rights activist to two years’ imprisonment for “deliberately destroying property and creating social disorder.” Police had arrested Heng in December 2010 as he reentered Vietnam after being denied political refugee status by the Office of the UN High Commissioner for Refugees (UNHCR) in Thailand. Heng had led protests in 2007 and 2008 against local government land seizures.”³⁹⁶

In its 2012 world report covering the events of 2011 *Human Rights Watch* stated that seven land rights activists were sentenced to long prison terms,

³⁹⁴ Human Rights Watch, World Report 2012: Vietnam, <http://www.hrw.org/world-report-2012/world-report-2012-vietnam>, accessed 15 August 2012

³⁹⁵ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

³⁹⁶ United States Department of State, Country Reports on Human Rights Practices for 2011; Vietnam, 2012, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186319>, accessed 6 August 2012

“In May the People’s Court of Ben Tre convicted seven peaceful land rights activists, including Mennonite pastor Duong Kim Khai and Hoa Hao Buddhist member Tran Thi Thuy, for subversion and sentenced them to long prison terms.”³⁹⁷

In August 2011 *Human Rights Watch* reported that four land rights activists were appealing sentences for “subversion against the people’s administration” for possessing documents which called for a multi-party system and being members of a banned foreign based Vietnamese political organisation,

“Duong Kim Khai, Pham Van Thong, Tran Thi Thuy, and Cao Van Tinh are appealing their convictions for “subversion against the people’s administration” under article 79 of the penal code, and sentences of 5 to 8 years in prison ordered by the People’s Court of Ben Tre on May 30. The authorities alleged that the four were found in possession of anti-government documents, which government media characterized as “calling for a multiple party system and distort[ing] the leadership of the Communist Party of Vietnam” and that three belonged to a banned overseas Vietnamese political organization. Three other members of the group – Nguyen Thanh Tam, Nguyen Chi Thanh, and Pham Ngoc Hoa – were each sentenced to two years in prison and did not appeal. []

All of the defendants have for many years helped aggrieved citizens who are resisting land confiscations and fighting for land rights. Pastor Duong Kim Khai, the leader of the so-called Mennonite Cattle Shed congregation in Ho Chi Minh City, has assisted land rights petitioners from the Mekong Delta to file complaints with local, provincial, and national authorities. The congregation has been based in the cattle barn of a supporter since the previous house of worship was seized by authorities.

Tran Thi Thuy, a Hoa Hao Buddhist follower, has been struggling with authorities for many years to regain her family’s land, which was confiscated by local officials. The two other defendants were also targeted for their persistent land rights activism. The defendants are not known to have advocated violence.”³⁹⁸

In May 2012 the *Committee to Protect Journalists* reported that two state media reporters were attacked whilst covering forced evictions,

“Recent physical assault on two state media reporters in Vietnam underscores the risks of reporting on increasingly sensitive land issues in the communist-ruled country. The attack on the reporters signals a potential extension of the media crackdown that until now has targeted mainly unsanctioned journalists and bloggers.

Nguyen Ngoc Nam and Han Phi Long, both reporters with the official Radio Voice of Vietnam, were severely kicked and beaten on April 24 while covering the forced eviction of around 1,000 villagers from their farmlands. The land was being cleared to make way for a massive privately built housing project in the northern Hun Yen province, The Associated Press reported.

An estimated 3,000 police and private security guards, many dressed in anti-riot gear, were involved in the operation that resulted in at least 20 arrests, according to AP.

The incident was captured on video and later posted to video-sharing website YouTube, providing raw footage of state-sponsored violence against journalists that would never be aired on the state-dominated, tightly censored mainstream television stations. For unknown reasons, the footage of the incident is no longer available on the video-sharing site.

AP reported that both reporters were wearing helmets at the time of the assault and that Nam was handcuffed and temporarily detained at a district prosecutor’s office. He was

³⁹⁷ Human Rights Watch, World Report 2012: Vietnam, <http://www.hrw.org/world-report-2012/world-report-2012-vietnam>, accessed 15 August 2012

³⁹⁸ Human Rights Watch, Vietnam: Free peaceful land rights activists, 17 August 2011, <http://www.hrw.org/news/2011/08/17/vietnam-free-peaceful-land-rights-activists>, accessed 6 August 2012

shortly thereafter released and has since filed a formal complaint, according to news reports.

Radio Voice of Vietnam, a state-controlled national broadcaster that also maintains an English-language news website, has asked provincial authorities for an explanation for their actions.³⁹⁹

In January 2012 *Human Rights Watch* reported that land rights activist Bui Thi Minh Hang was sent to an education centre in November 2011 to serve 24 months administrative detention,

“Vietnamese authorities should immediately release the activist Bui Thi Minh Hang and stop harassing her for protesting peacefully, Human Rights Watch said today. On November 28, 2011, authorities sent her to Thanh Ha Education Center in Binh Xuyen district, Vinh Phuc province, for 24 months of administrative detention.

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

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

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

Article 25 of the ordinance gives officials extremely broad authority to lock people up on arbitrary, ill-defined grounds. Anyone can be sent to an “education center” if it is determined that they have “committed acts of infringing upon the properties of domestic or foreign organizations, the properties, health, honor and/or dignity of citizens or foreigners, breaking social order and safety regularly but not to the extent of being examined for penal liability.”⁴⁰⁰

In June 2012 *Radio Free Asia* reported that 30 farmers were arrested on the third day of protests against their forced eviction from lands by the government, the farmers were taken to a rehabilitation centre,

“Vietnamese authorities arrested 30 farmers Wednesday as they held a third day of protests in front of a municipal building in the capital demanding the government return land they say they were forcibly evicted from three years ago.

One of the group of farmers, from Ha Dong district on the outskirts of Hanoi, said they had gathered in opposition to an earlier ruling by a state inspector who found that the confiscation of their land was legal.

“We do not agree with the conclusion reached by the State Inspectorate—that is the reason for our protest,” the farmer, who spoke on condition of anonymity, told RFA’s Vietnamese service.

“We don’t want to have to do this—we are in middle of the farming season. However because of this injustice, we have been forced to lead a prolonged public protest.”

³⁹⁹ Committee to Protect Journalists, Attack shows all reporters at risk in Vietnam, 9 May 2012, <http://cpj.org/blog/2012/05/attack-shows-all-reporters-at-risk-in-vietnam.php>, accessed 6 August 2012

⁴⁰⁰ Human Rights Watch, Vietnam: Systematic crackdown on human rights, 24 January 2012, <http://www.hrw.org/news/2012/01/23/vietnam-systematic-crackdown-human-rights>, accessed 10 August 2012

Members of the security forces, who during earlier protests had looked on but had not intervened, moved in, arresting 30 of the group and taking them to a “rehabilitation” center in Hanoi’s Dong Anh district.

The Hanoi city government requisitioned the farmers’ land, in Duong Noi village’s La Duong commune, in 2009 to develop two new townships, as well as a hospital and school. Since then, only 350 of 4,000 households have resisted eviction by authorities.”⁴⁰¹

In June 2012 *Radio Free Asia* reported clashes between villagers and men alleged to have been hired by developers,

“Clashes broke out between villagers and a group of men hired to clear their land for a controversial development site on the outskirts of the Vietnamese capital Friday, leaving several villagers injured and others vowing to protect their homes should demolition crews return, sources said.

The site in Hung Yen province’s Van Giang district has been the scene of a number of confrontations over the past several years since local authorities granted the developer 500 hectares (1,235 acres) of land used by the villagers.

The villagers say the land allocation was made without fair negotiations and have refused to leave.

One villager, who spoke to RFA’s Vietnamese service on condition of anonymity, said that a group of “thugs” hired by the developer accompanied heavy machinery onto the land Friday in an attempt to clear villagers away.

“This morning, five caterpillars came to clear the land. Some of us rode motorbikes to drive them away,” the villager said.

“They continued to advance and some thugs who we believe were hired by [the developer] started beating us,” he said. ⁴⁰²

In August 2012 *Radio Free Asia* reported that a female land rights activist who is a member of Viet Tan, serving an eight year sentence had been singled out for abuse in jail,

“A Vietnamese woman land rights activist serving an eight-year jail sentence for “subversion” is being treated harshly in prison despite severe health problems, an opposition group said Monday, seeking “urgent intervention” by the international community.

Viet Tan, an organization banned in Vietnam that monitors human rights in the country, said in a statement that 40-year-old Tran Thi Thuy had been “singled out for degrading and harsh treatment” at her prison, citing individuals who have come into contact with her.

“The reason for the harsh treatment is that Tran Thi Thuy refused to enter into a confession or admit wrongdoing,” the statement said.

“Security police have repeatedly urged her to accept guilt in order to receive lighter punishment.”

Thuy, a member of Viet Tan, was sentenced during a one-day trial in May 2011 along with six other activists from southern Vietnam’s Ben Tre province for “subversion.” She received eight years in jail.

⁴⁰¹ Radio Free Asia, Thirsty arrested in land protest, 6 June 2012, <http://www.rfa.org/english/news/vietnam/arrests-06202012141031.html>, accessed 15 August 2012

⁴⁰² Radio Free Asia, New clashes in land disputes, 15 June 2012, <http://www.rfa.org/english/news/vietnam/clashes-06152012152150.html>, accessed 15 August 2012

Viet Tan said that the activist had been beaten in the stomach by Ben Tre province security police during the investigative period prior to her trial, leaving injuries that have not fully healed.

Since her imprisonment, the group said, Thuy has been subjected to forced labor and ordered to perform workloads reserved for male prisoners.

She is currently required to spend extended periods of time husking and skinning cashew nuts, the oils of which have caused caustic burns on her skin.

Thuy also has experienced repeated fainting spells as a result of the long hours she is forced to work in a weakened state, the group said.

Viet Tan said that Thuy is being jailed with common criminals who have been “utilized by prison authorities to physically intimidate her.”

The land activist is only allowed two sets of clothing and has been refused medical care, despite repeated requests to alleviate symptoms from “serious” health problems.

The group said that authorities also recently moved Thuy to Prison Camp K5 Long Khanh in Dong Nai province, also in the south, without notifying her family.

“The severe mistreatment of Tran Thi Thuy by the Vietnamese authorities is a further violation of her human rights,” Viet Tan said.⁴⁰³

In August 2012 the *Bangkok Post* reported that farmers in the Van Giang district battled against police to protect their land from confiscation, and were aided by internet bloggers who helped them to record and broadcast the confrontation,

“The Van Giang incident and other land disputes covered by bloggers have triggered an unusually heated national debate over how the government should reform Vietnam’s laws before the expiry of farmer’s 20-year public land leases in 2013.

Rapid economic growth has put pressure on farmers as industrial estates, houses, and roads have expanded, leading to a rash of violent land conflicts. Farmers complain the compensation offers for their land are far too low from companies that often have ties to influential politicians.

[]

Bloggers are linking land with other causes they say have a common theme – a government that is beholden to powerful economic interests and unresponsive to popular demands.”

In August 2012 the *Bangkok Post* reported that following violence in Van Giang in 2012,

“In the wake of the Van Giang and Hai Phong violence, some lawmakers and academics have called for private land ownership to help protect farmers – an unthinkable proposal until recently in a country where the state’s ownership of all land is enshrined in the constitution.

Nguyen Duc Kien, the vice chairman of the National Assembly’s economic committee, told Reuters the country’s Land Law would be revised and that farmers would be allowed to remain on their land after 2013. Literally interpreted, the current law allows the state to take back farms without and compensation at the end of the lease period.”⁴⁰⁴

⁴⁰³Radio Free Asia, Woman activist harshly treated in jail, 16 July 2012, <http://www.rfa.org/english/news/vietnam/release-07162012165933.html>, accessed 15 August 2012

⁴⁰⁴Bangkok Post, Bloggers battle big shots in Vietnam, 27 August 2012 (scanned copy available on request)

E. Land and Property Rights

1. Domestic legal framework, policy and practice on (private) land ownership, land tenure and possession

Articles 17 and 18 of the Vietnamese Constitution, adopted in 1992, state that all land and natural resources in Vietnam “defined by law as belonging to the State fall under the ownership of the entire people”⁴⁰⁵ and that “Land is allocated by the State to organisations and individuals for stable long-term use,”⁴⁰⁶

“Article 17: The land, forests, rivers and lakes, water sources, underground natural resources, resources in the territorial waters, on the continental shelf and in the air space, capital funds and properties invested by the State in enterprises and projects in the various branches and fields of the economy, culture, social life, science and technology, foreign affairs and national security and defence and other property defined by law as belonging to the State fall under the ownership of the entire people.

Article 18: The State assumes the unified administration of land according to overall planning and in conformity with the law and ensures its appropriate and effective use. Land is allocated by the State to organisations and individuals for stable long-term use. Organisations and individuals who use the land are duty-bound to ensure its protection, replenishment, rational exploitation and economical utilisation. They are also entitled by law to transfer the right to use the land allocated by the State.”⁴⁰⁷

In August 2012 *Radio Free Asia* reported that all land in Vietnam belonged to the state and that nearly three quarters of complaints received by the government related to land,

“All land in Vietnam belongs to the state, with people having only the right to use it, and their land can be revoked under government orders with appropriate compensation. Over 70 percent of complaints to the government are about land, the prime minister said in May.”⁴⁰⁸

In 2010 a working paper from the *Asian Law Institute* stated that the 1980 Constitution formed the basis for the current Vietnamese land law system, which was then further codified by a series of statutes from 1987-2001,

“The process of land law reform in this period was led by a series of events. On December 18, 1980, the Sixth Legislature of the Socialist Republic of Vietnam adopted the new Constitution at its 7th session. The 1980 Constitution, which contained the provision that “Land belongs to the State – all under the ownership of the whole people” (Article 19) – left a very deep imprint on the system of land law in Vietnam. A land regime under the ownership of the whole people became the basic legal ground for establishing provisions on land use and management. No longer did any form of collective or private ownership in land exist in Vietnam. During this period, the law on land was codified, as a series of statutes were enacted to respond to the demands for land management in the process of national development.

These included the Land Law of 1987, the Land Law of 1993, and the 1998 and the 2001 Laws which amended and supplemented a number of provisions of the 1987 and 1993

⁴⁰⁵1992 CONSTITUTION OF THE SOCIALIST REPUBLIC OF VIETNAM (As Amended 25 December 2001) [http://www.vietnamlaws.com/freelaws/Constitution92\(aa01\).pdf/](http://www.vietnamlaws.com/freelaws/Constitution92(aa01).pdf/), accessed 13 August 2012

⁴⁰⁶1992 CONSTITUTION OF THE SOCIALIST REPUBLIC OF VIETNAM (As Amended 25 December 2001) [http://www.vietnamlaws.com/freelaws/Constitution92\(aa01\).pdf/](http://www.vietnamlaws.com/freelaws/Constitution92(aa01).pdf/), accessed 13 August 2012

⁴⁰⁷1992 CONSTITUTION OF THE SOCIALIST REPUBLIC OF VIETNAM (As Amended 25 December 2001) [http://www.vietnamlaws.com/freelaws/Constitution92\(aa01\).pdf/](http://www.vietnamlaws.com/freelaws/Constitution92(aa01).pdf/), accessed 13 August 2012

⁴⁰⁸Radio Free Asia, Provinces return rice farms, 14 August 2012, <http://www.rfa.org/english/news/vietnam/farmland-08142012170631.html>, accessed 30 August 2012

Statutes. The most important features of the 1987 Land Law included the establishment of a legal ground for the State to unify its management of all land capital in the country; the gradual establishment of a legal ground to enable the State to protect the legitimate rights and interests of land users; and the determination of legal rules for use of different types of land in order to regulate land management and land use. However, since the 1987 Land Law was enacted in the early years of Doi Moi (innovation) – a time when highly centralized bureaucratic control had not been eradicated and the market economy was just beginning to start – a number of its provisions retained the ideas of the previous regime.”⁴⁰⁹

In 2010 the *Asian Law Institute* also stated that the 1987 Land Law was flawed in that it did not take into account the fact that land could be priced. According to the *Asian Law Institute* the 1993 Land Law rectified this but did not include concrete provisions on the rights and responsibilities of other land use entities,

“The most serious limitation in the 1987 Land Law was its inability to go beyond the outdated “subsidizing nature” of the ‘land relationship’. It did not shift the land relationship from one based on a barter system to one operated on a value system. It took no account of the notion that land could be priced. The State just gave out land to organizations and individuals for free use and did not allow transactions with respect to land (or the right to use land). This posed an obstacle to the process of introducing Doi Noi into the field of land use and management, and constituted the main reason for a new land law to be adopted in 1993.

The 1993 Land Law absorbed ideas relating to Doi Moi in several of its provisions. It recognized a price-frame for land (Article 12). It permitted the State to transfer and lease out land to organizations, households and individuals for long-term stable use, and allowed land users to pass on the right to use land to another user within the duration of the lease (Article 1). It also contained detailed provisions on the use of different types of land. However, the 1993 Land Law did not contain concrete provisions on the process and procedures for transacting land use rights. Nor did it distinguish in detail land transfers with land use payment from those without land use payment. In addition, the 1993 Law only paid attention to the issues of the rights and responsibilities of households and individuals, but did not include concrete provisions on the rights and responsibilities of other land use entities. Neither did it provide for the establishment of a market for land use rights. This explains why amendments and supplementary provisions were adopted in 1998 and 2001. More details were provided regarding which entities were to be given land use without payment and which entities were to be given land use with payment. The amendments also distinguished entities which had to pay annual rents for leases from those which made only one payment for the whole period of lease. They further specified the entities which had to advance a lump sum in rent for a period of several years, with the period of the lease for which the rent had already been advanced being not less than five years. They also determined the rights and responsibilities of land users in a way which corresponded with the different forms of land use. Notwithstanding all these changes, the 1998 and 2001 amendments only removed some of the most serious problems. They did not solve the many other demands arising from the process of Doi Moi.”⁴¹⁰

In 2008 an article by Quy-Toan Do and Lakshmi Iyer published in the multidisciplinary journal *Economic Development and Cultural Change* stated that following the decollectivisation of agricultural land in Vietnam in 1988, land-use rights were granted to all households. The issue of “Land-Use Certificates” in 1993 then gave households the right to lease and mortgage their land use rights,

⁴⁰⁹ Nguyen, Quang Tuyen, Asian Law Institute Working Paper Series No. 015 Land Law Reforms in Vietnam – Past & Present, Hanoi Law University, Asian Law Institute, National University of Singapore, Singapore, August 2010, <http://law.nus.edu.sg/asli/pdf/WPS015.pdf>, accessed 15 August 2012

⁴¹⁰ Nguyen, Quang Tuyen, Asian Law Institute Working Paper Series No. 015 Land Law Reforms in Vietnam – Past & Present, Hanoi Law University, Asian Law Institute, National University of Singapore, Singapore, August 2010, <http://law.nus.edu.sg/asli/pdf/WPS015.pdf>, accessed 15 August 2012

“Agricultural land in Vietnam was decollectivized in 1988, and land-use rights were granted to households. We focus on the subsequent land law of 1993, which gave households the right to inherit, transfer, exchange, lease, and mortgage their land use rights. This was implemented by issuing land titles (or Land-Use Certificates as they are known in Vietnam) to all households. This law initiated an extensive land-titling program in Vietnam: by the year 2000, nearly 11 million land titles had been issued to rural households, making this one of the largest rural titling programs in the developing world, not only in scale but also in speed of implementation.

[] The 1988 land law was aimed at liberalizing the agricultural sector in Vietnam. Resolution 10 of this law consisted of transferring control and cash-flow rights from the farming cooperative to the individual household. Land was allocated to households with 10–15 years of secure tenure, output markets were privatized, and investment decisions were decentralized and left to households. Private property was virtually instituted. However, as land-use rights were given to families without the possibility of trading such rights, a proper land market did not develop despite some informal transactions.

Land allocation to individual households was conducted by the commune authorities and encountered some difficulties across the country. In the North and in some regions of the South, land was distributed on a fairness basis, taking into account soil and sociodemographic characteristics of the region.

[] The situation in the South was complicated by the fact that Resolution 10 stipulated that farmers should be assigned the land they owned prior to 1975, and this generated disagreement between farmers and former landlords, although a 1989 ordinance gave rights to farmers. The allocation was thus not immune to controversy, and disputes were still being settled in July 2001, as land allocation was being brought to completion in rural areas.”⁴¹¹

In 2008 the international feminist membership organization *The Association for Women's Rights in Development (AWID)* stated that recent changes in land title legislation represent a move towards gender equality but that the implementation of this policy remains challenging, particularly at a local level,

“Vietnam has also seen recent changes in land title laws. Late last year the National Assembly approved changes in the Land Legislation. Now it is required that the land use right certificates bear the names of both the husband and wife if the land belongs to both of them. While this is a further step towards gender equality it still remains a challenge to implement this policy, especially at the local level. Women are often unaware of their rights in relation to this new legislation. Thus, much work needs to be done by government and local organizations to educate the Vietnamese people on this law.”⁴¹²

A 2010 overview of Vietnam by *Minority Rights Group International* in their *World Directory of Minorities and Indigenous Peoples* stated that despite constitutional provisions to assist minorities, the constitution contains no stipulation on the rights of minority groups to own and use traditional land and resources,

“At first glance the constitution of Vietnam is highly receptive to, and recognizes, minority communities, and particularly those in the highlands. Numerous provisions refer to the need to prioritize educational and development programmes so as to assist minorities. Most of these constitutional provisions remain for the most part vague aspirations, and in most matters where the rights of minorities might have a significant impact – [] the right to own

⁴¹¹ Do, Quy-Toan, and Lakshmi Iyer, Land titling and rural transition in Vietnam, 'Economic Development and Cultural Change 56(3), 531{579, 2008, <http://gilles.spielvogel.free.fr/cours/papiers%20micro/Do%20Iyer%202008%20Land%20Titling%20and%20Rural%20Transition.pdf>, accessed 17 August 2012

⁴¹² The Association for Women's Rights in Development (AWID), How Are Land Ownership Laws Changing For Women? 12 August 2008, <http://awid.org/Library/How-are-land-ownership-laws-changing-for-women>, accessed 13 August 2012

or use traditional land and resources, for example - the constitution is silent. Finally, the exercise of these rights seems to be further restrained by provisions in the constitution as well as other legislation which suggest these rights must comply with 'the interests and policies of the state'. In the context of Vietnam, this often appears to be closely connected to the interests of the ethnic Kinh.

[] Still, the current development policies tend to result in minorities and indigenous peoples losing access to traditional land and resources. They face being forced to relocate and seeing others (often ethnic Kinh) being resettled on their traditional lands, creating in effect a self-perpetuating cycle of disenfranchisement and impoverishment.

The approach of the government could be described as one of 'dissonant goodwill': while there is undoubtedly, for historical and political reasons, a general receptiveness towards incorporating minorities and indigenous peoples into Vietnamese society, and trying to support these communities through various measures, many of these measures are inappropriate and are not sufficient to counterbalance the negative impacts of other, more short-sighted policies. Land and development policies in particular, accompanied by what could be described as expropriation of traditional land and resources, are completely inadequate as they take the latter away from minorities and indigenous peoples and reallocate them to mainly ethnic Kinh - with the assistance of international lending and development organizations."⁴¹³

In 2010 *Minority Rights Group International* stated that minority groups in Vietnam continue to be displaced, ostensibly for the purposes of development,

"Minority and indigenous groups continue to be displaced away from their ancestral lands in the name of development in Vietnam. In the highlands in the north, the International Rivers Network reports that close to 100,000 people belonging to 13 indigenous groups may be resettled under a programme which began in December 2005 and is expected to be completed by 2015 (1,000 families had been moved by the end of 2006) in order to make place for the Son La Hydropower Project, which is the largest dam project ever built in Vietnam."⁴¹⁴

In its 2012 annual report covering the events of 2011, the *United States Commission on International Religious Freedom* stated that religious groups, including Catholics and Montagnard Protestants, have been the subject of discrimination regarding land and property rights,

"In the past reporting period, there were marked increases in arrests, detentions, and harassment of groups and individuals viewed as hostile to the Communist Party, including violence aimed at peaceful ethnic minority gatherings and Catholics protesting land confiscations and harassment. [] Also remaining in prison is Cam Tu Huynh, a leader of an unrecognized sect of the Cao Dai faith who was arrested in 2010 for criticizing several police officers for breaking up a public protest against the government-sanctioned Cao Dai Administrative Board, as well as two Catholic residents of Con Dau village, arrested for staging a banned burial ceremony on land the government wanted to buy to build an eco-tourism resort.[] Hundreds of Montagnard Protestants arrested after 2001 and 2004 demonstrations for religious freedom and land rights remain in detention in the Central Highlands. [] Catholics in Hanoi and Vinh have demonstrated publicly against intimidation by unofficial gangs and plans to confiscate and use properties formerly owned by the Catholic Church. In August 2011, thousands of Catholics in Vinh protested against a decision by local authorities to seize land in Cau Ram parish to build a park dedicated to soldiers who died during the war with the United States. In November and December 2011, priests and laypeople from the Thai Ha parish in Hanoi took to the streets to protest further

⁴¹³ Minority Rights Group International, World Directory of Minorities and Indigenous Peoples: Vietnam Overview, 2010, <http://www.minorityrights.org/2318/vietnam/vietnam-overview.html>, accessed 15 August 2012

⁴¹⁴ Minority Rights Group International, World Directory of Minorities and Indigenous Peoples: Vietnam Overview, 2010, <http://www.minorityrights.org/2318/vietnam/vietnam-overview.html>, accessed 15 August 2012

government plans to expropriate church property to build a sewage treatment plant and public attacks on their church properties. Thai Ha parish church was the site of 2008 protests against land confiscation that led to violence and the arrest of six Catholics. The church is part of the Redemptorist Order, whose priests, parishes, and leadership have been targeted in recent years.

[] In March 2011, district police in Pha Khau village, Phinh Giang commune, Dien Bien Dong district harassed and threatened a group of newly converted Christians, taking away access to land and threatening to expel them from the village if they continued to meet for worship. The individuals refused and authorities continue to harass and intimidate them. [] In April 2011, human rights defender Cu Hu Va Huy was sentenced to seven years under vague national security laws for defending victims of land confiscation and abuse of power, including Catholic villagers of Con Dau who refused to sell or vacate land – including a 135-year-old religious burial site – to create an eco-tourist resort. In April and August 2011, Hanoi lawyer Le Quoc Quan was detained for seeking to attend the trial of Cu Hu Va Huy and for assisting Catholics peacefully seeking the return of Church properties. His law license was revoked and he has been unable to get his license renewed. His activities remain restricted and he is under constant surveillance.”⁴¹⁵

In its 2012 annual report covering the events of 2011, the *United States Commission on International Religious Freedom* stated that the Vietnam Committee on Human Rights was concerned that expropriation of land constituted a serious violation of the economic and political rights of minorities. The *United States Commission on International Religious Freedom* also described a speech made by Deputy Prime Minister Nguyen Xuan Phuc which encouraged stronger oversight on matters related to land and property rights and religion,

“The Vietnam Committee on Human Rights is deeply concerned that ethnic and religious minorities suffer serious violations of their economic and political rights in all aspects of their lives, including expropriation from ancestral lands, population displacement, State-sponsored migration of Kinh people into minority regions, religious persecution, arbitrary arrest and disappearances.

[] In a February 2012 speech summarizing the government's goals for religion policy, Deputy Prime Minister Nguyen Xuan Phuc encouraged stronger oversight on matters related to land and property rights and urged continued government management of Protestantism in order to limit its extraordinary growth. Overall, the Deputy Prime Minister stressed the need to avoid religious "hot spots" and counter "enemy forces" that use religion to "destroy our nation.”⁴¹⁶

In August 2012 *Radio Free Asia* reported that Prime Minister Nguyen Tan Dung called for reforms to land management policies and for corrupt local officials involved in land grabs to be punished,

“Vietnamese Prime Minister Nguyen Tan Dung called in February for a revamp to the country's land management policies and vowed to punish corrupt local officials involved in illegal land grabs.”⁴¹⁷

In December 2010, a note by the independent expert on minority issues, Gay McDougall, to the *United Nations General Assembly Human Rights Council* stated the negative impact of government appropriation of minority lands and territories, including discontent, poverty and violent reactions to protests by land activists,

⁴¹⁵ U.S. Commission on International Religious Freedom, Annual Report 2012, Vietnam, March 2012, [http://www.uscifr.gov/images/Annual%20Report%20of%20USCIRF%202012\(2\).pdf](http://www.uscifr.gov/images/Annual%20Report%20of%20USCIRF%202012(2).pdf), accessed 18 August 2012

⁴¹⁶ U.S. Commission on International Religious Freedom, Annual Report 2012, Vietnam, March 2012, [http://www.uscifr.gov/images/Annual%20Report%20of%20USCIRF%202012\(2\).pdf](http://www.uscifr.gov/images/Annual%20Report%20of%20USCIRF%202012(2).pdf), accessed 18 August 2012

⁴¹⁷ Radio Free Asia, Thirty arrested in land protest, 20 June 2012, <http://www.rfa.org/english/news/vietnam/arrests-06202012141031.html>, accessed 15 August 2012

“Equally, large-scale economic development projects or commercial activities carried out on the lands and territories where minorities live, without prior consultation of these minorities, have had negative impacts, including displacement, the perpetuation of poverty and, in some cases, violence.”⁴¹⁸

“Land is a vital asset for ethnic minority livelihoods and a key component of rural poverty reduction. Landlessness has, however, increased in minority areas. The land reforms implemented following the unification of Viet Nam in 1975 placed all land under the ownership of the State, which assigns rights to use land to individuals. While minority regions are frequently dominated by forestry land, these lands are subject to Government allocation, and therefore frequently no longer available for community use. Only 24 percent of ethnic minorities reported having rights in forestry land. Studies conclude that many do not have access to forest resources, even in areas where there are few other livelihood opportunities, and that poverty and livelihood improvement are rarely mentioned in forestry planning. This has reportedly been disruptive to traditional forest-based minority economies.”⁴¹⁹

In January 2011, the independent expert on minority issues, Gay McDougall, to the *United Nations General Assembly Human Rights Council* also stated that minority representatives of the ethnic Khmer reported the loss of their ancestral farmlands which had been allocated to the ethnic Kinh. Protests over land rights were met with a “harsh” response from the authorities,

“Ethnic Khmer minority representatives reported the loss of ancestral farmlands in the fertile Mekong Delta. They maintained that Khmer were relocated away from southern border provinces during the war with Cambodia owing to their perceived ties with that country. Upon their return, lands had allegedly been allocated to ethnic Kinh, leaving many landless. Huge resettlement efforts brought ethnic Kinh to territories previously occupied by ethnic Khmer. Sources stated that many ethnic Khmer had consequently become poor wage labourers. Protests over land rights have been witnessed, even though they are generally banned or have allegedly met with a harsh response by the authorities. The Government contests these claims with regard to the treatment of demonstrators, but concedes that loss of land and disputes over land-use rights were regrettably the result of evacuation and return following the war.”⁴²⁰

In February 2011, the independent expert on minority issues also stated that there were suggestions of discontent over confiscation of ancestral lands among ethnic minorities in the central highlands.

“Information received suggests discontent among ethnic minorities in the central highlands over confiscation of their ancestral agricultural lands on which their livelihoods depend. Large areas of fertile lands have been turned over to industrial crops, including coffee and rubber, while massive in-migration of ethnic Kinh has put additional pressure on scarce available land. Some ethnic minority sources report alleged “land-grabs” and criticize resettlement programmes aimed at turning minority agricultural practices towards sedentary agriculture and removing them to make land available to migrant Kinh. They report that peaceful demonstrations over these issues have been met with excessive force, violence and arrests by the authorities.

[] Some minorities have been resettled from traditional villages to new permanent settlements to make way for economic development projects. The experiences witnessed

⁴¹⁸ United Nations General Assembly Human Rights Council, Forum on Minority Issues, Note by the independent expert on minority issues, Gay McDougall, on minorities and effective participation in economic life, December 2010, http://www2.ohchr.org/english/bodies/hrcouncil/minority/docs/MinorityForum3Conceptnote_en.pdf accessed 14 August 2012

⁴¹⁹ United Nations General Assembly Human Rights Council, Report of the independent expert on minority issues, Gay McDougall, Mission to Viet Nam (5 - 15 July 2010), 24 January 2011, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A-HRC-16-45-Add2.pdf>, accessed 16 August 2012

⁴²⁰ United Nations General Assembly Human Rights Council, Report of the independent expert on minority issues, Gay McDougall, Mission to Viet Nam (5 - 15 July 2010), 24 January 2011, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A-HRC-16-45-Add2.pdf>, accessed 16 August 2012

following the development of the Son La hydropower project demonstrate the need for careful management of such projects and consultation with minorities to ensure that projects do not have a negative impact on communities. The hydropower project required the largest involuntary resettlement of people, many of them minorities, in the country's history. By 2010, 91,000 people or 18,968 households in the provinces of Son La, Lai Chau and Dien Bien were to be resettled."⁴²¹

In February 2011, the independent expert on minority issues, Gay McDougall, to the *United Nations General Assembly Human Rights Council* stated that despite national policies and laws requiring gender equality, the land use right of women within minority groups are often not recognised in practice,

"Despite national policies and laws requiring gender equality, including the Constitution, the Law on Gender Equality and the Marriage and Family Law, in some communities men customarily control assets, including livestock, which may result in women becoming more vulnerable while bearing a heavier burden of supporting families in poverty. Such customs are contrary to the 2003 Land Law and the 2004 Decree, under which women and men have equal land use rights, and land use certificates of married couples must bear both names. Some minorities, including the Ede and the Mnong communities, have distinctive matrilineal systems in which inheritance is passed through daughters, and the women have the decision-making power. However, the informal practice of some authorities not to recognize women's land use rights in land tenure certificates or women's leadership roles have reportedly undermined these traditions.

[] Ethnic minority women face unique challenges and are among the most vulnerable of the poor in Viet Nam. Patriarchal traditions persist, limiting women's decision-making power in most minority communities. Minority social customs commonly dictate that males control financial assets, livestock and land-use rights certificates, potentially creating difficulties for realizing the property and land rights of minority women."⁴²²

In May 2011 a report by the *Center for Sustainable Development of the Mountainous Areas (CSDM)* stated that legislation regarding land rights is in stark contrast to the ethnic minority traditional recognition of land and forests as a key resource in their socio-political, economic and cultural development and ignores the collective role of ethnic minority communities in terms of land governance,

"As with the broader legal framework, Vietnam's land legislation does not pay explicit attention to ethnic minorities' particular relationship to land. The general land policy is progressive, as it provides for the allocation of agricultural land and forestland to individuals and organizations for long-term use. As a result, ethnic minority people nationwide have received land-use right certificates for agricultural land and, to some extent, forestland, just as their Kinh counterparts. By the end of 2009, ethnic minority or majority households had received 25% of all forestland, and communities held certificates to 1% of it. Yet there are two key issues with current land policy from the perspective of ethnic minority people living in remote areas: First, much of the land important to them has been classified as forestland, even though they have used it for cultivation and livestock husbandry for a long time. This has caused severe economic hardship to ethnic minorities and has led to serious conflicts between forest protection officers and local villagers.

[] Second, Vietnam's land legislation continues to ignore the role of communities in land governance, which is of particular concern in many ethnic minority villages. Although the 2004 revised Land Law allows land allocation to communities, they still do not possess any

⁴²¹ United Nations General Assembly Human Rights Council, Report of the independent expert on minority issues, Gay McDougall, Mission to Viet Nam (5 - 15 July 2010), 24 January 2011, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A-HRC-16-45-Add2.pdf>, accessed 16 August 2012

⁴²² United Nations General Assembly Human Rights Council, Report of the independent expert on minority issues, Gay McDougall, Mission to Viet Nam (5 - 15 July 2010), 24 January 2011, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A-HRC-16-45-Add2.pdf>, accessed 16 August 2012

formal governance powers over land. They can receive collective land certificates, but they cannot make decisions about the use and assignment of land within communities. This runs directly counter to the customary role of community based institutions and village leaders in land governance in many ethnic minority villages.”⁴²³

In May 2011 the *Center for Sustainable Development of the Mountainous Areas (CSDM)* also stated that demand for energy and resources has resulted in a revalorisation of ethnic minority land and subsequent conflict between ethnic minorities and outsiders as they are marginalised further,

“The national demand for energy and increasing worldwide scarcity of mineral resources means that large tracts of ethnic minority land can no longer be considered remote. This land has attracted the interest of national development planners and foreign investors for the construction of hydropower dams and mining operations. Several mining projects are already underway in the country. Ethnic minorities’ land is also under threat from other sources related to changes in global commodity markets and governance regimes. Increasing global demand for agricultural commodities is leading to a revalorization of the land, attracting interest from Kinh migrants, state companies and foreign investors alike. New forest governance initiatives, such as Payments for Environmental Services (PES) and Reduced Emissions from Deforestation and Forest Degradation (REDD+), are attaching new values to forests and lands, thereby making them a profitable target.

All of these have the potential to cause serious conflict between ethnic minority communities and outsiders and to marginalize ethnic minorities yet further.”⁴²⁴

In a March 2011 workshop entitled *Sharing lessons on REDD+ Governance in Lam Dong Province by Nguyen Xuan Vinh* at the Institute of Tropical Biology (ITB) in Ho Chi Minh City, Vietnamese CSOs/NGOs commented that as Vietnam has no special laws or policies recognizing and protecting ethnic minority customary land rights, the tenure rights of ethnic minorities remain uncertain,

“The first phase of the national REDD program implementation was completed in 2011 and the government has submitted its RPP (REDD Readiness Preparedness Proposal) to the World Bank’s Forest Carbon Partnership Facility (FCPF). Given that Vietnam has no special laws or policies recognizing and protecting ethnic minority customary land rights, the tenure rights of ethnic minorities remain uncertain. The Draft Decision agreed in December 2010 in Cancún, Mexico at the Conference of the Parties of the UN Framework Convention on Climate Change (UNFCCC) contains several safeguards which REDD partner countries are supposed to ensure, among them respect for the knowledge and rights of indigenous peoples. As Vietnamese civil society organisations pointed out, however, Vietnam’s RPP does not adequately address the issue of rights and access to the forest resources of ethnic minorities and they point out that: “There are risks that REDD+ can undermine the livelihoods of ethnic minorities and other forest dependent communities if it is pursued in isolation from the larger issues of forest governance.”⁴²⁵

⁴²³ Center for Sustainable Development of the Mountainous Areas (CSDM), 2011 (Vietnam): Policy Brief “Recognizing Ethnic Minority Customary Land Rights in Vietnam”, May 20, 2011, http://www.recoftc.org/site/uploads/wysiwyg/docs/Vietnam_Briefs_Eng_PDF/RECOFTC_21July10_B5_web.pdf, accessed 19 August 2012

⁴²⁴ Center for Sustainable Development of the Mountainous Areas (CSDM), 2011 (Vietnam): Policy Brief “Recognizing Ethnic Minority Customary Land Rights in Vietnam”, May 20, 2011, http://www.recoftc.org/site/uploads/wysiwyg/docs/Vietnam_Briefs_Eng_PDF/RECOFTC_21July10_B5_web.pdf, accessed 19 August 2012

⁴²⁵ Comments of Vietnam CSOs/NGOs to Vietnam REDD+ RPP and policies. Presented at the Workshop: Sharing lessons on REDD+ Governance in Lam Dong Province from March 21-22, 2011 by Nguyen Xuan Vinh - Department of Ecology, Institute of Tropical Biology (DoE/ITB), http://www.forestcarbonpartnership.org/fcp/sites/forestcarbonpartnership.org/files/Documents/PDF/Mar2011/CSOs%20comments%20on%20REDD%2B%20Vietnam_20110321_E3.pdf, accessed 19 August 2012

2. Domestic legal framework, policy and practice on land and property expropriation

In 2010 *Freedom House* stated that expropriation of land has been a highly contentious issue in recent years as the state can legally expropriate any land as long as those who own it are compensated. According to *Freedom House* the level of compensation may vary and many owners of land use rights certificates feel they have not been adequately compensated,

“As Vietnam is a socialist state, the state technically owns all land. In practice, individuals and businesses are granted “land use rights certificates” (LURC), generally for 50 years, which carry with them a number of rights and entitlements. These include the ability to transfer rights to use the land, the right to compensation in the event of expropriation, and the right to any benefits accrued from the use of the land. Amendments made in 2003 to the Land Law increased usage rights for foreigners and overseas Vietnamese. In a further extension, from September 2009 certain categories of overseas Vietnamese will have the right to lease houses, use land for business purposes, and receive compensation in the event of expropriation.

Land expropriation and reclassification have been highly contentious issues in Vietnam in recent years, as the phenomenon has spread the length and breadth of the country. By law, the state may expropriate land so long as owners of the LURC are compensated; the level of compensation may vary. Protests by farmers and peasants whose land was reclaimed by officials and subsequently developed as commercial property have become increasingly common, particularly in Ho Chi Minh City. At the core of most protests are complaints that the compensation received did not reflect the true value of the land, that promised jobs or training programs never materialized, or that compensation is insufficient to replace the farmer’s lost agricultural livelihood. Similar sentiments exist among private firms.”⁴²⁶

In 2010 *Minority Rights Group International* stated that current policies relating to land rights, often accompanied by expropriation, are inadequate,

“Still, the current development policies tend to result in minorities and indigenous peoples losing access to traditional land and resources. They face being forced to relocate and seeing others (often ethnic Kinh) being resettled on their traditional lands, creating in effect a self-perpetuating cycle of disenfranchisement and impoverishment.

The approach of the government could be described as one of ‘dissonant goodwill’: while there is undoubtedly, for historical and political reasons, a general receptiveness towards incorporating minorities and indigenous peoples into Vietnamese society, and trying to support these communities through various measures, many of these measures are inappropriate and are not sufficient to counterbalance the negative impacts of other, more short-sighted policies. Land and development policies in particular, accompanied by what could be described as expropriation of traditional land and resources, are completely inadequate as they take the latter away from minorities and indigenous peoples and reallocate them to mainly ethnic Kinh - with the assistance of international lending and development organizations.”⁴²⁷

In February 2012 the online news platform *Asia Sentinel* stated that “one of the surest routes to wealth in contemporary Vietnam lies in expropriating farmers and converting farmland to more immediately profitable uses.”⁴²⁸

⁴²⁶ Freedom House, *Countries at the Crossroads 2010*, Country Reports, Vietnam <http://www.freedomhouse.org/report/countries-crossroads-2010/rule-law-29>, accessed 17 August 2012

⁴²⁷ Minority Rights International, *World Directory of Minorities and Indigenous Peoples: Vietnam Overview*, 2010, <http://www.minorityrights.org/2318/vietnam/vietnam-overview.html>, accessed 15 August 2012

⁴²⁸ *Asia Sentinel*, *Vietnam’s Contentious Land Law*, David Brown, 01 February 2012, http://asiacentinel.com/index.php?option=com_content&task=view&id=4184&Itemid=213, accessed 13 August 2012

In its country report on human rights practices for 2011 the *USDOS* stated that there have been widespread complaints that compensation for those displaced by development projects was inadequate or delayed and that the government process of confiscating land lacked transparency,

“A 2009 decree offers compensation, housing, and job training for individuals displaced by development projects. However, there were widespread complaints, including from the National Assembly, that compensation was inadequate or delayed. There were also widespread reports of official corruption and a general lack of transparency in the government’s process of confiscating land and moving citizens to make way for infrastructure projects. Some members of ethnic minority groups in the Central and Northwest Highlands continued to complain that they had not received proper compensation for land the government confiscated to develop large-scale, state-owned enterprises.

For example, in February Pham Thanh Son self-immolated on the sidewalk outside the Danang City People’s Committee building to protest the confiscation of his family’s property by local officials and their refusal to hear his appeal.

On November 3, 50 to 70 police officers tried to remove an “illegal” sign, posted weeks earlier on the roof of the Thai Ha church in Hanoi, which called on the government to return land the church once owned. Security officials reportedly injured one church member while attempting to crash through the front gate. On December 2, security officials detained 30 parishioners and two clergy members, including the head Thai Ha priest, after 150-200 parishioners peacefully protested for the land’s return. By year’s end all detainees were released.

In January, upon appeal, the Danang City People’s Court commuted the sentences of all the remaining defendants in a land-rights protest that led to police clashes with Roman Catholic parishioners in a funeral procession in Con Dau Village in May 2010 and set them free. Police had arrested six parishioners accused of starting the altercation and damaging a police vehicle. The court initially tried them in October 2010 for public disorder and denied three of them legal representation; four individuals received nine- and 12-month jail sentences, and the remaining two defendants received suspended sentences.”⁴²⁹

In August 2012 *Radio Free Asia* stated that land grabs have become commonplace in Vietnam, reporting on violent clashes after a local playing field was sold by local officials to developers,

“A government plan to seize a popular volleyball court for private development in a central Vietnamese village—the only public space in the area—sparked a tense standoff this week between residents and local authorities.

Land grabs have become a common feature in Vietnam, but when local authorities moved to take over a small playing field, residents of Yen Loc village in Ha Tinh province said enough was enough.

They broke into a local government building on Tuesday and occupied it until Wednesday, destroying property and leaving several people injured, residents said.

According to Father Tran Van Loi of the local Catholic Trang Dinh parish, the assault on Yen Loc Commune’s People’s Committee building in Can Loc district took place because local officials had sold off the village’s only public space to developers.

“This issue requires a very urgent solution. Not only the church but the local secular community also have supported these people,” said Tran Van Loi.

⁴²⁹ U.S. Department of State, 2011 Country Reports on Human Rights Practices, May 24, 2012 <http://www.state.gov/j/drl/rls/hrrpt/2011/eap/186319.htm>, accessed 15 August 2012

“The authorities are creating such a densely populated neighborhood that there isn’t even room for a playground. Only a small volleyball court exists for people to ‘reduce stress’ after a day of hard labor, but even that has been slated for confiscation,” he said. []

Authorities have launched an investigation into the violence, which left the two officials hospitalized and several others lightly wounded”⁴³⁰

3. Legal or other mechanisms for redress available to affected individuals

In 2010 *Freedom House* stated that mechanisms for redress, particularly legal mechanisms, are very limited and that affected individuals resort to protest in an attempt to resolve disputes,

“Avenues to seek redress for abuses by public officials are extremely limited. There is no ombudsman or independent human rights commission. Procedures enabling citizens to complain of abuses exist but are cumbersome and largely ineffective. Recourse for victims of torture, unfair imprisonment, or other severe rights violations is non-existent. [] Redress through legal channels is subject to the limitations detailed above. As a result, both foreign and domestic firms often seek informal dispute resolution mechanisms, while ordinary citizens take to the streets.”⁴³¹

In its 2012 annual report, covering the events of 2011, *Amnesty International* stated that several land activists had been imprisoned for campaigning for social justice for farmers, and attempting to help those whose land had been confiscated seek redress through petitioning,

“Tran Thi Thuy, Pastor Duong Kim Khai and five other land activists were sentenced to between two and eight years’ imprisonment in May by a court in Ben Tre province. They were charged with aiming to “overthrow” the government. Thuy had campaigned for social justice for farmers in the province. Pastor Khai led the “Cattle Shed” Mennonite Church and had helped farmers whose land had been confiscated to petition the authorities.”⁴³²

In its country report on human rights practices for 2011 the *USDOS* stated that mechanisms for pursuing civil action to redress abuses committed by the authorities are unclear and that courts at all levels were subject to corruption,

“There is no clear or effective mechanism for pursuing a civil action to redress or remedy abuses committed by authorities. Civil suits are heard by administrative, civil, and criminal courts, all of which follow the same procedures as in criminal cases and are adjudicated by members of the same body of judges and lay assessors. All three levels were subject to corruption, lack of independence, and inexperience.

By law a citizen seeking to press a complaint regarding a human rights violation by a civil servant 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. The government continued to disallow the use of class action lawsuits against government

⁴³⁰ Radio Free Asia, Volleyball issue snowballs, 16 August 2012, <http://www.rfa.org/english/news/vietnam/volleyball-08162012170019.html>, accessed 31 August 2012

⁴³¹ Freedom House, Countries at the Crossroads 2010, Country Reports, Vietnam <http://www.freedomhouse.org/report/countries-crossroads-2010/rule-law-29>, accessed 17 August 2012

⁴³² Amnesty International, Annual Report 2012, Vietnam, <http://www.amnesty.org/en/region/viet-nam/report-2012>, accessed 14 August 2012

ministries, thus limiting land rights petitioners from sending joint complaints to numerous government agencies.

[] 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.”⁴³³

In its country report on human rights practices for 2011 the *USDOS* also stated that in several instances land-rights protesters continued to report physical harassment and intimidation by the authorities

“Land-rights protesters in Hanoi, Ho Chi Minh City, Danang, and several provinces in the Mekong Delta continued to report instances of physical harassment and intimidation by local authorities. Most incidents between local authorities and ethnic minorities involved land, money, or domestic disputes. For example, the People’s Court of Gia Lai Province convicted nine Montagnards of “undermining unity policy” and sentenced them to prison for what human rights groups reported were advocacy activities related to Montagnard rights or land disputes. The sentences handed down in April were as follows: Siu Hlom, 12 years; Siu Nheo and Siu Brom, 10 years each; Rah Lan Mlih, Ro Mah Pro, and Rah Lan Blom, nine years each; and Kpa Sin and Ro Man Klit, eight years each. In December the court also sentenced Siu Thai (Ama Thuong), arrested in April, to 10 years’ imprisonment.”⁴³⁴

In 2012 *Human Rights Watch* stated that police frequently responded to protests over evictions and confiscation of land with excessive use of force and that several land rights activists had been given prison sentences,

“Police frequently torture suspects to elicit confessions and, in several cases, have responded to public protests over evictions, confiscation of land, and police brutality with excessive use of force.

[] In May the People’s Court of Ben Tre convicted seven peaceful land rights activists, including Mennonite pastor Duong Kim Khai and Hoa Hao Buddhist member Tran Thi Thuy, for subversion and sentenced them to long prison terms.

[] Ethnic minority activists also face arrest and imprisonment. In January the Lang Son provincial court sentenced blogger Vi Duc Hoi, an ethnic Tay, on charges of conducting propaganda against the state to eight years in prison, reduced to five years on appeal in April. In March land rights activist Chau Heng, a member of the Khmer Krom minority group, was sentenced to two years in prison in An Giang on charges of “destruction of property” and “causing public disorder.”⁴³⁵

In its country report on human rights practices for 2011 the *USDOS* also stated that activists had been arrested and imprisoned, including those from an unrecognized Mennonite Church. The *USDOS* also stated that there had been complaints at the uneven nature of the government program for land allocation to ethnic minorities,

“Police had arrested Thuy, Thong, Khai, and Tam in July-August 2010 for alleged ties to a banned, foreign-based, prodemocracy group and for organizing and advocating on behalf of land-rights claimants in Ben Tre and Dong Thap provinces. Police had also arrested Hoa and Thanh, affiliated with Khai and the unrecognized Mennonite Church, in November 2010 for their alleged ties to the same prodemocracy group and their work with Khai.

⁴³³ U.S. Department of State, 2011 Country Reports on Human Rights Practices, May 24, 2012 <http://www.state.gov/i/drl/rls/hrrpt/2011/eap/186319.htm> , accessed 15 August 2012

⁴³⁴ U.S. Department of State, 2011 Country Reports on Human Rights Practices, May 24, 2012, <http://www.state.gov/i/drl/rls/hrrpt/2011/eap/186319.htm>, accessed 15 August 2012

⁴³⁵ Human Rights Watch, World Report 2012: Vietnam, Events of 2011 <http://www.hrw.org/world-report-2012/world-report-2012-vietnam>, accessed 18 August 2012

[] In March the People's Court of Tri Ton District, An Giang Province, sentenced Chau Heng, a Khmer Krom land-rights activist to two years' imprisonment for "deliberately destroying property and creating social disorder." Police had arrested Heng in December 2010 as he reentered Vietnam after being denied political refugee status by the Office of the UN High Commissioner for Refugees (UNHCR) in Thailand. Heng had led protests in 2007 and 2008 against local government land seizures.

[] The government continued to allocate land to ethnic minorities in the Central Highlands through a special program, but there were valid complaints that implementation was uneven."⁴³⁶

In April 2012 the *British Broadcasting Corporation (BBC)* stated that around 2,000 police used clubs and tear gas to evict hundreds of farmers from a disputed plot of land in protest over inadequate compensation,

"Vietnamese police have detained 20 people after hundreds of farmers protested on a disputed plot of land near Hanoi, state media report. Riot police used clubs and tear gas to evict the farmers who protested on Tuesday in Van Giang district of Hung Yen province near the capital. Villagers had camped in the area to try to keep the authorities and private developers away from the site. Land rights disputes in Vietnam are becoming increasingly violent. Around 2,000 police and security officers were deployed to repossess the area. "They threw stun grenades and came towards the field... then 100 bulldozers were sent in to clear crops," a local resident, who identified himself only as Kien, told the BBC Vietnamese service.

A private company, Vihajico, has been trying for years to build a satellite city called EcoPark, covering 500 hectares of land in the area. Hundreds of farmers had joined the protest over the disputed land. More than 4,000 families will lose their farmland as a result of the development, AP news agency reports. Residents have been offered 36 million Vietnamese dong (\$1,700; £1,000) as compensation for every 360 sq m plot of land. However, some locals have said that the compensation is inadequate, and accuse officials of corruption. Land rights are a contentious issue in Vietnam, where the Communist government owns all land and usage rights are unclear. In January, fish farmer Doan Van Vuon made headlines after he used homemade mines and shotguns in an attempt to stop police from seizing his land."⁴³⁷

In 2011 the human rights NGO the *International Working Group for Indigenous Affairs* stated that an unspecified number of ethnic Hmong people staged a spontaneous protest in May 2011 demanding an autonomous region, religious freedom and land reform in their territories,

"An undetermined number of ethnic Hmong people, some reports say around 3,000, staged a spontaneous mass action on May 5, 2011 in remote villages of Muong Nhe district in Dien Bien province close to the border with Lao PDR. These Hmong protesters, some of them belonging to Christian denominations, were allegedly demanding an autonomous region, religious freedom and land reform in their territories.

The Vietnamese government sent in army troop reinforcements after demonstrations broke out in Dien Bien. Minor clashes occurred between the Hmong and the army soldiers and security forces. Army officials said they "had to intervene to prevent these troubles and disperse the crowd by force" but did not provide any details of casualties or the number of troops involved. Local authorities arrested and detained several people and opened an

⁴³⁶ U.S. Department of State, 2011 Country Reports on Human Rights Practices, May 24, 2012, <http://www.state.gov/j/drl/rls/hrrpt/2011/eap/186319.htm>, accessed 15 August 2012

⁴³⁷ BBC News Asia, Vietnam land clash: Arrests after police evict hundreds, 25 April 2012, <http://www.bbc.co.uk/news/world-asia-17844198>, accessed 19 August 2012

investigation. Although religious rights and freedoms are not absolutely denied in Vietnam, religion is strictly regulated.

The US-based Center for Public Policy Analysis, a supporter of the Hmong cause, reported on its website that 28 protesters had been killed and that hundreds were missing but these claims cannot be independently verified.⁷ Christy Lee, executive director of the Washington-based campaign group Hmong Advance cited “credible reports” of a major crackdown against Hmong people and that the operation was allegedly in response to the Hmong people’s protests for land reform, religious freedom, their opposition to illegal logging and other related issues.”⁴³⁸

⁴³⁸ International Working Group for Indigenous Affairs, 2011 Update, Vietnam, 2011, <http://www.iwgia.org/regions/asia/vietnam/904-update-2011-vietnam> accessed 19 August 2012

F. Human Trafficking

1. Domestic legal framework and government policies with a particular focus on the protection of victims of human trafficking

According to *The United Nations Office on Drugs and Crime Vietnam* has not yet ratified the United Nations Convention against Transnational Organized Crime⁴³⁹ or the United Nations Trafficking Protocol⁴⁴⁰.

Article 119 of the Penal Code, promulgated in January 2000 by the Vietnamese President, states that trafficking in women is specifically prohibited and can result in a two to twenty year prison sentence,

“Article 119 Trafficking in Women

1. Those who traffic women shall be sentenced to between two and seven years imprisonment.
2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between five and twenty years of imprisonment:
 - a) Trading women for the purpose of prostitution;
 - b) In an organised manner;
 - c) Being of professional characters;
 - d) For the purpose of sending them overseas;
 - e) Trafficking in more than one person;
 - f) Trafficking more than once.
3. The offenders may also be subject to a fine of between five million and fifty million dong, to probation, or to a residence ban for one to five years.”⁴⁴¹

Article 120 the Penal Code states that “trading in, fraudulently exchanging or appropriating children” is prohibited and can result in between three and twenty years imprisonment,

“Article 120 Trading in, fraudulently exchanging or appropriating children

1. Those who trade in, fraudulently exchange or appropriate children in any form shall be sentenced to between three and ten years of imprisonment.
2. Committing such crimes in the following circumstances the offenders shall be sentenced to ten and twenty years of imprisonment or life imprisonment
 - a) In an organised manner
 - b) Being of professional character

⁴³⁹ The United Nations Office on Drugs and Crime, United Nations Convention against Transnational Organized Crime and the Protocols Thereto, 2000, <http://www.unodc.org/unodc/en/treaties/CTOC/>, accessed 23 August 2012

⁴⁴⁰ The United Nations Office on Drugs and Crime, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 15 November 2000 <http://www.unodc.org/unodc/en/treaties/CTOC/countrylist-traffickingprotocol.html>, accessed 23 August 2012

⁴⁴¹ President of the Socialist Republic of Vietnam, Order No. 01/L-CTN Promulgating the Penal Code, January 4 2000, http://www.artipproject.org/artip-tip-cjs/laws-policies/national/Vietnam/Vietnam_Penal_Code_2000_scan.pdf, accessed 21 August 2012

- c) For despicable motivation
 - d) Trading in, fraudulently exchanging or appropriating more than one child
 - e) For the purpose of sending them abroad
 - f) For use for inhumane purposes
 - g) For use for prostitution purposes
 - h) Dangerous recidivism
 - i) Causing serious consequences
3. The offenders may also be subject to a fine of between five million and fifty million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years or to probation for one to five years.⁴⁴²

In July 2011 the *Association of South East Asian Nations (ASEAN) Progress Report on Criminal Justice Responses to Trafficking in Persons in the ASEAN Region* stated that the Penal Code had been recently amended in order to apply the offence of trafficking to men woman and children, but that there remains some confusion as to what is needed to establish the offence of trafficking,

“The Penal Code in Vietnam was recently amended to confirm that that the offence of trafficking set out in that law applies to men, women and children. While this was an important development, there is still some confusion over what precisely needs to be proved to establish the ‘trafficking’ offence, as the term is not defined in Vietnamese law. There has been some suggestion that trafficking requires proof of a ‘material gain’ to the traffickers, however there is no such requirement expressed in the provisions of the Penal Code. There is also no reference to ‘means’ or ‘exploitation’, although an Inter-Ministerial Circular suggests that the victims of trafficking must have been exploited “by means of threat, or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability to be trafficked abroad for receiving of payments or benefits”. However, application of this definition appears to be limited to situations where the Government is required to provide support to women and children who have been trafficked outside Vietnam and have returned to Vietnam. It does not expressly apply to Article 119, a criminal statute that must be interpreted strictly. It is therefore unclear to what extent this definition informs the definition of trafficking in the Penal Code.”⁴⁴³

In March 2011, the *Vietnamese National Assembly* adopted the Law on Prevention, Suppression Against Human Trafficking, which came into force in January 2012.⁴⁴⁴

Article 3 of the Law on Prevention, Suppression Against Human Trafficking lists a number of “prohibited acts” which include “trafficking in persons as stipulated in Article 119 and Article 120 of the Penal Code,”⁴⁴⁵ reprisal against victims or denunciators of trafficking and disclosure of information regarding victims without their consent,

“Article 3. Prohibited Acts

⁴⁴² President of the Socialist Republic of Vietnam, Order No. 01/L-CTN Promulgating the Penal Code, January 4 2000, http://www.artipproject.org/artip-tip-cjs/laws-policies/national/Vietnam/Vietnam_Penal_Code_2000_scan.pdf, accessed 21 August 2012

⁴⁴³ Association of South East Asian Nations, Progress Report on Criminal Justice Responses to Trafficking in Persons in the ASEAN Region, July 2011, available at <http://resourcecentre.savethechildren.se/content/library/documents/progress-report-criminal-justice-responses-trafficking-persons>, accessed 23 August 2012

⁴⁴⁴ National Assembly Socialist Republic of Vietnam, Law No./2011/QH12, Law on Prevention, Suppression Against Human Trafficking, March 2011, <http://www.artipproject.org/artip-tip-cjs/laws-policies/national/Vietnam/Vietnam%20Anti-trafficking%20in%20Persons%20Law%20Mar%202011%20final%20ENG.pdf>, accessed 23 August 2012

⁴⁴⁵ National Assembly Socialist Republic of Vietnam, Law No./2011/QH12, Law on Prevention, Suppression Against Human Trafficking, March 2011, <http://www.artipproject.org/artip-tip-cjs/laws-policies/national/Vietnam/Vietnam%20Anti-trafficking%20in%20Persons%20Law%20Mar%202011%20final%20ENG.pdf>, accessed 23 August 2012

1. The trafficking in persons as stipulated in Article 119 and Article 120 of the Penal Code.
2. The transfer or receipt of persons for sexual exploitation, forced labor, the removal of organs, or for other inhuman purposes.
3. The recruitment, transportation, harboring of persons for sexual exploitation, forced labor, the removal of organs or for other inhuman purposes, or for the commission of the acts as stipulated in paragraphs 1 and 2 of this Article.
4. Coercion of persons to commit any of the acts stipulated in paragraphs 1, 2 and 3 of this Article.
5. Conducting brokerage to help other persons commit any of the acts stipulated in paragraphs 1, 2 and 3 of this Article.
6. Revenge or the threat of revenge of victims, witnesses, denunciators, their relatives or persons who deter the acts stipulated in this Article.
7. Misuse of the prevention, suppression against human trafficking for illegally obtaining profits or committing illegal acts.
8. Obstruction against denunciation, notification and handling of the acts stipulated in this Article.
9. Differentiation or discrimination against victims.
10. Disclosure of the information of victims without their consent, or their lawful representatives.
11. Assuming false position as victims.
12. Other acts of violation of the provisions in this Law.”⁴⁴⁶

In July 2011 the Association of South East Asian Nations (ASEAN) Progress Report on Criminal Justice Responses to Trafficking in Persons in the ASEAN Region stated that the way in which the Law on Prevention and Suppression Against Human Trafficking should interact with stipulations of the Penal Code remains unclear,

“Vietnam has recently passed a new law entitled Law on Prevention and Suppression Against Human Trafficking, which will come into effect on 1 January 2012. [] While there are no ‘means’ elements listed in the “prohibited acts” provisions, the definitions given for sexual exploitation and forced labour include elements of force and coercion. However there appears to be no force, coercion or other means required for the act of organ removal or for other “inhuman purposes”, which are not defined. Further, there is no penalty stipulated for these or any of the other ten “prohibited acts”, which include “discrimination against victims” and disclosure of information regarding victims. It also remains unclear how these provisions are intended to interact with the trafficking offence provisions in the Penal Code, though it has been indicated that the list of prohibited acts is meant to provide guidance as to the types of conduct that may constitute trafficking under the Penal Code.”⁴⁴⁷

Articles 29 and 30 of the Law on Prevention, Suppression Against Human Trafficking state that where there is reason to believe that a person is trafficked, “agencies, units or individuals under People’s Public Security Force or People’s Army”⁴⁴⁸ stipulated in Article 21, have a responsibility to apply protective measures specified by the government,

“Article 29. Rescue, Protection: Where there is ground to believe that a person is trafficked, the agencies, units or individuals stipulated in Article 21 of this Law shall have the responsibility to apply necessary measures to rescue [the person]; in case the person is likely to have his/her life, health, honor, dignity and property infringed upon, protective measures shall be applied.

⁴⁴⁶ National Assembly Socialist Republic of Vietnam, Law No./2011/QH12, Law on Prevention, Suppression Against Human Trafficking, March 2011, <http://www.artipproject.org/artip-tip-cjs/laws-policies/national/Vietnam/Vietnam%20Anti-trafficking%20in%20Persons%20Law%20Mar%202011%20final%20ENG.pdf> , accessed 23 August 2012

⁴⁴⁷ National Assembly Socialist Republic of Vietnam, Law No./2011/QH12, Law on Prevention, Suppression Against Human Trafficking, March 2011, <http://www.artipproject.org/artip-tip-cjs/laws-policies/national/Vietnam/Vietnam%20Anti-trafficking%20in%20Persons%20Law%20Mar%202011%20final%20ENG.pdf> , accessed 23 August 2012

⁴⁴⁸ National Assembly Socialist Republic of Vietnam, Law No./2011/QH12, Law on Prevention, Suppression Against Human Trafficking, March 2011, <http://www.artipproject.org/artip-tip-cjs/laws-policies/national/Vietnam/Vietnam%20Anti-trafficking%20in%20Persons%20Law%20Mar%202011%20final%20ENG.pdf> , accessed 23 August 2012

Article 30 Protection of the Safety of Victims, the Relatives of Victims

1. Measures to protect the safety of victims and their relatives shall include: a) Provision of temporary shelter in case the life or health of victims or their relatives is likely to be threatened; b) Keeping secret the places of residence, work or study of victims and their relatives; c) Measures to prevent acts of infringement upon or threatening to infringe upon the life, health, honor, dignity or property of victims or their relatives in accordance with law; d) Other protective measures as stipulated by criminal procedure law.
2. The Government shall specify the protection of the safety of victims, their relatives."⁴⁴⁹

Article 31 of the Law on Prevention, Suppression Against Human Trafficking states that courts will consider closed court sessions on human trafficking cases at the request of victims, and have a responsibility to keep their personal information secret,

"Article 31 Protection of the Personal Information Secret of Victims

1. Agencies, organizations or individuals shall have the responsibility to keep secret the information of victims, unless otherwise as provided for by law.
2. At the request of victims or their lawful representative, courts shall consider and/or decide the commencement of closed court sessions on human trafficking cases."⁴⁵⁰

Article 46 of the Law on Prevention, Suppression Against Human Trafficking states that it is the responsibility of the Ministry for Foreign Affairs to co-operate with Vietnamese and foreign agencies in order to verify and repatriate Vietnamese victims of trafficking,

"Article 46. Responsibility of the Ministry of Foreign Affairs

1. Providing instructions and guidelines to foreign-based Vietnamese representative missions in the protection of Vietnamese citizens who are abroad-trafficked victims; co-operating with Vietnamese competent agencies and foreign competent agencies in verifying victims and doing procedures to take victim as Vietnamese citizens back the country."⁴⁵¹

Article 55 of the Law on Prevention, Suppression Against Human Trafficking states that it is the responsibility of the State to create favourable conditions to allow Vietnamese agencies to join with agencies of other countries in the protection of victims of trafficking,

"Article 55. Co-operation of Rescue and Repatriation of Victims

1. The State of Vietnam shall create favorable conditions for Vietnamese functional agencies to co-operate with relevant agencies of other countries in the rescue and protection of trafficked victims."⁴⁵²

In 2011 the *Asia Regional Trafficking in Persons Project* stated that Article 119 and 120 of the Penal Code have been used to prosecute those who buy and sell people, but that prior to the Law on Prevention, Suppression Against Human Trafficking, which came into force in January 2012, Vietnam did not have separate legislation prohibiting trafficking in persons,

⁴⁴⁹ National Assembly Socialist Republic of Vietnam, Law No./2011/QH12, Law on Prevention, Suppression Against Human Trafficking, March 2011, <http://www.artipproject.org/artip-tip-cjs/laws-policies/national/Vietnam/Vietnam%20Anti-trafficking%20in%20Persons%20Law%20Mar%202011%20final%20ENG.pdf>, accessed 23 August 2012

⁴⁵⁰ National Assembly Socialist Republic of Vietnam, Law No./2011/QH12, Law on Prevention, Suppression Against Human Trafficking, March 2011, <http://www.artipproject.org/artip-tip-cjs/laws-policies/national/Vietnam/Vietnam%20Anti-trafficking%20in%20Persons%20Law%20Mar%202011%20final%20ENG.pdf>, accessed 23 August 2012

⁴⁵¹ National Assembly Socialist Republic of Vietnam, Law No./2011/QH12, Law on Prevention, Suppression Against Human Trafficking, March 2011, <http://www.artipproject.org/artip-tip-cjs/laws-policies/national/Vietnam/Vietnam%20Anti-trafficking%20in%20Persons%20Law%20Mar%202011%20final%20ENG.pdf>, accessed 23 August 2012

⁴⁵² National Assembly Socialist Republic of Vietnam, Law No./2011/QH12, Law on Prevention, Suppression Against Human Trafficking, March 2011, <http://www.artipproject.org/artip-tip-cjs/laws-policies/national/Vietnam/Vietnam%20Anti-trafficking%20in%20Persons%20Law%20Mar%202011%20final%20ENG.pdf>, accessed 23 August 2012

“In March 2011, the Vietnamese National Assembly adopted the Law on Prevention, Suppression Against Human Trafficking. The Law will come into force on the 1st of January 2012 (Article 57).

Until the new trafficking law is in force Vietnam does not have separate legislation prohibiting trafficking in persons. However, there are various offences in the Penal Code that are directly relevant to trafficking. Specifically, article 119 prohibits trafficking in persons and article 120 prohibits trading in, fraudulently exchanging or appropriating children. The Penal Code includes a range of offences that could be applied to the process of trafficking. For example, crimes relating to document fraud (articles 266-268, 284), laundering of proceeds of crime (article 251), and coercing other persons to stay in foreign countries (article 275), are all prohibited under the Penal Code.”⁴⁵³

In April 2012, the *USDOS Trafficking in Persons Interim Assessment Report* stated that although the five-year nation plan of action to combat human trafficking enacted by the Vietnamese government in March 2011 came into effect in January 2012, its implementation was not yet complete,

“Since the release of the June 2011 Report, the government finalized a five-year national plan of action on human trafficking and provided an estimated \$12 million in funding for anti-trafficking activities. Although Vietnam’s comprehensive anti-trafficking law enacted in March 2011 came into effect in January 2012, the government has yet to complete its implementation by issuing all related decrees and circulars.”⁴⁵⁴

In 2012 the *USDOS Trafficking in Persons Report* also stated that although the government had made efforts to protect victims of trafficking, protection plans outlined in the anti-trafficking laws had not yet been implemented and efforts to proactively identify and protect victims of trafficking were inadequate,

“The Vietnamese government made sustained efforts to protect victims, primarily those subjected to transnational sex trafficking, but it did not make efforts to adequately identify victims among vulnerable populations or protect victims of labor trafficking or internal trafficking. Victim protection plans outlined in the anti-trafficking law have not yet been implemented. The government did not develop or employ systematic nationwide procedures to proactively and effectively identify victims of trafficking among vulnerable populations, such as women arrested for prostitution and migrant workers returning from abroad, and victim identification efforts remained poor across all identified migration and trafficking streams.”⁴⁵⁵

In May 2012, *Amnesty International* urged the member states of the Association of South East Asian Nations (ASEAN) to include provisions for the protection of victims of trafficking in the development of an instrument on the protection and promotion of the rights of migrant workers,

“Amnesty International further urges the Committee to include in the Instrument specific provisions for the respect, protection and promotion of the rights of victims of trafficking, including the right to seek and obtain justice and the right to be protected from further abuse, as detailed in the Recommended Principles and Guidelines on Human Rights and Human Trafficking.

Such rights have only partially been reflected in the 2004 ASEAN Declaration Against trafficking in Persons Particularly Women and Children, which declares that member states

⁴⁵³ Asia Regional Trafficking in Persons Project, Trafficking in Persons Vietnam - Legal and Policy Framework, National Legal Framework, 2011, <http://www.artipproject.org/artip-tip-cjs/laws-policies-national-ams.html#vietnam>, accessed 25 August 2012

⁴⁵⁴ US Department of State, Trafficking in Persons Interim Assessment Report, April 24, 2012 <http://www.state.gov/j/tip/rls/reports/2012/188427.htm>, accessed 23 August 2012

⁴⁵⁵ U.S. Department of State, 2012 Trafficking In Person Report, 2012, <http://www.state.gov/j/tip/rls/tiprpt/2012/192368.htm> accessed 21 August 2012

should, inter alia, undertake actions to respect and safeguard the dignity and human rights of genuine victims of trafficking in persons.”⁴⁵⁶

2. Legal and other mechanisms for the protection of victims returned to Vietnam

In 2011 the *Child Exploitation and Online Protection Centre in association with the British Embassy, Hanoi* stated that self-identified victims of trafficking often have little or no access to government support mechanisms, and that identified victims of trafficking in countries bordering Vietnam are vulnerable to re-trafficking as they can be left at the border with no assistance,

“Because of the requirement for government involvement in the identification and rescue of victims, self-rescued and self-identified victims have limited (and often, no) access to government support mechanisms.

[] Bilateral agreements between countries neighbouring Vietnam usually only extend to handing over identified victims of trafficking at the border (i.e. to the Border Guards’ Command), with victims receiving no assistance in returning from the border back to their home communities. There are reports [] of victims being re-trafficked, because of being stranded at the border gate. Furthermore, there are no protocols in place to assess the needs of victims once back in their communities.

[] The international definition of child trafficking differs to that of adults, which affects victim identification. The needs of adult and children victims will also vary. Currently there are no support mechanisms for adult male victims of trafficking

[] The United Nations internationally recognised Palermo Protocol defines child victims of trafficking as being under 18, which varies from Vietnamese law where children are defined as being under 16. More clearly defined policies on TIP are required, with standardised levels of support across the country. Better collaboration and centralised co-ordination will prevent overlap of services, and maximise the availability and efficiency of resources. As highlighted above, current policies need expanding to incorporate self-identifying victims. Continual support is needed from point of identification, and in assessing and providing for needs of victims.”⁴⁵⁷

In 2012 the *USDOS Trafficking in Persons Report* stated that there were currently no shelters specifically for male or child victims of trafficking, and that some victims choose not to use the services available to them for fear of social stigma,

“There are no shelters or services specifically dedicated to assisting male victims, child victims, or victims of labor trafficking, although existing shelters reportedly provided services to some male and child victims. NGOs report some victims opt not to stay at a victim support facility or receive social services due to a fear of social stigma from identifying as a trafficking victim.”⁴⁵⁸

In November 2011 the *Ministry of Labor, Invalids and Social Affairs (MOLISA)*, responsible for supporting the reintegration of trafficking victims under the 2011 Law on Prevention and

⁴⁵⁶ Amnesty International, ASEAN BRIEFING TO THE COMMITTEE ON THE IMPLEMENTATION OF THE DECLARATION ON THE PROTECTION AND PROMOTION OF THE RIGHTS OF MIGRANT WORKERS, May 2012, <http://www.amnesty.org/en/library/asset/IOR64/003/2012/en/a92d82d2-d558-4500-a068-820caf8d5b83/ior640032012en.pdf>, accessed 24 August 2012

⁴⁵⁷ Child Exploitation and Online Protection Centre in association with the British Embassy, Hanoi, *The trafficking of women and children from Vietnam, 2011*, http://ceop.police.uk/Documents/ceopdocs/NPM_CEOP_FCO_report_trafficking_of_Vietnamese_women_and_children.pdf accessed 20 August 2012

⁴⁵⁸ U.S. Department of State, 2012 Trafficking In Person Report, 2012, <http://www.state.gov/j/tip/rls/tiprpt/2012/192368.htm> accessed 21 August 2012

Suppression against Human Trafficking stated that it had developed National Minimum Standards for provision to victims of trafficking on their return,

“MOLISA has been working with The Asia Foundation to develop a National Minimum Standards on Victim Support and a Manual for Social Workers and Staff Providing Services for Victims of Human Trafficking. The two documents were developed with the objectives: i) to provide the best services and supports to returnees to reintegrate into the community, ii) to ensure minimum standards on the provision of services; iii) to provide information, knowledge, and basic skills for social workers and staff who support victims, helping them to understand the fundamental principles when delivering services to victims on the basis of respecting the right, dignity, without discrimination against trafficked victims, as provided by the Vietnamese Law on Prevention and Suppression against Human Trafficking.”⁴⁵⁹

However, in 2012 the *USDOS Trafficking in Persons Report* stated that formal implementation of the National Minimum Standards is currently suspended awaiting the issue of relevant decrees,

“In 2011, the government took preliminary action to implement a set of National Minimum Standards for service provision to trafficking victims. MOLISA trained staff in 13 provinces on these standards; however, formal nationwide implementation of the guidelines remains on hold pending issuance of the relevant decrees and circulars governing victim protection in the anti-trafficking law.”⁴⁶⁰

In 2012 the *USDOS Trafficking in Persons Report* also stated that the government’s Vietnamese Women’s Union operated three trafficking-specific shelters which offered counselling and vocational training. According to the *USDOS Trafficking in Persons Report*, trafficking victims were also assisted by shelters for migrants and social protection centres, however shelters were often underfunded and without adequately trained staff,

“The government’s Vietnamese Women’s Union (VWU), in partnership with NGOs and with foreign donor funding, continued to operate three trafficking shelters in Vietnam’s largest urban areas; the shelters provided counseling and vocational training to female sex trafficking victims. The VWU and border guards also operate smaller shelters that provide temporary assistance to migrants in need at some of the most heavily used crossing points. At times victims were housed in Ministry of Labor Invalids, and Social Affairs (MOLISA) social protection centers that provide services to a wide range of vulnerable groups, although officials acknowledged that victims were better served in trafficking-specific shelters. In many areas shelters are rudimentary, underfunded, and lack appropriately trained personnel. The government has allocated the equivalent \$1,600,000 over five years for victim protection efforts; in February 2012, it issued guidelines for the use and management of these funds, but it is not known whether any funds were distributed.”⁴⁶¹

In 2012 the *USDOS Trafficking in Persons Report* stated that trafficking victims are encouraged to assist in the prosecution of their traffickers, but are often reluctant to do so due to social stigma and fear of retribution,

“Trafficking victims are eligible for a cash subsidy of up to the equivalent of \$50, paid through local authorities; the government did not provide statistics on the number of victims who received this benefit, but it estimated approximately 60 percent of identified victims

⁴⁵⁹ MINISTRY OF LABOR, INVALIDS AND SOCIAL AFFAIRS Department of Social Evil Prevention and Asia Foundation, Manual for Social Workers and staff providing services to victims of human trafficking, November 2011, <http://asiafoundation.org/resources/pdfs/ManualforsocialworkersstaffprovidingservicestovictimsofhumantraffickingEnglishve.pdf>, accessed 24 August 2012

⁴⁶⁰ U.S. Department of State, 2012 Trafficking In Person Report, 2012, <http://www.state.gov/j/tip/rls/tiprpt/2012/192368.htm> accessed 21 August 2012

⁴⁶¹ U.S. Department of State, 2012 Trafficking In Person Report, 2012, <http://www.state.gov/j/tip/rls/tiprpt/2012/192368.htm> accessed 21 August 2012

received the subsidy. The government continued to provide contributions of office space and personnel to international organizations conducting anti-trafficking projects.

The government reportedly encourages victims to assist in the prosecution of their traffickers, although the Vietnamese government generally does not provide police-assisted witness protection to victims of crime. NGOs reported that 44 victims participated in criminal proceedings in 2011. Victims were often reluctant to participate in investigations or trials due to social stigma, particularly as it relates to prostitution, fear of retribution in their local communities, and lack of incentives for participation. Victims sometimes received modest compensation from traffickers, but no data were available to determine how often this occurred. Vietnamese law protects trafficking victims from facing criminal charges for actions taken as a direct consequence of being trafficked; however, inadequate efforts to identify victims among vulnerable populations may have led to some victims being treated as law violators. There were no legal alternatives to the removal of foreign victims to countries where they face retribution or hardship.⁴⁶²

In 2010 the *United Nations Inter-Agency Project on Human Trafficking (UNIAP) Strategic Information Response Network (SIREN)* in the Greater Mekong Sub-Region stated that the number of residents in trafficking shelters are few compared to the number of people who return and that this gap in service prompts many people to be re-trafficked or leave their community for unsafe migration,

“AFESIP Vietnam and immigration units from provincial police departments, to identify and receive victims from abroad. The Border Guard Command is the primary agency for identifying and receiving self-returned victims or rescued victims via land borders.

Other reintegration efforts include assisting the families of the victims through micro-credit loans coordinated with the local Women’s Union community, or through a direct grant made to the families. This assists with putting the siblings of the returnees into schools and training in order to avoid falling prey to traffickers.

The shelter residents are few compared to the number of people who return. The gap of service is clear, prompting many people to be re-trafficked or leave their community for unsafe migration.⁴⁶³

In 2012 the *USDOS Trafficking In Persons Report* stated that trafficking-related corruption appeared to continue at the local level where officials at border crossings and checkpoints took bribes from traffickers and sometimes opted not to intervene when family relationships existed between traffickers and victims,

“Many NGOs indicated that trafficking-related corruption continued to occur at the local level, where officials at border crossings and checkpoints accepted bribes from traffickers, and, where at times, officials opted not to intervene on victims’ behalf when family relationships existed between traffickers and victims. Since October 2010, the government reported two convictions of public officials for trafficking related offenses under Article 120 of the penal code; however, due to design of the Supreme Court’s database, it could not be determined whether these convictions were obtained during the current reporting year, nor were details on the convictions available. Investigation was ongoing in a case against a local official, initiated during the previous reporting period, suspected of accepting bribes to illegally register marriages between foreign men and Vietnamese women, some of whom may have been trafficking victims.

⁴⁶² U.S. Department of State, 2012 Trafficking In Person Report, 2012, <http://www.state.gov/j/tip/rls/tiprpt/2012/192368.htm> accessed 21 August 2012

⁴⁶³ United Nations Inter-Agency Project on Human Trafficking (UNIAP) Strategic Information Response Network (SIREN), The Mekong Region Human Country Datasheets on Human Trafficking, 2010, http://www.no-trafficking.org/reports_docs/siren/uniap_2010ht_datasheets.pdf, accessed 24 August 2012

Government and NGO sources report that lack of financial resources, inadequately trained personnel, cumbersome mechanisms for interagency cooperation, poorly coordinated enforcement of existing legal instruments across the country, and the current legal structure that is ill-suited to supporting the identification and prosecution of trafficking cases remain obstacles to greater progress in the country's anti-trafficking efforts."⁴⁶⁴

3. Specific profiles at risk of trafficking and the specific risks upon return

In 2011 the *Child Exploitation and Online Protection Centre in association with the British Embassy, Hanoi* stated that women and young children, including babies, have been victims of trafficking, with some mothers selling their own babies,

"In the first nine months of 2010, 47 victims of trafficking were accommodated by shelters operated by the Women's Union. Ten were aged between 14-17 years and therefore likely younger when first trafficked. Some women were trafficked along with their children. The type of exploitation, if any, that occurred to these children has not been identified. The Pacific Links Foundation shelter in Lao Cai currently houses 17 girls rescued from China. All are still aged under 18 and several were exploited for periods exceeding one year. Pacific Links Foundation stated that most victims exploited in Chinese brothels were aged over 15, although they had documented cases where the victims were as young as 12.

Cases have been identified where poor families have sold their own children, commonly to couples in China. [] The demand for male babies is partially met by Vietnamese mothers selling their babies. [] In other cases, Vietnamese girls are sold to Chinese men in order to produce a male baby. Once a son is born, he is removed from the mother who, together with any girl children, might be returned to Vietnam, or sold to a Chinese brothel. Trafficking of babies internally, as well as externally, has also been recognised as an issue.

There are policies in operation currently which create an environment in which TIP can flourish, such as paying a commission to orphanages for each baby successfully adopted. There are also legal difficulties and complexities in adopting children in countries outside Vietnam, designed to safeguard children, which, paradoxically, may encourage would-be adoptive parents to resort to illegal solutions."⁴⁶⁵

The *Child Exploitation and Online Protection Centre in association with the British Embassy, Hanoi* also stated that children were targeted by traffickers as they are expected to have a greater earning potential and are seen as easier to manipulate into exploitation,

"Children are often targeted by traffickers as they are deemed easier to manipulate than adults. More money can be earned by younger girls exploited in sexual exploitation, especially virgins. Pre-pubescent girls are reported to be injected with hormones to bring on puberty. Younger girls are expected to have a greater earning potential, and as such are in greater demand. Where family connivance is suspected, a girl under 14 might adopt her older sister's identity, so that she has identification papers.

[] 70% of all Vietnamese victims of trafficking recorded by the UK's National Referral Mechanism from 1 April 2009 to 31 December 2009 were children. Children were possibly targeted for labour exploitation in the UK, because those identified by the authorities as minors are routinely transferred to non-secure local authority care where they can be

⁴⁶⁴ U.S. Department of State, 2012 Trafficking In Person Report, 2012, <http://www.state.gov/j/tip/ris/tiprpt/2012/192368.htm> accessed 21 August 2012

⁴⁶⁵ Child Exploitation and Online Protection Centre in association with the British Embassy, Hanoi, The trafficking of women and children from Vietnam, 2011, http://ceop.police.uk/Documents/ceopdocs/NPM_CEOP_FCO_report_trafficking_of_Vietnamese_women_and_children.pdf, accessed 20 August 2012

pressurised by traffickers, either directly or indirectly through their families, into returning to exploitation.”⁴⁶⁶

In 2012 the *USDOS Trafficking in Persons Report* stated that the majority of trafficking victims identified by Vietnam’s National Steering Committee on Trafficking in Persons were women and children, although eight male trafficking victims were also identified,

“Credible figures for the number of trafficking victims identified during the year were not available, but Vietnam’s National Steering Committee on Trafficking in Persons reported that 430 Vietnamese trafficking victims were identified by Vietnamese authorities, 250 victims were identified and repatriated by foreign governments or NGOs, and 120 victims self-identified. These estimated statistics include some cases in which children were abducted and sold for adoption. The majority of identified victims were women and children, although the border guard reported rescuing and assisting at least eight adult male trafficking victims. An NGO reported all 27 victims it assisted in repatriating to Vietnam during the year had been exploited in Malaysia or Thailand, but information about additional repatriated victims – such as countries they had been exploited in – was unavailable; this included details for the 48 victims the government reported assisting in 2011 at embassies overseas. At a minimum, Vietnamese embassies provided documentation for the victims to be repatriated. Support for the victims was provided on a case-by-case basis and varied from temporary shelter to financial and administrative support based upon their needs. Financial assistance was provided through the Fund for Assisting Overseas Vietnamese.”⁴⁶⁷

In 2011 the *Child Exploitation and Online Protection Centre in association with the British Embassy, Hanoi* stated that victims of trafficking often come from economically disadvantaged rural areas and lack formal education,

“The Vietnamese government encourages unemployed people in rural areas to seek employment in overseas labour schemes [] many are poorly regulated. This creates an opportunity for organised criminal networks to traffic individuals with greater ease. Typically victims, themselves of low economic standing, come from small towns and villages in economically depressed, rural areas with high unemployment.

[] Many people living in economically disadvantaged provinces often lack formal education. [] Culture and tradition dictate that children, especially girls aged 16 and 17, feel that they need to financially support their families through work. Equally, family members, especially parents, will expect their children to support them. This is more pronounced in poorer rural areas creating an environment favourable for recruiting trafficking victims. The experience of NGOs such as AAT and Pacific Links Foundation is that many girls who are trafficked left education at 14 seeking work, often to support their families. Additionally, many of these girls had behavioural issues, were unhappy at home and were therefore vulnerable to being trafficked in the first place.

[] Traffickers might pose as recruitment agents and offer their victims lucrative job opportunities in large cities or other countries. Traffickers have been known to offer victims a chance to work in a home in the UK, although the type of work is often unspecified. Traffickers will often make a display of wealth and affluence, dressing well and wearing expensive jewellery. [] Traffickers are manipulative and generally more educated and articulate than those they seek to recruit. This reinforces the idea that they may be able to

⁴⁶⁶ Child Exploitation and Online Protection Centre in association with the British Embassy, Hanoi, *The trafficking of women and children from Vietnam*, 2011, http://ceop.police.uk/Documents/ceopdocs/NPM_CEOP_FCO_report_trafficking_of_Vietnamese_women_and_children.pdf, accessed 20 August 2012, quoting a profile of Vietnamese Nationals referred as potential victims of Human Trafficking to the National Referral Mechanism 1 April 2009 – 31 December 2009. United Kingdom Human Trafficking Centre. March 2010, Restricted

⁴⁶⁷ U.S. Department of State, 2012 Trafficking In Person Report, 2012, <http://www.state.gov/j/tip/rls/tiprpt/2012/192368.htm>, accessed 21 August 2012

share in the perceived success of their trafficker; and that the trafficker is a gate-keeper to financial reward.”⁴⁶⁸

In 2011 the *Child Exploitation and Online Protection Centre in association with the British Embassy, Hanoi* also stated that traffickers may be connected to the friends and family of those they recruit, and that such exploitation can be motivated by problems with debt or addiction,

“[] Traffickers may be connected to friends and family members of those they seek to recruit, and on occasion may actually be connected directly to the victim or the locality. This helps to win the trust of victims and their family.

For example in the province of Lao Cai (located in north Vietnam on the border with China) the Department of Social Evils Prevention of the Provincial Department of Labour, Invalids and Social Affairs (DOLISA) has identified and stopped a significant percentage (estimated at 40%) of potential victims from being trafficked by their boyfriends. DOLISA’s profile indicates the boyfriends may often have drug dependency problems and/or have substantial gambling debts. Thus they attempt to generate funds for these addictions by exploiting their partners. This phenomenon has also been observed by AAT in south Vietnam with children being exploited internally or trafficked to Cambodia. Some parents will also exploit their children, in order to fund addictions.”⁴⁶⁹

In 2010, an article by Ramona Vijeyarasaa in the international research journal *Culture, Health & Sexuality* stated that trafficked returnees are directly implicated in the State’s approach to defining sex work as a ‘social evil’, rather than a human rights violation and returnees frequently face dishonour,

“The Vietnamese Government continues to take steps to address trafficking in women and girls. However, rather than perceiving trafficking as a violation of human rights, greater attention is given by the government to its effects on society and social morals, particularly where victims have engaged in sex work in destination countries. Trafficked returnees are directly implicated in the State’s approach to defining sex work as a ‘social evil’. This approach reproduces the socio-economic inequality involved in trafficking and further marginalises trafficked women. Simultaneously, although Vietnamese women are often drawn into trafficking due to family obligations, they frequently face dishonour upon their return or are forced to hide the truth of their experience of being trafficked.

[] the language of ‘social evils’ and the responses of the State and family undermine the ability of trafficked returnees to reintegrate. This is heightened where returnees are deemed to be transmitters of HIV infection, hence suffering human trafficking, sex-work and HIV/AIDS-related stigma.”⁴⁷⁰

In January 2011, a report by the independent expert on minority issues, Gay McDougall, to the *United Nations General Assembly Human Rights Council* stated that the lack of policed borders in remote regions may have a disproportionate effect on the trafficking of minority women,

“There are documented cases of trafficking of minority women and disappearances of women along suspected trafficking routes. The lack of policed borders notably between Viet

⁴⁶⁸ Child Exploitation and Online Protection Centre in association with the British Embassy, Hanoi, The trafficking of women and children from Vietnam, 2011, http://ceop.police.uk/Documents/ceopdocs/NPM_CEOP_FCO_report_trafficking_of_Vietnamese_women_and_children.pdf, accessed 20 August 2012

⁴⁶⁹ Child Exploitation and Online Protection Centre in association with the British Embassy, Hanoi, The trafficking of women and children from Vietnam, 2011, http://ceop.police.uk/Documents/ceopdocs/NPM_CEOP_FCO_report_trafficking_of_Vietnamese_women_and_children.pdf, accessed 20 August 2012, quoting Department of Social Evils Prevention of the Provincial Department of Labour, Invalids and Social Affairs (DOLISA) Trafficking Profile (unable to source original document)

⁴⁷⁰ Culture, Health & Sexuality: An International Journal for Research, Intervention and Care, Special Issue: Sexuality and Health in Vietnam—New Directions, The State, the family and language of ‘social evils’: re-stigmatising victims of trafficking in Vietnam Volume 12, Supplement 1, 2010, <http://www.tandfonline.com/doi/abs/10.1080/13691050903359257>, accessed 22 August 2012

Nam and southern China has contributed to the problem. The Women's Union noted that attention was being increasingly paid to this issue, including by its regional offices. Nevertheless, the independent expert is concerned that this problem exists in remote regions that mostly fall under the radar of authorities and may have a disproportionate impact on minority women."⁴⁷¹

In January 2011 a report on trafficking estimates by the *United Nations Inter-Agency Project on Human Trafficking (UNIAP)* stated that the "hands-off" approach of rural communities combined with fear of reprisals can result in trafficking offences not being reported,

"Rural communities in rural areas tend to have a hands-off approach in what they considered to be other people's "family's matters." For example, even if they suspect a mother to be selling her daughters, they may not report it to the police since they would prefer not to meddle in another family's business. Some residents prefer to keep silent for fear of reprisals. Further preventative programs should have a component to mobilize community residents to be on high alert and create safe and anonymous reporting channels.

The safe and anonymous components are of crucial importance. [] As in the case of Cambodia, the fears of reprisal in Vietnam are very real in close knit communities where everyone knows of their neighbors' actions. As such, creating safe and anonymous channels for reporting is of the highest priority."⁴⁷²

⁴⁷¹ United Nations General Assembly Human Rights Council, Report of the independent expert on minority issues, Gay McDougall, Mission to Viet Nam (5 - 15 July 2010), 24 January 2011, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A-HRC-16-45-Add2.pdf>, accessed 20 August 2012

⁴⁷² United Nations Interagency Project on Human Trafficking (UNIAP), A Quantitative Analysis on Human Trafficking: The Case of An Giang Province, January 2011, http://www.no-trafficking.org/reports_docs/estimates/uniap_agu_estimates_report_vn.pdf, accessed 24 August 2012