

Vietnam - April 2003



Home Office

VIETNAM

COUNTRY ASSESSMENT

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**COUNTRY INFORMATION & POLICY UNIT
IMMIGRATION & NATIONALITY DIRECTORATE
HOME OFFICE, UNITED KINGDOM**

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1. SCOPE OF DOCUMENT

1.1 This assessment has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, from information obtained from a wide variety of recognised sources. The document does not contain any Home Office opinion or policy.

1.2 The assessment has been prepared for background purposes for those involved in the asylum / human rights determination process. The information it contains is not exhaustive. It concentrates on the issues most commonly raised in asylum / human rights claims made in the United Kingdom.

1.3 The assessment is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain.

1.4 It is intended to revise the assessment on a six-monthly basis while the country remains within the top 35 asylum-seeker producing countries in the United Kingdom.

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2. Geography

2.1. Vietnam is bordered by China, Cambodia, and Laos. The geography of the land splits the country into two main river deltas divided by a central highland region. **[3a]**

2.2. There are 58 provinces (*tin**h*, both singular and plural) **[3a]**.

2.3. The total population was estimated in a 1998 official estimate to be 78,059,000, with the ethnic Vietnamese (the Kinh) estimated in 1989 to comprise 87 percent of the total population. **[8e] [3c]** There are 54 official ethnic communities. **[8f]**

2.4. The official language of the country is Vietnamese. There are 92 other living languages, and one extinct language. **[8f]** It was estimated in 1993 that 86.7 percent of the population spoke Vietnamese, split into three dialects (Northern, Central and Southern). **[8f]**

3. Economy

3.1. Experiments in economic reform have moved in waves, and have had some setbacks. A planned Marxist-Leninist controlled economy was imposed and extended throughout the country after 1975. Meanwhile, Vietnam was both isolated and depended on Soviet subsidies because of its various foreign-policy decisions at the time. With the collapse of the Soviet Union, Vietnam had to start developing along the lines of a market-led economy in the mid-1980s. **[4z]** A mid-1990s boom occurred and Vietnam was set to become the next Asian Tiger economy. There were social and political problems with the resultant land ownership issues (see below). Though economic freedoms are now technically in place, after the Asian economic crashes of 1997/98 actual development from state planning has been slow. **[8e]**

3.2. A landmark trade deal with the US signed on 13 July 2000, further US trade deals under discussion at the moment (Autumn 2000), and the opening of Vietnam stock exchange was held herald a new period of growth. **[4x]** However, such not been realised, and in April 2002, it was reported that many promises of foreign development were now being cancelled and others under review by foreign business, as foreign businesses have complained of Vietnamese ineffective bureaucracy and corruption. **[7y]**

Land Issues

3.3. In 1996 and particularly in 1997, the then buoyant economy prompted many local and entrepreneurial initiatives centred around land use. In a number of cases local officials expropriated or compulsorily purchased land for future speculation. In many cases, villagers or long term residents were dispossessed, and often felt cheated. Land issues were further clouded by

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officials' prejudices against certain groups. In 1997, many violent incidents occurred directly related to land expulsions. [4ab][5a]

3.4. Notable disputes included the protests over the planned golf course at Kim No commune, Tho Da village in December 1996 [4ab] and thirty incidents in June 1997 [4ad]. Over 3,000 protestors were active in June 1997 in one province alone - Thai Binh province 45 kilometers southeast of Hanoi. The protests in Thai Binh led the government to investigate local mismanagement of land and construction deals (reporting back in September 1997), and led to a cleansing of the local Party and government structures.[4ad][4ae] Land disputes continued to cause reported unrest throughout 1997 and 1998. [4af][4ah]

3.5. Officials have been implicated in corruption associated with land deals. In September 2001, the trial began of a central bank official, a tourism chief and six planning ministry officials on charges of corruption surrounding the construction bids for the West Lake amusement park, where a company allegedly falsified financial documents in order to secure their bid in 1999. The allegations when first aired in 1999 led to the temporary disgrace of the deputy prime minister, Ngo Xuan Loc. [7s]

3.6. Some land disputes have been clouded by officials' prejudice, such as the Long Binh dispute. The mainly Catholic village lies in Dong Nai province, 40 kilometres north-east of Ho Chi Minh City. There were major protests in January 1998 during forced evictions, akin to previous clashes at the nearby village of Tra Co where 3000 villagers fought with police in November 1997. [4ah] Officials sought to downplay Catholic connections with regards to subsequent arrests. [4ai].

3.7. Buddhists are also involved in land disputes, mainly in relation to disputes over the planning and building of Buddhist temples and shrines, [4ac] For example, the monks in Hue in 2000, where the authorities have denied permission to carry out repairs to pagodas. [1b]

3.8. The Government drive against corruption has been a main news story in 2002 / 2003, with the culmination of a trial of 155 alleged racketeers. [7aq] The main defendant is Truong Van Cam (known as Nam Cam) the alleged head of a criminal empire based in Ho Chi Minh City. His co-defendants include 13 police officers, 3 prosecutors, 3 journalists, and several high-ranking government officials including a vice minister of public security, the director of Vietnamese state radio and a vice national chief prosecutor. [7aq]

4. History

(Another summary of Vietnam's history, 1945 to present, including a chronology, drafted by the Foreign and Commonwealth Office, September 2002, is reproduced whole as Annex F below)

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4.1. The modern history of Vietnam began in 1945 when colonial rule of the French colony of Indochina was toppled by the Viet Minh led by Ho Chi Minh. It began a long war between the French, who held on to the south of the country and the Viet Minh. In 1946, Viet Minh territory was recognised by China and the USSR as the Democratic Republic of Vietnam (North Vietnam). Tensions increased and the US entered the war in 1964. The US came under internal pressure to withdraw US troops throughout the 1960s, and did so from 1970, completing the process in May 1973. Saigon and South Vietnam fell to the Communist forces in 1975. **[7u]**

4.2. In 1976, the Socialist Republic of Vietnam was proclaimed. In 1979, Vietnam invades Cambodia to oust the Khmer Rouge regime of Pol Pot. The fall of Saigon and invasion of Cambodia resulted in large numbers of displaced people, particularly refugees who took to sea routes - "the boat people". Some easing of the Communist regime occurred in 1992 when the constitution was modified. **[7u]**

5. State Structures

The Constitution

5.1. The 1959 constitution of the Democratic Republic of Vietnam (North Vietnam) was replaced by the December 1980 constitution of Vietnam (unified), which in turn was revised and accepted by the National Assembly on 15 April 1992. **[8e]** "The Constitution" therefore refers to the 1992 revision. **[8e]**

Citizenship and Nationality

5.2. The 1992 Constitution sets out under Article 5 that 'the Socialist Republic of Vietnam is the unified State of all nationalities living in the territory of Vietnam'. **[9a]** Citizenship is defined in Article 49 as "a person with Vietnamese nationality" **[9a]** and a citizen's duties are defined under Articles 50 to 80. **[9a]**

Political System

5.3. The state is a communist state based on Marxist-Leninist precepts. The Communist party of Vietnam (CPV) monopolises power as the sole legal party. **[8e]**

5.4. The National Assembly (made up of mainly Party candidates, presented with Party nominations) elects the President and Vice-President. The National Assembly Standing Committee (again Party-led) supervises the passage of legislation and monitors the activities of the executive. **[8e]**

5.5. The President is the Head of State, and appoints the members of the Government. **[8e]** Tran Duc Luong is the current President, elected by the

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10th National assembly on 24 September 1997, and re-elected in July 2002. [8e] [7am]

National Assembly elections, May 2002

5.6. In May 2002, there were elections for deputies to the forthcoming 11th National Assembly. [7z][7aa][7ab][7ac] There were 498 National Assembly seats at stake. [7aa] 135 candidates were not Communist party candidates. [7aa] 13 candidates were judged to be independents, though accepting the constitutional rule of the Communist party. [7ab] The 16.5 percent proportion of non-Party candidates was 'slightly up' on the 1997 elections. [7ab] Before the elections, three senior Communist officials were disqualified on suspicion of involvement in immoral behaviour, corruption and dubious associations. [7z] A total of 759 candidates ran in the elections, all having gained prior approval from the Fatherland Front, a mass organisation closely linked with the Communist party. [7aa]

5.7. 40 million voters were eligible to vote. On voting day (19 May 2002), the Government claimed initially a 95 percent turn out, [7ab] and then a 99 percent turn out. [7ac] The results were published on 25 May 2002, (after one local rerun) and 51 non-Party candidates, of whom two were independents, were elected. [7ac]

5.8. Before the meeting of the new Assembly, the Party was rocked by a number of fresh allegations of corruption, and two ministers were dismissed from their posts. [7ap] The 11th National Assembly however did meet on 19 July 2002, and set about its first task of formalising the new ministerial line-up. [7ao] Firstly, there was the formal re-election of the president, and the National Assembly returned a vote of 97 percent in favour of President Luong's continuing in the Presidency. [7am] He duly re-appointed his Prime Minister, Phan Van Khai. [7ai] The cabinet was announced [7aj] and three new ministries were created, emphasising the development of the communications industry and concerns about the natural environment. [7ai]

Judiciary

5.9. The legal system is based on Marxist-Leninist Communist theory and French precedent law. The Supreme Court heads the legal system, and includes provincial courts, district courts, and military tribunals. [1a][3a] The Constitution provides for the independence of judges and jurors, but in practice the Party maintains a close relationship with the courts.. [1a]

5.10. NGOs are concerned by unfair trials, with defence lawyers "often appointed only at the time of trial". [2a] An overhaul of the local courts system was announced in May 1999. [1a][4ar] Hitherto, demonstrably innocent people were occasionally caught up in miscarriages of justice, but the major legal reform announced in May 1999 is addressing that problem. [4ap][4ar]

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5.11. The publishing industry dealing in law books and official publications is in disarray, leading to, argues the source, a chaotic legal system and incompetent legal advice. **[4am]**

Legal Rights/Detention

5.12. The government continues to arrest and detain people arbitrarily, though the police do have the right to arrest and detain without recourse to a court of law. **[1c]** The police on occasion have disregarded the various rights accorded to detainees under the Criminal Procedure Code. **[1c]**

5.13. A revised Criminal Code came into effect in July 2000. The revised codes puts stricter limits on the time permitted for the Procuracy (the investigative branch of the police who prepare cases and initiate public prosecutions) to investigate before closing a case. **[1c]**

5.14. Arrest warrants have the following features: standard Socialist Republic of Vietnam banner at the top, with Arrest Warrant (in Vietnamese) below the banner; the rule contravened by the accused; and the issuing authority's name in the top left hand corner. Though a court official or the police can issue an arrest warrant, its validity requires the Public Prosecutor's authorisation, and therefore should include the signature of the President or Deputy President of the Prosecution Institute. **[6r]**

5.15. As reported on 3 June 2000, three cases of prisoners who had died in police detention centres are being investigated. **[4aq]** There is little information available on the extent of police brutality during investigations, but there are no known reports of torture of detainees. **[1a]**

Death Penalty

5.16. The death penalty is actively used, with official figures of 55 sentences of death passed, and 10 executions carried out in year 2001. **[2f]** This compares with official figures of 194 (170 in 1998) sentences of death and 8 executions in 1999. **[2a]** Amnesty International believes actual, as opposed to official, figures to be much higher. **[2f]** According to the chair of a Vietnamese civil rights group, the Vietnam Committee for the Defence of Human rights, "Death penalties continue to be pronounced despite advice from the upper echelons... who have called for it to be used less." (Vo Van Ai, 30 May 2000), and in the new Criminal Code, capital offences have been reduced to 29, as opposed to 44 previously. **[4u]**

Internal Security

5.17. The military forces used to be involved with internal security, but policing is now mostly controlled by the Ministry of Public Security. The Ministry controls the police, a special investigations agency, and other units that maintain internal security. **[1a]** A system of household registration and of block wardens who monitor political activities, is also run by the Ministry. **[1a]**

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5.18. In the period 1995 to 2000, the Ministry of Public Security posted wanted notices for 50,775 criminals. At the time of reporting (October 2000) 19,000 criminals were being sought. Over the 5 years, 63,087 delinquents were encouraged to give themselves up. **[4as]**

5.19. One article written in August 2002, alleged that police corruption is rife at every level, and deeply ingrained in police culture. **[6ae]**

5.20. In its fight against internal corruption, the Ministry of Public Security released a statistical report on discipline cases in October 2000. Since 1986, 5,176 inspections were held in 4,305 units. 1,834 corruption cases were lodged, with prosecution proposed for 283 officers, such as in the Nam Cam case, where over 100 officers have been disciplined. **[4at]** Several senior police officials are co-defendants in the on-going Nam Cam trial. **[7aq][6ae]** Likewise, the Government is taking action against border police involved in drug smuggling. **[6ab]**

5.21. Members of the police force have been involved in serious crimes, for instance the rape of a young woman by five riot police reported in April 1997. Reports of such incidents have spurred a public campaign to press the government to reform the police. **[4ao]**

Prisons

5.22. Prison conditions are harsh, but not generally life-threatening. Pre-trial detention conditions are particularly bad. **[1a]** Overcrowding has prompted many amnesties. (see below) **[1a]**

5.23. On 1 September 1999, the government announced a prisoner amnesty, aiming to free 1,712 prisoners and reduce the sentence for a further 4,316, beginning 2 September 1999. It was unclear whether any dissidents would be released: a dozen dissidents were released amongst the 7,800 prisoners released in the two independence day amnesties in 1998. **[4b]** The amnesty announced on 29 April 2000 released 12,264 prisoners, including 29 foreign nationals. **[4j][4l][4p]** A further amnesty, to coincide with independence day, was announced on 30 August 2000, announcing the release of 10,693 prisoners. Again, there were no indications that key political dissidents were included. **[4aa]** In July 2001, the authorities confirmed that over 23,000 prisoners were granted amnesty, including 65 foreign nationals; and promised further reforms in prison management and re-education facilities. **[4be]** In July 2002, the number of amnesties was set at 6,110. **[7ad]**

Prison Conditions

5.24. Prison conditions are held to be poor, with overcrowding common in jails. **[1a]** Handcuffing and fettering of detainees is occasionally practised. **[1a]** Women are usually held separately from men, but in similar conditions: juveniles are sometimes held together with adult prisoners. Likewise, ill prisoners are referred to hospital and medical treatment, but mentally-ill people are often incarcerated with the general prison population. **[1a]**

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5.25. In the period 1979 to 1994, prison camps operated local irregular economies. Contact with family members may have been subject to local payments. In 1998, Amnesty International (AI) were still reporting incidents of the with-holding of family contact from prisoners in re-education camps as a means of control. **[6ah]**

5.26. In September 2001, there was a report of the death of a prisoner under interrogation at Hoang Tien prison that was a media embarrassment for the Government in January 2002. **[1d]**

5.27. In 2002, the Government permitted selected diplomatic observers to visit two of its prisons on at least two occasions. However, the International Committee of the Red Cross (ICRC) were denied any access. **[1d]**

Military

5.28. The military forces are responsible for defence from external threats: however, in some remote border regions, the military forces are the prime government agency and take on many government functions by default. **[1a]**

5.29. An August 2000 count of the armed forces showed a total of 484,000 regulars, with the army accounting for 412,000 troops. Reservists number 4-5 million. **[8e]**

5.30. In November 2001, the government announced the reviving of conscription of women, for the first time since the late 1970s. The recruits, aged between 18 and 40 years, would hold the rank of second class reservist and have to do one year's military service. The army are particularly keen on recruits with computing, secretarial and librarianship skills. **[7k]**

Conscientious Objectors & Deserters

5.31. The position of deserters from Vietnamese military forces is unclear: NGOs, such as Amnesty international, refer to Article 256 of the 1986 Criminal code, arguing that desertion carries the death penalty. **[6u]** The article however refers to active service in a combat situation, and other experts report that desertion in Vietnamese society does not carry a negative stigma, with the individual's reasons for desertion being taken into account. Most deserters are sent back to their units for punishment, at the commander's discretion, with no specific penalty for desertion. **[6a]**

5.32. The Canadian IRB gathered the following observations on desertion trends in July 2001. Since 1989, military careers have not been seen to be attractive career routes; that most desertion occurs in the south of the country; officially, desertion rates have fallen and army life stabilised; conscription is started to target skills and selective in uptake. **[6u]**

Medical Services

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5.33. Though the Government 'has attached great importance to primary healthcare', with campaigns to promote iodized salt, vaccination programmes for six preventable diseases, and supplying vitamin A to children, health care varies, and, in rural areas, is rudimentary. **[9b]** UN indices regularly mark Vietnam highly for provision of educational and health services given the GDP per capita. **[8e]**

AIDS / HIV.

5.34. AIDS and HIV-positive infection has steadily increased in Vietnam, entering mainly through a rise in prostitution and drug-use. Up to July 1998, 8,300 people were registered as being HIV-positive and 659 cases of AIDS. Non-Vietnamese medical sources put the number of infections at ten times the official rate, as facilities for diagnosis are poorly resourced and few. **[6i]**

5.35. In November 2001, the Ministry of Health gave official estimated figures of 48,000 people as HIV carriers, and 9,000 deaths from AIDS. **[4bj]** Unofficial estimates in November 2001 put people with HIV as high as 118,000. **[4bj]**

5.36. Other countries have been concerned by the growth of HIV/AIDS in Vietnam. The US government has pledged US\$10 million for a five-year program on HIV/AIDS prevention and treatment strategies. **[4bg]** Local newspapers in November 2001 raised questions about the financial probity in 1999 / 2000 of the then National Committee for AIDS Prevention (now the AIDS Prevention Office). **[4bh]**

5.37. *Prevention* The gay community has been involved in awareness campaigns. Most government resources were in 1998 directed towards treating patients ill with secondary infections, with health education as a secondary priority. **[6i]** In November 2001, the government announced that there was to be a "communication month" to help AIDS awareness, running between 15 November and 15 December, and including World AIDS day on 1 December. **[4bj]**

5.38. Infection of pregnant mothers and babies has increased dramatically, with 210 babies tested HIV positive, and an estimated 2,500 other infants may be infected. **[4bj,4bk]** The government has announced its intention to construct a centre for the fostering of HIV babies. **[4bj]**

5.39. *Treatment.* In November 2001, the government announced that it would conduct bidding on the import of specific drugs for HIV/AIDS treatment for 1,000 - 2,000 patients. **[4bi]** In February 2002, the Government announced that more than 20 Vietnamese drugs companies had been identified to capable of producing low-cost generic anti-AIDS drugs. The Government's next step was to seek a disentanglement from foreign company-held intellectual property rights, to legally produce low-cost drugs. **[7w]** A news article claimed there is only one hospital dedicated to AIDS patients, Binh Trieu hospital, Ho Chi Minh City, in Vietnam. **[7ax]**

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5.40. Discrimination A job ban was imposed in November 1999 by the Ministry of Labour, War Invalids and Social Affairs (MoLISA), banning people diagnosed HIV-positive from a long list of professions.[4g] In February 2000, unofficially, government officials also suggested a ban on HIV-positive people marrying. Such measures, including the occupations ban, are regarded by AIDS groups as unnecessary, unfounded in fact, and part of an unwanted heavy-handedness in the Government's dealings with the problem.[4k]

Educational System

5.41. Primary education is compulsory and lasts five years, usually beginning at the age of six years' old. [8e] Secondary education lasts seven years in two tiers - of a four year junior period ("Level II"), then a three year senior period. Total secondary enrolment was estimated in 1997 to account for 57 percent of the total school population. [8e] In 1997, there were 123 colleges of higher education. [8e]

5.42. There is a strong cultural emphasis on the value of education, and great sacrifices are made by parents to enable children to complete their education. [1c] However, such high figures of participation may be deceptive, as most schools, at all levels, are forced by resource shortages to operate split shift systems, whereby a child will only receive at most a half-day session of education. [1c] Students must pay for textbooks, and certainly from Level II onwards, there are tuition fees. [6af]

6. Human Rights

6.A Human Rights Issues

Overview

6.A.1. The overall opinion of the US State Department of Vietnam's human rights record in year 2001 was 'The Government's poor human rights record worsened in some respects and it continued to commit numerous, serious abuses.' [1c] However, the key abuses seemed to be around particular pressure points (Montagnards; key dissidents, political and religious; prison conditions) rather than a general curbing of those liberties permitted to the general populace. [1c]

6.A.2. Previously, the Government claimed in March 2000 to have made strides in improving human rights. [4m] The government refuted charges of human rights abuse lodged by the US House of Representatives in April 2000 as unwarranted interference in Vietnam's domestic politics. [4o][4q] The year 2000 US State Department report (Feb. 2001) noted improvement in the level of intrusion into citizens' daily lives. [1b] It also stated that the security forces were still committing human rights abuses, in terms of beating up suspects during arrests, and harassing street children. [1b]

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6.A.3. The visit of President Clinton to Vietnam in November 2000 was heralded as a major diplomatic bridge building exercise. NGOs pressed President Clinton to bring human rights issues to talks with the authorities, which he did. However, talks on economic and social rights were the more fruitful. [7f][7g]

6.A.4. Amnesty International has drawn attention to the continuing denial of access to independent international human rights monitors. [2f]

Freedom of Speech and the Media

6.A.5. Press freedom is an issue, one that the government often feels sensitive about, objecting to, for instance, criticism lodged by Reporters Sans Frontieres in August 1999. [4a] Generally, the Press is held to be self-censoring. [7g]

6.A.6. Broadcasting is also controlled by the Government, with censorship of TV footage produced by foreign journalists for export. [1c] International radio broadcasts are permitted, except for Radio Free Asia, which the Government jams. [1c]

6.A.7. The Government has increasingly been aware of the circumvention of Government censorship by the use of the Internet and other electronic means. The Government enforced stricter control in August 2002 by ensuring that the military became the providers of Vietnam's fifth largest Internet service provider. [7ae] The licensing of Internet cafes and other access points has been tightened. [7ag]

Journalists

6.A.8. Press freedom is an issue, one that the government often feels sensitive about, objecting to, for instance, criticism lodged by Reporters Sans Frontieres in August 1999. [4a] Generally, the Press is held to be self-censoring. [7g]

6.A.9. In October 2001, a conference of journalists called for greater press freedom. An official newspaper and a senior official of the VCP however criticised such a call, stating that "the Western model of press freedom was not suitable for Vietnam, and hostile forces could not be given the freedom to spread subversive propaganda." [7t]

6.A.10. In July 2002, a prominent journalist, Nguyen Vu Binh, was detained by the police, with confusion over whether he had been arrested or not. [7an]

Freedom of Religion

6.A.11. Freedom of religion is enshrined in the Constitution, but only extended to registered groups. Six main religious groupings are permitted: the Buddhists, the Catholic Christians, the Protestant Christians, Moslems, the

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Hoa Hao and Cao Dai. Most congregations are registered, and most human rights abuses involve unregistered groups. [1b][6p] All the major religious groups are internally split into official and unofficial groups. [4h] The official associations are becomingly increasingly vocal about government interference in religious affairs, and are reported to co-operate together in lodging complaints. [4ac][1a] Registration issues are at the fore of most disputes between (unofficial) religious groups and the government. This particularly so in the case of the Unified Buddhist Church of Vietnam (*see below*) and the unofficial Hoa Hao groups (*see below*). [6p]

6.A.12. There has been an increasing freedom for individuals to practice an official religion. [1c] However, the government was reportedly in 1999 concerned about the growth of religious movements, and religious groups are hampered in developing and growing. [4h]

Religious Groups

Buddhists

6.A.13. Traditional Vietnamese Buddhism, as practised, is an amalgam of Mahayana Buddhism, Taoism, and Confucian traditions, with the exception of the Khmer minority's practice of Theravada Buddhism (the Khmer number c. 1 million and live exclusively in the Mekong Delta, in the south of the country). It is the dominant religion, with three-fourths of the 80 million population being nominal Buddhists, and of that nominal group, about thirty percent held to be devout and practice their religion regularly. [1a]

6.A.14. The Buddhist clergy, within and without the official church association, are active in pressing for their rights. The most vocal is the unregistered Unified Buddhist Church of Vietnam, which was previously the chief Buddhist denomination in the former Republic of Vietnam (South Vietnam). [4ac] In September 1999, a chief UBCV Buddhist dissident, Thich Quang Do, was prevented from registering and publishing a Buddhist journal. [4d] Thich Quang Do was confined to his monastery in Ho Chi Minh City in June 2001, after announcing that he planned to leave HCMC to visit the patriarch of the UBCV Thich Huyen Quang in Central Vietnam. [7h] His detention led to a series of incidents, including an MEP, Olivier Dupuis, being denied access to Do's pagoda. [7i] However, on 17 March, 2003, representatives of the European Commission were permitted to visit Quang, the first foreigners permitted to do so in 20 years. [7au] This was followed on 3 April 2003 by a visit from the Prime Minister, Phan Van Khai, for talks lasting over an hour. [7aw]

6.A.15. Thich Tri Luc, a Buddhist monk, who fled from Vietnam in early 2002 to Cambodia, disappeared on 25 July 2002 while under the protection of the United Nations. [7ak] There are no indications in the source of how or why he has disappeared.

Hoa Hao

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6.A.16. The Hoa Hao is a Buddhist off-shoot, founded in the south of Vietnam in 1939. It rejects many of the ceremonial aspects of traditional Vietnamese Buddhism. [1a] Arrests of Hoa Hao Buddhists occurred in January 2000 [4i].

6.A.17. Hoa Hao was recognised as an official religion in 1999. It had been banned for the previous 25 years. The official Office of Religious Affairs numbers Hoa Hao membership at 1.3 million, but unofficial sources put the membership at much higher, circa 4 million. [6s]

6.A.18. Hoa Hao was founded in 1939 by Prophet Huynh Phu So at Hoa Hao village in An Giang province, in Southern Vietnam. [6v] The southern Vietnamese roots, allegations of massacres and assassinations of Hoa Hao in 1945 and 1947, and armed opposition to the Communists during the Vietnam civil war led to tension with the authorities for 1978 onwards. [6s][6v]

6.A.19. In May 1999, the government convened a Hoa Hao conference in An Giang province. The government-chosen group proceeded to create an 11 member committee to oversee the administrative affairs associated with recognition. Many Hoa Hao groups regarded this committee and succeeding committees to be unrepresentative, particularly in the exclusion of Le Quang Liem, held by many overseas members to be the church's leader. [2c][6s]

6.A.20. There have been reports of violent action by the police against Hoa Hao members during the run-up to the year 2000 Founder's day (26 December) celebrations. There have been reported instances of police brutality during demonstrations protesting about the continuing harassment of Le Quang Liem, since December 1999. [6s][6v] Le Quang Liem has called for non-violent approach by the Hoa Hao in the face of provocation. [6s] Amnesty International has been particularly concerned about the trial of 5 Hoa Hao members in September 2000. [2c]

Christians

6.A.21. Police harassment was reported in October 1999, particularly focussing on unregistered groups. [4f]

6.A.22. Catholics number about 6 to 7 million, and are a legacy of French colonial rule of Indo-China. The largest concentrations are to be found in the south of the country, particularly around HCM City. [1a] Many of the land disputes of the mid to late 1990s occurred in Catholic areas and in Catholic villages, particularly in Dong Nai province. [4ag][6d]

6.A.23. In May 2001, a Vietnamese priest, Thadeus Nguyen Van Ly, brought out tensions between the authorities and Vietnamese Catholics. [7r] [2f] A Vatican delegation in June 2001 expressed their concern over the arrest. [7r] The authorities later stated that its relationship with the Roman Catholic church was improving. [7r] [2f]

6.A.24. Protestants have claimed that the situation for practising Protestant Christians remains poor, with worshippers routinely arrested, beaten and

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imprisoned for refusing to deny their faith. A World Evangelical Fellowship (WEF) report released in May 2000 put the number of protestants at 800,000 and drawing mainly from the ethnic minorities of Vietnam. The Hmong people's protestant community was held to be particularly subject to harassment. [4n]

6.A.25. The Canadian IRB were asked about the Baptist church in Vietnam, reporting findings in September 2002. [6ad] In March 2002, the Government had not given the Baptists registered status, but had plans to do so, along with the Mennonite, Adventist and other house churches. [6ad] Overall, the conclusion was that such unregistered groups faced no particular threat from the authorities, but, quoting the US State Department Report on Religious Freedom, 2001, "In practice there are no effective legal remedies for violations of religious freedom caused by the capricious actions of officials." [6ad]

6.A.26. In February 2001, Protestant highland ethnic groups in three highland provinces protested about discrimination in the allocation of land and restrictions on their unofficially recognised religious activities. [7q] In June 2001, it was reported that over 1,000 hill-tribe had fled into Cambodia after a Government crackdown on the demonstrations. [7q] The US Government later agreed to take the refugees, and, though some people returned to Vietnam, the majority has since been resettled in the US. [7x]

Cao Dai

6.A.27. The Cao Dai is an indigenous religion encompassing many elements of larger, world religions, though some sources do refer to Cao Dai as a Buddhist offshoot. [4h] Numbers have been estimated as high as 7 to 8 million people, with 300,000 adherents outside Vietnam. [6] Other sources put numbers at around 3 million followers, with over half in southern Tay Ninh province. [4h] Cao Dai emerged in 1926. [4h]

Thanh Hai Vo Thuong Su / Ching Hai / Guan Yin Method

Fuller details are given in Vietnam Extended 1/2003 January 2003.

6.A.28. The group or movement is primarily known after its founder, the self styled Supreme Master Suma Ching Hai and / or by its principle practice, the Guan Yin "Deep Unity " or "Total Integration" alt. Quan Yin Method, Guanyin Famen. Please note that it should not be confused with a Buddhist group, banned in PRC, called Yi Guan Dao "the Way of Unity" alt. Tian Dao. [6m][4bc][pace 3aa in China assessment]

6.A.29. The Vietnamese title for Supreme Master Suma Ching Hai is Thanh Hai Vo Thuong Su, and she was born Hue Dang Trinh in Vietnam. Her father was ethnic Chinese and her mother Vietnamese. [4aw] Ching Hai is currently resident in Taiwan. [6m]

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6.A.30. Her own movement began in 1988, starting in Taiwan, and fast moving to other countries, such as mainland China in 1992, with the rapid growth attributable to Ching Hai's programme of lectures and audiences around the world. [4aw][4ax][4ay][4az][4ba]

6.A.31. The beliefs and practice of the movement are essentially wrapped up in a personality cult centred on Ching Hai. [4aw][4ax][4ay][4az] A core belief is that all behaviour be based on the "five noes" - no killing, no stealing, no lewd behaviour, no telling lies, no drinking - and being strict vegetarians. [6m][4aw][4bc]

6.A.32. Numbers of adherents worldwide have been given as numbering 2 million (in report dated May 1999.) [4aw] Other reports put the number at 500,000 (in a report dated April 2001) [4bd] and 500,000 in China alone (report dated September 2000) [4bc]

6.A.33. Publications were seized and 17 members were arrested on 7 November 2000 by the Vietnamese authorities. 10 members had previously been arrested in mid-1998. [7e] It is not known to be currently active in Vietnam. [14a]

Freedom of Assembly & Association

6.A.34. The government restricts the freedom of peaceful assembly, and monitors all forms of protest. [1c] In general, demonstrations with political grievance as the main issue are banned, though the Government is more tolerant of peaceful protest over issues such as corruption. [1c] In year 2000 and 2001, the larger and more violent demonstrations occurred in remote, rural areas where ethnic groups were involved, such as the February 2001 demonstrations in the Central Highlands area. [1c] At times, these demonstrations became violent with the police responding with water cannon, tear gas, baton charges and use of electric prods as the rioters threw stones and used clubs. [1c]

6.A.35. Trade unions, which are controlled by the Party and only have nominal independence, are the key mechanism for worker discontent. The right to strike is limited by national security and public safety exceptions. [1c]

Political Activists

6.A.36. There were about fifty dissidents in 2001 judged by Amnesty International as being held as prisoners of conscience (56 in 1999, "dozens" in 2000). [2f] Estimates by NGOs range from 65 to 40, with the US State Department stating that 'it is difficult to determine the exact number of political detainees.' [1c] Some unofficial sources have estimated as many as 150 political prisoners in 2002, but the number of confirmed by the US State Department is much lower, with about twenty named individuals to their knowledge. [1d] Dissidents are political dissidents and of unregistered religious groups claiming oppression. [2a][2b] Appendix A to the Human Rights watch report, *the silencing of dissent*, gives a partial list of political

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prisoners in Vietnam in April 2000. [5b] The Vietnamese Government denies holding political prisoners categorically, and such prisoners so described by others were convicted of violating national security laws. [1d]

6.A.37. The US State Department Report for year 2000 (February 2001) states that "there were credible reports that three political and religious prisoners with serious medical conditions are held under harsh conditions in remote prisons." [1b] In April 2002, five prisoners who might be classed as prisoners of conscience were released along with 419 prisoners under an amnesty. [1d]

Dissidents within Vietnam

6.A.38. Key dissidents include Nguyen Dan Que, who in June 1999, called for the government to permit an independent human rights organisation to promote democracy. He claimed that human rights abuses were systematic on 13 October 1999. Dr Que himself had spent 20 out of the past 23 years in prison. [2a][4c][4e] Dr Que was again arrested in March 2003. [7av]

6.A.39. Since 1975, there have been no political parties independent of the VCP, and no parties in operation as "the Democracy Party". [6k] Likewise, the Canadian IRB contacted, in June 2001, the chairman of the International Institute for Vietnam, who in turn had no knowledge of "the Vietnamese Freedom Association" allegedly operating within Vietnam. [6t]

6.A.40. Likewise, CIPU has been unable to find any information on the following purported organisations: the Vietnamese People's Movement; Action In Vietnam; the Vietnamese People's Action movement; Vietnamese People Action Group. The last reports of the PAP, the people's Action Party, date from October 1999, when Vietnamese press reported the trial of 24 members including the leader Nguyen Sy Binh. [4bm] Binh, reportedly an American of Vietnamese origin, had set up the PAP in 1995 and had been previously deported from Vietnam to Cambodia that same year. [4bm]

6.A.41. Arbitrary arrest of dissidents has declined over the years: "Dissidents of all kinds are less frequently imprisoned than in the past" according to Mike Jendrzeczyk of the Human Rights Watch in May 2000. [4q] However, in December 2002, Amnesty International (AI) "expressed profound shock" at the 12 year prison sentence given to Nguyen Khac Toan, a dissident charged as "a spy" after pressing human rights issues since 2000. [2g]

6.A.42. The Vietnamese Government officially honoured a political dissident, Lieutenant-General Tran Do, when Tran Do died in August 2002. Tran Do had previously been a war hero and an important official in the Government until he broke ranks in 1997. [7ah]

Dissident groups outside Vietnam

6.A.43. The Government of Free Vietnam is a dissident group based in California, USA, and reportedly operating armed groups in based within Laos

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and Cambodia along the Vietnam border. The group has claimed responsibility for a number of attempted bombings throughout Vietnam. [4bf] In May 2001, 37 members of the group were tried in Ho Chi Minh City on terrorist charges. The accused were among 50 members of the Government of Free Vietnam arrested in 1999 and 2000. [7o] Nguyen Huu Chanh, an American citizen of Vietnamese origin, is the leader of the organisation, and the Californian basis of the group has led to formal complaints to the US government by the Vietnamese government. [4bf][7p]

6.A.44. The Montagnard community leaders in North America have complained that the Vietnamese government has no foundation to its claim that the North American community instigated unrest in the Vietnam central highlands (see below at *Montagnards*.) [4bf]

Employment Rights

6.A.45. There is a two tier minimum wage structure, one (\$40 a month, scaled on exemptions down to not less than \$30) for joint venture industries, and \$12 a month for domestic, non-foreign venture operations. \$12 a month is inadequate to provide a worker and family a decent standard of living. Many households have side-enterprises, and include more than one wage-earner. [1c]

6.A.46. Government provision for industrial health and safety monitoring is held to be inadequate, but some reforms have been achieved through employees' trade unions. [1c]

6.A.47. Child workers are defined as workers under the age of 18 years. With certain exceptions of persons between 15 and 18 years, child labour is technically illegal. However, one survey held that about 40,000 children between the ages of 8 and 14 years were working in violation of the law. [1c] Rural areas have high rates of child labour, mainly as agricultural workers working from the age of 6 years. [1c]

People Trafficking

6.A.48. The trafficking of women and children is an active social problem. The UN Development Program estimates 10,000 women and 14,000 children have been sold abroad since the early 1990s. Mostly, females were sent to China, Cambodia, Taiwan, Macao, Hong Kong, Australia, the USA and Singapore as child brides, housekeepers, prostitutes or slaves. Since 1993, over 3,000 women have returned to Vietnam after finding out the true nature of their job offers. 40 percent of the 300,000 sex workers in Cambodia are Vietnamese. Bonded labour is the main means of securing victims; most facilitators are women also ensnared in bonded labour.[4s] In an August 2002 report, Vietnamese prostitutes in Cambodia were imposed prison sentences by the Cambodian authorities, despite having, allegedly, been trafficked into the country, with the authorities having taken no action against the traffickers. [7ar]

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6.A.49. The sex trade is reportedly growing in the face of a growing disparity between rich and poor. In January 2000, a survey indicated that sexual abuse including rape was included in the social background of about 30 percent of teenage prostitutes, with the remaining 70 percent pushed into the sex trade by family poverty. **[4aj]** Child rape has increased from 57 cases in 1998, to 72 in 1999, to 21 in the first quarter of 2000. **[4al]**

6.A.50. Poverty has also lead to an increase in "street kids" with reported increases in custodial sentences for "delinquents", typically male, illiterate, and between 14 and 16 years old. **[4ak]**

Freedom of Movement

6.A.51. The government operates a system of documentation based on residence permits similar to China's *hukou* system. The basic document, the *ho khau*, includes a curriculum vitae that contains the individuals' past history, the past history of family members, and is somewhat similar to a police or criminal record. It also notes religious affiliation. This form of control enables the monitoring of both people who have "fallen out of favour" with the government and adherents of groups and organisations not approved of by the Party. The *ho khau* is necessary for all administrative processes, such as education, work, admission to hospital, etc. **[6g]**

6.A.52. The Household Registration (*ho khau*) is automatically withdrawn by the authorities if the citizen fails to fulfil a year's residency requirements, and therefore emigrants lose their *ho khau* status very quickly. **[6x]**

6.A.53. Further to the *Ho Khau*, adult Vietnamese citizens carry an Identity Card. If the holder is a practitioner of one of the six registered religious faiths, then it is registered on the ID card. "None" on an ID card may indicate participation in practices such as ancestor worship, Daoism, etc. which may be regarded as beliefs rather than as part of the six permitted religions. The source contacted by the Canadian IRB thought that it might be possible for members of dissident groups e.g. the Unified Buddhist Church of Vietnam (UBCV) not to be permitted to be classed as "Buddhist" but given "None" as a designation. **[6p]**

6.A.54. For a Vietnamese citizen to secure a passport within Vietnam, applicants must submit their birth certificate, their household registration document (*ho khau*), government-issued ID card and, if applicable, a letter of introduction for a passport. **[6z]** A certificate of police clearance is not required, according to the Embassy of Vietnam in Ottawa. **[6z]** Likewise, the Canadian IRB could not find any reports of passports being withheld to people who had "fallen out of favour" with the government, nor is there provision for such an action in the passport regulations of decision no. 957 of November 1997 (exit and re-entry in Vietnam). **[6aa** - regulations translated and reproduced in full]. Indeed, an IRB report, quoting a prominent Vietnamese human rights activist exiled to the US, states that the authorities are eager to allow dissidents to go into self-imposed exile, and so will not withhold the issuing of passports. **[6n]**

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6.A.55. Recently expired passports issued in Vietnam may be renewed abroad at consular offices. In Canada, the Embassy of Vietnam requires the expired export, two photos, and, if applicable, the applicant's landed immigrant certificate. [6y]

Vietnamese Diaspora

6.A.56. There are large emigrant Vietnamese population groups and established communities outside Vietnam (current population estimated c. 80 million). For example, the US Census 2000 enumerated 1,122,528 Vietnamese in the USA; the Canadian 1996 Census, 136,810 Vietnamese; and c.20,000 Vietnamese in the UK. [3d][3c] The populations grew mainly after 1978 with the fall of South Vietnam.

6.A.57. The North American Vietnamese communities have developed a number of groups and networks that keenly watch political developments within Vietnam. (See above at *dissident groups*.) [4bf][7o][8c][8d]

6.A.58. Of the Protestant Hmong and other ethnic groups who have been involved in land protests, 38 people have been "allowed to settle" in the United States. (No indication within the report of whether the 38 were permitted to leave Vietnam by the Vietnamese authorities, and only inferred that the US authorities granted refugee status to the 38 people once inside the US.) [7q]

Returnees

6.A.59. In 1988, Vietnam signed a memorandum of understanding with UNHCR regarding assisted voluntary returns to Vietnam. From 1988 to 1997, over 106,000 Vietnamese have returned voluntarily under the agreement. There is 'no credible evidence to substantiate claims that refugees returning under UNHCR auspices were harassed because of their status as returnees.' [6f][6h] 88 returnees in the same period were reportedly arrested and detained on criminal charges: the UNHCR has pressed the authorities for information and better access for families. [6h]

6.A.60. Overall, Vietnamese aid agencies admit that "few returnees are subjected to open persecution... [although] many are dogged by low-level bureaucratic harassment - delays in getting household registration and access to schools, extra fees, needless red tape, added scrutiny from local officials." [6h] Other reports agree that household registration (with attendant rights), which can only be restored when back in country, can be difficult to restore. [6x]

6.A.61. The Canadian IRB stated in January 1995 that there are no reports of ill-treatment of returnees. It stresses that no reports of harm to those returned whose families are opposed to Communism; those who have exited illegally; those who have committed criminal offences in Vietnam; those who are ethnic Chinese; or those who have no immediate family in Vietnam. [6b] Reports of

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abuses peaked in 1997, through the Human Rights Watch, though they were tempered by other reports mentioned by the IRB in 1997, and the UNHCR's reported position. [6h]

6.A.62. The UNHCR have repeatedly stated that returned asylum seekers have not been prosecuted for exiting Vietnam: the 88 prosecutions mentioned above were based on criminal charges remaining outstanding in Vietnam. [6h]

Visas

6.A.63. In 1998, the Vietnamese Government eased access for overseas Vietnamese to return on visits. [4bp] In March 2000, the Prime Minister Phan Van Khai revoked restrictions on Vietnamese citizens obtaining passports, pass cards, and exit and re-entry controls.[4bo] There are three types of Vietnamese passport - standard, official and diplomatic - with all having a five year validity. [4bo]

6.B Human Rights - Specific Groups

Ethnic Groups

6.B.1. There are 54 official ethnic communities. [8f] The indigenous ethnic minorities are diverse and spread out over two-thirds of the country area. [3c] there are essentially three main groupings within the ethnic minorities: of indigenous groups living in the Central and other highlands; the non-indigenous Chinese communities; and the Khmer groups of the Mekong delta area. [3c]

Chinese

6.B.2. According to the *World Directory of Minorities*, The Chinese are known as the Hoa - not to be confused with the Buddhist group Hoa Hao (see above). "The majority of ethnic Chinese today live in the south and still suffer from low-level discrimination, mainly due to the fear that they might dominate the economy again." [3c] The Chinese community, of between 900,000 and one million, keeps a very low profile politically, concentrating on business development. [3c][4an][8e]

6.B.3. According to the Minority Rights Group International's *The Chinese of South-East Asia*, published January 2000, the Chinese minority in Vietnam today live mostly in urban areas, are involved in the economic resurgence of the country, and are now permitted (since early 1990s) to run Chinese-language schools and associations. There are no precise numbers of these institutions but they are held to run into the thousands. Apparently they are

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popular with Vietnamese, who wish to learn Mandarin and get on in business. [3b]

6.B.4. Politically, the Chinese remain under-represented, but all restrictions on their participation in the political process were lifted in the mid-1990s. [6ac]

6.B.5. News reports of 1998 present the ethnic Chinese community in Vietnam as a flourishing part of business community, and fully accepted and integrated in Vietnamese society. [4an] An April 2002 IRB report quotes sources stating that in Ho Chi Minh City, 50 percent of the local control activity is initiated by the ethnic Chinese business community. [6ac] The ethnic Chinese are seen as an important economic bridgehead between the Hanoi Government and overseas Chinese investors. [6ac]

6.B.6. One expert contacted by the Canadian IRB stated:-

" Ethnic Chinese are second and third generation citizens of Vietnam. They were born in the country, they speak the language and are perfectly integrated into Vietnamese society." [6e]

6.B.7. Vietnamese Chinese were victims in the period 1975-79, when China and Vietnam fell out over Cambodia. Half a million Viet Chinese were expelled over the border to Southern China. Ethnic Chinese continued to experience problems until the late 1980s. [6e] But as above indicates, they have returned and are economically important in cross-border trade.

Hmong

6.B.8. The Hmong (known as the Miao in China) are not indigenous to Vietnam. They have settled in the mountainous regions of Northern Vietnam, just as they settled in the highland areas of Laos in the nineteenth century. The authorities, reportedly, treat them as most of the ethnic minorities are treated in the highland regions - ambivalently, with due respect for local customs and practices and yet also policies that demand greater integration with wider Vietnamese society. [3c][6o] Protestant Christian missionaries have been active amongst the Hmong, and they with other highland groups make up to two-thirds of Vietnam's estimated 800,000 Protestants (see *Christians*). [6o]. There have been reports, notably the US State Department *Annual Report on International Religious Practices*, that the Hmong have been harassed by the Vietnamese authorities. Different reports give a variety of intertwined reasons, such as over land rights, 'civic-loyalty' to the Vietnam state, past involvement with former South Vietnamese forces (though deemed tenuous by commentators, as most Hmongs live in the north and away from conflict zones), and conversions to Christianity. [6o]

Montagnards

6.B.9. The hill-tribes people who fled Vietnam central highlands to Cambodia in February 2001 have been identified as being Montagnards in news and

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NGO reports. [2d][5d] Amnesty International and the Human Rights Watch were particularly critical of 6 to 12 year sentences handed out to fourteen men for their part in the protests. [2d]

6.B.10. On 21 January 2002, the repatriations of Montagnards from Cambodia under UNHCR facilitation reach a crucial point (in the opinion of NGOs) with the signing of a voluntary return agreement. [2e] The issue has been highlighted by the Amnesty International and Human Rights Watch since March 2001 and further highlighted by a comprehensive Human Rights Watch report published in April 2002 [2e][2f]. It also received international press coverage [7x] and led to an offer on 26 March 2002 by the United States Government to take the 1,000 or so refugees. [7x]

Women

6.B.11. Inequality between the sexes is slowly being reduced. In July 2000, the UN Gender Development Index showed improvements for women in terms of employment and representation in management and government. [4t]

6.B.12. International and local NGOs report that domestic violence is common. Social and official attitudes are changing, expressed in an increased divorce rate and increased discussion in the media. [1c] A United Nations report of October 2002 highlighted that violence against women was widespread in Vietnam, and there was still a general societal condoning of such violence. [7as]

6.B.13. There is no specific law relating to domestic violence, though Article 4 of the 2000 Law on Marriage and Family may be interpreted as such. [6ag] The authorities are still held by NGOs as being slow to intervene. Spousal rape is not recognised. [1c] Officials are accused of having conservative attitudes regarding intervention, intervening only when the woman is "really innocent". [6ag] There is a clear rural / urban split in the reporting of domestic abuse, with rural women clinging to traditional subservience. [6ag]

6.B.14. Female prostitutes, along with child prostitutes, are particular targets of people-traffickers. (See above, *People-trafficking*) [1c]

Children

6.B.15. With regards to family structure generally, the Canadian IRB reported in December 1996 on information supplied by the Paris-based Vietnam Committee on Human Rights. It stated:-

"Families that do not conform to the traditional family model, including those headed by a single mother, would thus be seen in an "unfavourable light". ... however, that disapproval would be on purely moral terms, and that it is unlikely that a single mother with an illegitimate child would suffer systematic discrimination or harassment." [6c]

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6.B.16. Regarding persecution of an illegitimate child, issue of a single mother, the Vietnam Committee on Human Rights holds that there would be no systematic discrimination or harassment. A single mother would however suffer " a (societal) lack of protection" in terms of competing for scarce resources against two-parent families, with no concessions to their status. **[6c]**

6.B.17. In 1994, the Vietnamese government instituted a two-child birth control policy, which has reportedly brought the average birth rate of 3.8 children per Vietnamese woman in her reproductive life-time down to 2.3 children in 2001. **[7j] [1d]** A degree of coercion has been used to achieve such a drop. Party members are expelled if they more than two children; parents of three or more children are asked to pay the health and education costs of the third child. In the most serious cases, land has been confiscated. Family Planning officials claim that such sanctions are being used less and less as a small families message filters through and self-limiting economics apply. **[7j]** The US State Department considers the regulations to have been enforced through exhortation rather coercion, with penalties rarely enforced. **[1b]** Regulations are reportedly enforced unequally throughout the country. **[7j]**

6.B.18. A draft law was in preparation in November 2001 designed to ban gender testing. Vietnam has one of the world's highest abortion rates (on average, two abortions per woman in her reproductive life-time), and a tradition of preference towards and for male children. The government, though concerned about the numerical growth of the population are also concerned about gender imbalance, and thus are keen to avoid China's experience of gender imbalance stemming from a one-child policy. **[7i]**

6.B.19. In February 2003, the Committee on the Rights of the Child discussed the Vietnamese Government's January 2003 report on its efforts to implement the Convention on the Rights of the Child. **[7at]** The Committee was gravely concerned that Vietnam's move towards a market economy was having a detrimental effect upon the children of the country. It was particularly concerned about child abuse, children involved in the sex industry, and street children. Poverty, not the lack of Government desire for change, is held to be the root cause. Rural children are increasingly particularly disadvantaged. **[7at]**

Child Care Arrangements

A fuller treatment of the issues surrounding Child Care Arrangements is presented in Vietnam Extended Bulletin 3/2002 December 2002.

6.B.20. In August 2002, the Government announced in the 11th National Assembly that the two existing committees - the National Committee for

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Population and family planning, and the National Committee for Childcare and Protection - would be merged into a new Ministerial Committee for Population, Family and Children, with ministerial representation in the Cabinet. [4bn] It was held to be indicative of greater Government awareness of good provision in these areas. [4bn]

6.B.21. The new ministry will manage the ten-year national action program launched by the National Committee for Childcare and Protection, operating with a US \$ 33.3 million budget. [4bo] The committee, and now the ministry, is responsible for the care and provision for all orphans [4bo] under the age of 15. [4bs] The orphan population numbers, according to a Vietnam Government news report, 124,000, out of a total child population of 27.8 million children. [4br] The population of street children was estimated at 20,000 in a Vietnamese Government report for 2001. [1d]

6.B.22. The Vietnam Red Cross has registered concern over children with AIDS / HIV who are routinely denied access to orphanages on the misunderstanding of infection. [4bs] Between 12,000 and 17,000 children are held to be infected with HIV. [4bo]

6.B.23. Foreign aid organisations have been permitted to assist in child welfare and care in Vietnam, for example, financial assistance from the Finnish Government [4bq] and Save the Children Sweden (SCS) - Radda Barnen operating programmes with sexually abused children and other children with difficulties, including disabled orphans. [4bu]

Homosexuals

6.B.24. In 1998, Vietnamese law did not address homosexuality. Society regarded homosexuality as "being a foreign problem" and there is little acknowledgement of the issue. However in April 1997, Vietnam's first gay wedding took place in HCM (Ho Chi Minh) City, to the embarrassment of local officials who were however powerless to prevent the ceremony. [6i]

6.B.25. A gay group in Vietnam puts the 1997 gay population at 10,000 people in HCM City and 800,000 people in total. [6i]

6.B.26. Anecdotal evidence quoted in the same 1997 report suggests that traditional Vietnamese society accepts male homosexuality in young men as the "lesser evil" compared to pre-marital heterosexual sex. [6i]

6.B.27. A major literary prize in Vietnam was won by the author of a gay sex novel in August 2002. The Peace and Safety Award is co-funded by the Police department of the Ministry of Public Security. [7af]

6.C Human Rights - Other Issues

Treatment of former South Vietnamese combatants

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6.C.1. The Canadian IRB in June 2000 reported that there were no specific reports on the treatment of former officers of the former Republic of Vietnam, or their families. **[6I]** The report noted reports that indicated that former internees from reeducation camps, interned on the basis of their pre-1975 association with the former government, suffered varying degrees of discrimination. **[6I][1a]** Other sources went further, linking such former internees with political and religious dissidents in a general culture of "having fallen out of favour" with the government, and subject to monitoring and risk of arbitrary detention. **[6I][5b]**

Boat people and returnees

5.C.2. All the detention centres for the "boat people" of the 1970s have finally closed down, resulting in a number of deportations back to Vietnam. In Hong Kong, all camp inmates were previously granted leave to remain in the camps on the condition that they might be repatriated under the Orderly Repatriation Program. The camps in Hong Kong finally closed in 1999, with about 100 involuntary deportations. **[7b]**

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Chronology of Events: Annex A

Based on Chronology given in BBC Timeline [7u]

1945 The Viet Minh seize power and Ho Chi Minh proclaims Vietnam's independence.

1946, November - 1954 French forces attack Viet Minh at Haiphong. French Vietnam war(s) begin(s). After defeat at Dien Bien, the French agree to a peace deal in Geneva. Vietnam split into North and South Vietnam at the 17th Parallel.

1950 Democratic Republic of Vietnam (Communist Vietnam) recognised as a state by China and the USSR.

1954 - 1963 Period of Communist insurgency in South Vietnam; American aid is increased. In 1963, the Viet Cong, the Communist guerrillas of the South, defeat units of the South Vietnamese Army (the ARVN) and President Diem of the South is overthrown.

1964 Start of US offensive against North Vietnam.

1965 - 1968 Height of American involvement in Vietnam War.

1969 The US begins troop withdrawals; final withdrawal in **March 1973**.

1975 The Fall of Saigon - South Vietnam invaded by North Vietnam.

Unified Vietnam

1976 Socialist Republic of Vietnam proclaimed.

1979 Khmer Rouge regime of Pol Pot in Cambodia ousted by the Vietnamese Army. The Vietnamese invasion prompts the Chinese to invade northern Vietnam. Many people are affected by the fighting, leading to the "Vietnamese Boat People" displacements. Vietnamese troops withdrew from Cambodia in **1989**.

1994 US lifts its 30-year trade embargo, and restores full diplomatic relations in **1995**. US relations reinforced in **2000**, with the state visit of President Clinton. By **December 2001**, trade with the US is fully normalised.

2001, April The CPV elects Nong Duc Manh as new Party Chairman and leader.

2002, January Government crackdown on dissident publications.

2002, July - Vietnamese President Tran Duc Luong is reappointed for a second term by the National Assembly, which also reappoints Prime Minister Phan Van Khai for a second five-year term.

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2003, March - EU European Commission representatives permitted to meet Thich Huyen Quang, head of the banned United Buddhist Church of Vietnam.

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Political Organisations: Annex B

Based mainly on Directory given in Europa [8e]

| Name (English translation; Vietnamese given when known) | Abbreviation | Type of organisation | Notes |
|--|--------------|---|--|
| "Action In Vietnam" | | Unknown purported dissident political party | |
| Communist Party of Vietnam / Dang Cong San Viet Nam | CPV DCSV | Official Political Party | |
| "the Democracy Party". | | Unknown purported dissident political party | |
| National Assembly / Quoc Hoi | - | The main legislative body | |
| Office of Religious Affairs | | Government Department | Registers and monitors religious groups. |
| People's Action Party | PAP | Political party | Founded in 1995 by Binh, Nguyen Sy . The PAP have with their difficulties with the authorities. |
| Unified Buddhist Church of Vietnam | UBCV | Unregistered Buddhist Group | The largest Buddhist group in former South Vietnam. Lead by Thich Quang Do. |
| "the Vietnamese Freedom Association" | | Unknown purported dissident political party | See the Free Vietnam Association |
| "Vietnamese People's Movement" | | Unknown purported dissident political party | |
| "Vietnamese People Action Group" | | Unknown purported dissident political party | |
| "the Vietnamese People's Action" | | Unknown purported | |

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| | | | |
|------------------------------|---|---------------------------|--|
| Movement" | | dissident political party | |
| Vietnam Women's Union | - | Government-approved body | |

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Prominent People: Annex C

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Binh, Nguyen Sy: Founder of the People's Action Party in 1995; arrested 1999.

Chanh, Nguyen Huu : American-Vietnamese dissident group leader.

Do, Thich Quang: Prominent member of Unified Buddhist Church of Vietnam, arrested in September 1999.

Do, Tran: Leading Party member turned dissident; expelled from the Party in 1999 for calling for political reform. Died August 2002, and honoured by the Government.

Duyet, Pham The: Senior Party member who was arrested on corruption charges in 1998, and whose trial precipitated the Vietnam part of 1998 SE Asian economic collapse.

Khai, Phan Van: Appointed as Prime Minister in 1997.

Linh, Nguyen Van: Elected Party leader in 1986 (to 1997); brings in a more liberal economic policy.

Loc, Ngo Xuan: Deputy Prime Minister, temporarily disgraced in 1999.

Luong, Tran Doc: Elected President in 1997, and re-elected 2002.

Ly, Thadeus Nguyen Van: Vietnamese catholic priest and activist.

Manh, Nong Duc: Elected Party Chairman and leader in April 2001.

Minh, Ho Chi: Founder of the Indochina Communist Party, which became the CPV. The first leader of North Vietnam. Died in 1969.

Que, Nguyen Dan: Leading veteran dissident

Phieu, Le Kha: Elected Party leader in 1997.

Trinh, Hue Dang: aka.Thanh Hai Vo Thuong Su: Cult leader, aka. Suma Ching Hai, born in Vietnam, and whose cult is purportedly to be active in Vietnam.

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Glossary: Annex D

| Vietnamese | English |
|------------------------|---|
| Cao Dai | Indigenous Vietnamese faith |
| Ching Hai | Cult group |
| Dang Cong San Viet Nam | Communist Party of Viet Nam |
| Hmong | Ethnic group, known as the Miao in China. |
| Hoa Hao | Buddhist offshoot |
| Ho khau | Household registration document (akin to China's <i>hukou</i>) |
| Quoc Hoi | National Assembly |
| Tinh | administrative province |

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History of Vietnam, 1945 to present: Annex F

VIETNAM: HOME OFFICE COUNTRY ASSESSMENT: COMMENTS ON SEPTEMBER 12 DRAFT

History Section and Annex

It is difficult to summarise the complicated post WW II history of Vietnam in less than one page. The two current paragraphs need some expansion to cover certain key events which have been omitted, but should be included as essential background. I have tried to be as concise as possible.

Suggested Re-draft of History Section

- 4.1 A new chapter in the history of Vietnam began in September 1945 when Ho Chi Minh, leader of the Viet Minh, a communist dominated front organisation, proclaimed the country's independence. The Viet Minh had stepped into the power vacuum created by the surrender of the Japanese, who had displaced the French colonial rulers of Vietnam during World War II. However, the French tried to re-establish their authority over Vietnam and fighting soon erupted between their forces and the Viet Minh, who retained effective control over much of the countryside, particularly in the north. French resources were drained by the continuing conflict and, after a major defeat at Dien Bien Phu, the French agreed to withdraw at the Geneva Conference of 1954, which effectively divided Vietnam into a communist-controlled north (the Democratic Republic of Vietnam) and a Western-backed south (the Republic of Vietnam). When promised nation-wide elections were opposed by South Vietnam, the North Vietnamese began to use northern forces to strengthen the communist movement in the south in order to achieve national re-unification in what was essentially a civil war. The USA increased its support for the south in the 1960s with troop levels exceeding half a million men towards the end of the decade, but was unable to defeat the north. The withdrawal of US forces begun in 1969 was completed just after the Paris Peace Agreements of 1973. However, the civil war continued and in 1975 a North Vietnamese invasion led to the rapid collapse of the South Vietnamese regime.
- 4.2 The country was formally re-unified as the Socialist Republic of Vietnam in July 1976, but peace was disturbed by growing problems with China, which led to the expulsion or flight of over half a million people of Chinese origin between 1978 and 1980, many of them "boat people" who escaped to south-east Asia and Hong Kong and were resettled in the West. Relations reached a low point in 1978/9 when Vietnam invaded Cambodia to depose the Khmer Rouge government and China in retaliation sent an army on a month long punitive expedition into parts of north Vietnam. Because of its perceived occupation of Cambodia, Vietnam endured a period of international isolation in the 1980s, when it received support only from the USSR and its allies and its economy suffered as a consequence. As Soviet support faltered and economic

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problems grew the Vietnamese leadership re-assessed priorities and embarked on a programme of economic liberalisation from the late 1980s. Following the completion of the withdrawal of its forces from Cambodia in 1989 and its co-operation in the 1991 Paris settlement of the Cambodian conflict, Vietnam emerged from its isolation, normalising relations with China in 1991, Japan in 1993 and finally with the USA in 1995, the same year that it became a member of ASEAN. Economic liberalisation and improved international relations that paved the way for foreign investment led to significant growth in the economy and in the standard of living in the 1990s.

Chronology

1945 Surrender of Japanese who had occupied Vietnam in 1940. Ho Chi Minh, leader of communist-dominated Vietminh, proclaims independence of Vietnam.

1946 Outbreak of fighting between Vietminh and returning French forces.

1950 Recognition of Democratic Republic of Vietnam, led by Ho Chi Minh, by China and USSR.

1954 Geneva Conference reaches agreement on cease fire, French withdrawal, temporary partition of Vietnam at seventeenth parallel.

1957 Beginning of communist insurgency in South Vietnam against Forces of President Diem which are supported by US Military Advisers.

1963 Assassination of President Diem.

1964 Gulf of Tongkin incident. US begins bombing of North Vietnam. Escalation of war.

1965 First US combat troops arrive in Vietnam. Their numbers peak at over 540,000 in 1969 before withdrawal begins that year.

1973 Last US troops leave Vietnam after conclusion of peace Paris Peace Agreements.

1975 Saigon occupied by North Vietnamese forces.

1976 Vietnam formally re-unified as Socialist Republic of Vietnam.

1978 Vietnam joins COMECON and signs Friendship Treaty with USSR. Major deterioration in already strained Sino-Vietnamese relations. Expulsion/flight of hundreds of thousands of ethnic Chinese from north, followed by boat people largely from South.

1979 Vietnamese Army overthrows Khmer Rouge government. In response China invades northern Vietnam.

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1980s Vietnam endures international isolation, apart from USSR, until it withdraws forces from Cambodia in 1989.

1986 Government introduces programme of liberal economic reforms, known as Doi Moi. Leads to major economic development in 1990s.

1991 Normalisation of relations with China.

1994 US lifts 30-year trade embargo and restores full diplomatic relations in 1995. President Clinton visits in 2000.

1995 Vietnam joins ASEAN.

I would delete the January 2002 reference because it deals with a comparatively minor development compared to the other major events in the chronology. Similarly the election of Nong Duc Manh in 2001 could be deleted on the ground that the appointment of previous CPV leaders is not mentioned and his election is mentioned in the text.

[end]

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Checklist of supplementary CIPU documents: Annex G

| Current Document | Published |
|--------------------------------------|------------------|
| Extended Bulletin 3/2002 (Childcare) | December 2002 |
| Extended Bulletin 1/2003 (Ching Hai) | January 2003 |