

Vietnam

Country Reports on Human Rights Practices - [2006](#)

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The Socialist Republic of Vietnam is an authoritarian state ruled by the Communist Party of Vietnam (CPV). Its population is approximately 84.1 million. The CPV's constitutionally mandated primacy and the continued occupancy of all key government positions by party members allowed it to set national policy. However, the CPV continued to reduce its formal involvement in government operations and allowed the government to exercise significant discretion in implementing policy. There were no other legal political parties. The most recent National Assembly elections, held in 2002, were neither free nor fair, since all candidates were chosen by the CPV's Vietnam Fatherland Front (VFF), an umbrella group that monitored the country's popular organizations. The civilian authorities generally maintained effective control of the security forces.

The government's human rights record remained unsatisfactory. Some government officials, particularly at the local level, continued to commit abuses despite a concerted push by central authorities to address abuse concerns, especially of religious freedom. Citizens could not change their government, and political opposition movements were officially prohibited and some activists arrested, although several nascent opposition organizations were not completely suppressed. The government sought to reinforce its controls over the press and the Internet. In a few instances, police abused suspects during arrest, detention, and interrogation. Prison conditions were often severe but generally did not threaten the lives of prisoners. Security forces generally operated with impunity, and there was one credible report of an extrajudicial killing by security forces. Individuals were arbitrarily detained for political activities. Persons were denied the right to fair and expeditious trials. The government limited citizens' privacy rights and freedom of speech, press, assembly, movement, and association. The government maintained its prohibition of independent human rights organizations. Violence and discrimination against women persisted, as did limited child prostitution and trafficking in women and children, although the government intensified its efforts to combat trafficking. Some ethnic minority groups suffered societal discrimination. The government continued to limit workers' rights, especially to organize independently.

The government's economic reforms and the rising standard of living continued to reduce CPV and government control over, and intrusion into, daily life. The government also continued to forge greater links with the outside world, with a corresponding change in attitude toward human rights. The government released its sole remaining prisoner recognized as having been incarcerated for reasons connected to his faith, as well as all but two of those widely regarded as political prisoners. Conditions for most religious believers were markedly improved from previous years; in particular, hundreds of Protestant congregations were legalized throughout the country.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, there was one credible report of an extrajudicial killing by security forces. According to persons in the Central Highlands, in mid July Y Ngo Adrong, an ethnic Jarai, was arrested in Ea Hleo District in Dak Lak Province, reportedly for using a cellular telephone to communicate with members of the ethnic minority community abroad. Subsequently, police announced that Adrong hanged himself in his prison cell, although bruises on his torso strongly suggested that he died from a beating. Police reportedly refused to allow unfettered access to the body and paid approximately \$1,000 (15 million VND) in compensation to the family.

There were no developments in identifying and punishing police members responsible for the 2004 killings of protesters in the Central Highlands.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits physical abuse; however, police sometimes physically mistreated suspects while arresting them or holding them in custody.

In June commune employed security officers detained and beat two Protestants belonging to an unregistered house church in Thanh Hoa Province. In July commune officers beat two women of the same group after they attempted to visit the home used by the congregation as a place of worship. The provincial security department reportedly investigated the incidents. In September two commune security officers received administrative punishment from the commune leadership in connection with the June incident (see section 2.c.).

There were credible reports that in July a member of an ethnic minority died under suspicious circumstances while in police custody in the Central Highlands province of Dak Lak (see section 1.a.). There was no apparent official investigation, and local police reportedly sought to suppress information on the incident.

In August in Ho Chi Minh City, at least one political activist reported that police beat him about the head and neck while interrogating him about his activities.

In September police struck and manhandled political activist Pham Hong Son as they detained him following his visit to the Hanoi residence of dissident Hoang Minh Chinh. After several hours of interrogation, police released Son without charge.

On November 2, political dissident Bui Kim Thanh was involuntarily committed to the national mental hospital in Dong Nai Province. Thanh, a member of the Democratic Party of Vietnam (DPV), was responsible for providing legal support and organizing individuals with land disputes in the south against the government. The government refused foreign observers' requests to meet with Thanh or discuss her case with police or hospital officials.

There was no discernable official follow up in the September 2005 beating of two ethnic Dzaos Protestants in the Central Highlands province of Kon Tum.

Unlike in previous years, there were no credible reports that ethnic minority Protestants were forced to perform acts against their religious beliefs.

Prison and Detention Center Conditions

Prison conditions could be severe but generally did not threaten the lives of prisoners. Overcrowding, insufficient diet, and poor sanitation reportedly remained serious problems in many prisons. Prisoners had access to basic health care, with additional medical services available at district or provincial level hospitals. Prisoners generally were required to work but received no wages (see section 6.c.). Diplomatic observers reported Spartan but generally acceptable conditions. Prisoners reportedly were sometimes moved to solitary confinement, where they were deprived of reading and writing materials, for periods of up to several months.

The government did not permit the International Committee of the Red Cross or nongovernmental organizations (NGOs) to visit prisons. Diplomatic observers were permitted to visit at least two prisons in the southern area of the country.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, the government continued to arrest and detain citizens for their political activities.

Role of the Police and Security Apparatus

Internal security primarily is the responsibility of the Ministry of Public Security (MPS); however, in some remote areas the military is the primary government agency and provides public safety functions, including maintaining public order in the event of civil unrest. The MPS controls the police, a special national security investigative agency, and other internal security units. It also maintains a system of household registration and block wardens to monitor the population, concentrating on those suspected of engaging, or likely to engage, in unauthorized political activities, but this system became less pervasive in its intrusion into most citizens' daily lives.

Police organizations exist at the provincial, district, and local levels and are subject to the authority of the people's committees at each level. The police were generally effective at maintaining political stability and public order, but police capacities, especially investigative, were very low. Police training and resources were inadequate. Corruption was a significant problem among the police force at all levels, and most police officers acted with impunity. Internal police oversight structures existed but were subject to political influence. The reported punishment of two commune level security officers in Thanh Hoa Province for abusing a detainee was unprecedented (see section 1.c.).

Arrest and Detention

The criminal procedure code outlines the process by which individuals are taken into custody and treated until they are brought before a court or other tribunal for judgment. The Supreme People's Procuracy (the public prosecutor) issues arrest warrants, generally at the request of police; however, police may make an arrest without a warrant on the basis of a complaint filed by any person. The procuracy issues retroactive warrants in such cases. The procuracy must issue a decision to initiate a formal criminal investigation of a detainee within nine days; otherwise, police must release the suspect. In the past this requirement was often circumvented, but during the year most detainees apparently were promptly informed of the charges against them.

The investigative period may last from three months for "less serious" offenses (punishable by up to three years' imprisonment) to 16 months for "exceptionally serious" offenses (punishable by more than 15 years' imprisonment or capital punishment), or 20 months for national security cases. The code further permits the procuracy to request additional two month periods of detention after an investigation to consider whether to prosecute a detainee or ask the police to investigate further. There was no functioning bail system or equivalent system of conditional release. Time spent in pretrial detention counts toward time served upon conviction and sentencing.

Although legal counsel is a constitutional right for all persons accused of crimes, a scarcity of trained lawyers made prompt detainee access to an attorney rare. In general only persons formally charged with capital crimes were assigned lawyers.

By law detainees are permitted access to lawyers from the time of their detention, but bureaucratic delays frequently limited initial detainee contacts with their attorneys. In national security cases, authorities can delay defense lawyers' access to clients until after an investigation has ended and the suspect has been formally charged with a crime. Lawyers must be informed of and allowed to attend interrogations of their clients. They must also be given access to case files and be permitted to make copies of documents. Attorneys were generally able to exercise these privileges. However, in the case of an interrogation, a defendant first must request the presence of a lawyer, and it was not clear whether authorities always advised defendants of this privilege.

Police generally informed family of detainees' whereabouts; however, family members were allowed to visit a detainee only with the permission of the investigator. Prior to a formal indictment, detainees also have the right to notify family members. A number of detainees held for investigation of purported national security violations were reportedly denied family visits or access to legal counsel.

Courts may sentence persons to administrative detention of up to five years after completion of a sentence. In addition, police or mass organizations can propose that one of five "administrative measures" be imposed by people's committee chairpersons at district and provincial levels without a trial. The measures include terms ranging from six to 24 months in either juvenile reformatories or adult detention centers and generally were applied to repeat offenders with a record of minor offenses, such as committing petty theft or "humiliating other persons." Chairpersons may also impose terms of "administrative probation," which generally was some form of restriction on movement and travel. In December the government announced a plan to abolish Decree 31, the directive authorizing administrative detention, but at year's end the decree remained in force.

Arbitrary detentions, particularly for political activists, remained a problem. In February police officers detained Do Nam Hai and Nguyen Khac Toan after they entered an Internet cafe in Hanoi. They were released after a six hour interrogation.

At year's end Truong Quoc Huy remained in detention after he was rearrested in August on charges related to his continued political activism, including an accusation of "attempting to undermine national unity." In October 2005 police in Ho Chi Minh City detained Huy, his two brothers--Truong Quoc Tuan and Truong Quoc Nghia--and his girlfriend Lisa Pham on charges of attempting to overthrow the government. The police released Nghia almost immediately and Tuan two weeks later. Pham, a legal permanent resident of another country, and Huy remained in custody until July. Police believed that Pham and Huy had been participating in a Web chat forum called "the voice of people in Vietnam and abroad." The arrestees also may have sought to distribute antigovernment flyers in Ho Chi Minh City. The content of the documents and Web chats was unknown. Police reportedly first downgraded the charges to "propagandizing against the government" and then released Pham and Huy without pressing charges.

In December at least 10 and as many as 16 other political and social activists reportedly were detained, including Vu Hoang Hai and Nguyen Ngoc Quan, who were arrested for activities to "overthrow the people's government." Hai, Quan, and an unknown number of others remained in detention at year's end.

In September Pham Hong Son was briefly detained and reportedly struck by police (see section 1.c.).

There were some reports that government officials in the Central and Northwest Highlands temporarily detained ethnic minority individuals for communicating with the ethnic minority community abroad during the year.

A lack of transparency and information made it impossible to calculate percentages of pretrial detainees in the overall prison population or their average length of detention.

Prominent political dissidents Pham Hong Son and Nguyen Khac Toan, who were amnestied during the year, were subject to administrative detention in the form of official restrictions on their movements (see section 2.d.). Occasionally they were confined to their homes, but both individuals were allowed some movement within Hanoi, including visits to other dissidents.

Catholic priest Nguyen Van Ly, amnestied in February 2005, remained under administrative probation. However, he was able to travel within the country with the prior approval of Thua Thien Hue provincial officials. Senior leaders of the Unified Buddhist Church of Vietnam (UBCV) remained under "pagoda arrest," although the government denied that such orders existed, but they were allowed some movement within the country. For example, in July UBCV General Secretary Thich Quang Do left his pagoda to meet with diplomats. In September UBCV leaders were able to travel to Ho Chi Minh City without restriction to visit the ailing church patriarch Thich Huyen Quang. Other religious and political activists were subject to varying degrees of informal detention in their residences (see sections 2.c. and 2.d.).

Amnesty

During the year the central government and provincial councils amnestied 5,851 prisoners in two groups. In addition, 12,516 provincial inmates had their sentences reduced. Several high profile prisoners benefited from these amnesties, including political and religious activists such as Nguyen Khac Toan, Pham Hong Son, Do Van My, and Ma Van Bay.

e. Denial of Fair Public Trial

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

The judiciary consists of the Supreme People's Court (SPC); the provincial and district people's courts; military tribunals; administrative, economic, and labor courts; and other tribunals established by law. Each district has a

people's court, which serves as the court of first instance for most domestic, civil, and criminal cases. Each province also has a people's court, which serves as the appellate forum for district court cases as well as court of first instance for other cases. The SPC, which reports to the National Assembly, is the highest court of appeal and review. Administrative courts adjudicate complaints by citizens about official abuse and corruption. There are also special committees to help resolve local disputes.

There was a shortage of trained lawyers and judges, and there was no independent bar association. Low judicial salaries hindered efforts to develop a trained judiciary. The few judges who had formal legal training often had studied abroad only in countries with communist legal traditions.

Government training programs to address the problem of inadequately trained judges and other court officials were underway. Foreign governments and the UN Development Program provided assistance; however, the lack of openness in the criminal judicial process and the continuing lack of independence of the judiciary hampered progress.

Courts of first instance at district and provincial levels include judges and lay assessors, but provincial appeals courts and the SPC are composed of judges only. People's councils appoint lay assessors from a pool of candidates suggested by the VFF. Lay assessors are required to have "high moral standards," but legal training is not necessary.

Military tribunals, although funded by the Ministry of National Defense (MND), operate under the same rules as other courts. The MND is represented on the judicial selection panels, and the head of the military tribunal system is the deputy head of the SPC. Military tribunal judges and assessors are military personnel, chosen jointly by the SPC and the MND but supervised by the SPC. The law gives military courts jurisdiction over all criminal cases involving military entities, including military owned enterprises. The military has the option of using the administrative, economic, or labor courts for civil cases.

Trial Procedures

Trials generally were open to the public, but in sensitive cases judges closed trials or strictly limited attendance. Defendants have the right to be present and have a lawyer, although not necessarily the lawyer of their choice, and this right was generally upheld in practice. Defendants unable to afford a lawyer were generally provided one only in cases with possible sentences of life imprisonment or capital punishment. The defendant or the defense lawyer has the right to cross examine witnesses; however, there were credible reports of cases in which neither defendants nor their lawyers were allowed to access government evidence in advance of the trial, cross examine witnesses, or challenge statements. Lawyers often had little time before trials to examine evidence against their clients. Although the constitution provides that citizens are innocent until proven guilty, in the past some lawyers complained that judges generally presumed guilt. Convicted persons have the right to appeal. Courts did not publish their proceedings.

In the past there were credible reports that defense lawyers were pressured not to take as clients religious or democracy activists facing trial; however, there were no such reports during the year.

The public prosecutor brings charges against an accused and serves as prosecutor during trials. According to the criminal procedures code, courtroom procedures were to continue the change from an "investigative" system, in which the judge leads the questioning, to an "adversarial" system, in which prosecutors and defense lawyers advocate for their respective sides. The change was intended to provide more protections for defendants and prevent judges from coercing defendants into confessing guilt; however, the extent to which this change was implemented in practice remained unclear.

Political Prisoners and Detainees

There were no reliable estimates of the number of political prisoners. The government held at least two political detainees at year's end but claimed that it did not hold any political prisoners. In the past such persons were usually convicted of violating national security laws or general criminal laws.

At year's end nine Cao Dai church members sentenced in July 2005 to between three and 13 years in prison remained incarcerated. They reportedly were convicted of disseminating literature against the government during a

2004 Association of South East Asian Nations conference in Phnom Penh. Cambodian police arrested the group and expelled them to Vietnam, where they reportedly were arrested for possession of "hostile documents."

Journalist Nguyen Vu Binh, convicted in 2003 of "espionage," and former policeman Phan Van Ban, convicted in 1985 for participating in an organization that called for political change, remained in prison. As with the general prison population, the government did not allow humanitarian organizations access to these political prisoners.

Civil Judicial Procedures and Remedies

There is no clear or effective mechanism for pursuing a civil action to redress or remedy abuses by authorities. Civil suits are heard by "administrative" courts, civil courts, and criminal courts, which all follow the same procedures as in criminal cases and are adjudicated by members of the same body of judges and lay assessors. All three levels were subject to the same problems of corruption, lack of independence, and inexperience. Officials reported that, in theory, a citizen seeking to press a complaint is required first to petition the officer accused of committing a human rights 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.

Property Restitution

By law citizens must be compensated when they are resettled to make way for infrastructure projects, but there were widespread complaints, including from the National Assembly, that compensation was not fair or was delayed.

Beginning in midsummer in Ho Chi Minh City, disgruntled groups from the Mekong Delta and the Ho Chi Minh City region conducted a steady stream of small, peaceful protests over disputes related to land expropriation and land compensation by the state. Police generally did not interfere with the protesters, who positioned themselves in front of government buildings in downtown Ho Chi Minh City (see section 2.b.).

Some members of ethnic minorities in the Central and Northwest Highlands continued to complain that they had not received proper compensation for past seizures of their land, which was given to government owned coffee and rubber plantations (see section 1.f.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law provides for the right to privacy of home and correspondence; however, the government restricted this right significantly. Household registration and block warden systems existed for the surveillance of all citizens but usually did not intrude on most citizens. Authorities focused on persons whom they regarded as having dissenting views or suspected of being involved in unauthorized political or religious activities.

Forced entry into homes is not permitted without orders from the public prosecutor; however, security forces seldom followed these procedures but instead asked permission to enter homes, with an implied threat for failure to cooperate. Some individuals refused to cooperate with such "requests." In urban areas police generally left when faced with noncompliance.

Government authorities opened and censored targeted persons' mail, confiscated packages and letters, and monitored telephone conversations, e mail, and facsimile transmissions. The government cut the telephone lines and interrupted the cellular telephone service of a number of religious and political activists and their family members (see section 5).

The government sought to tighten control of the Internet with a regulation that requires Internet agents, such as cybercafes, to register the personal information of their customers and store records of Internet sites visited by customers. The government also monitored e mail, searched for sensitive key words, and regulated Internet content (see section 2.a.).

The government did not have an official policy of forced resettlement. However, the government resettled some citizens to make way for infrastructure projects, and there were widespread reports that compensation was either not fair or was not paid in a timely manner. Some resettled individuals reportedly returned to their ancestral villages in Son La and Dien Bien provinces after being forced to move during the year (see section 1.e.).

Membership in the CPV remained a prerequisite to career advancement for all government and government linked organizations and businesses (see section 3). However, economic diversification made membership in the CPV and CPV controlled mass organizations less essential to financial and social advancement.

The government continued to implement a family planning policy that urged families to have no more than two children, but the policy emphasized exhortation rather than coercion. The government can deny promotions and salary increases to government employees with more than two children, but it was unclear if this policy was enforced. Government officials expressed growing concern that family planning efforts were failing.

Democracy activist Nguyen Dan Que, released from prison in February 2005, remained subject to government surveillance and low level harassment. Other political dissidents had their writings, computers, and electronics seized and their landline and cellular telephone services cut. Local officials harassed some family members of political or religious activists. In September the wife and extended family of dissident Pham Hong Son had their telephone lines cut soon after his release.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, the government significantly restricted these freedoms, particularly with respect to political speech and social commentary. Both the constitution and the criminal code include broad national security and antidefamation provisions that the government used to restrict such freedoms. The criminal code 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. The code also expressly forbids "taking advantage of democratic freedoms and rights to violate the interests of the state and social organizations."

The CPV, the government, and the party controlled mass organizations controlled all print, broadcast, and electronic media. The government exercised oversight through the Ministry of Culture and Information (MOCI) and supplemented its control through pervasive party guidance and national security legislation sufficiently broad to ensure effective self censorship by the domestic media.

In October the MOCI issued formal decisions suspending the publication of two newspapers for one month. The ministry wrote in the decisions that the two newspapers, Cong Ly (Justice) and Thoi Dai (Era), had published false reports of alleged problems with newly issued polymer dong currency notes. The ministry noted that the reporting violated certain articles of the press law and that the newspapers had failed to comply with official instructions on how to cover the issue.

The following day, in a similar but reportedly unrelated development, the MOCI revoked the operating license of Kinh Doanh va San Pham (Business and Product) magazine. The ministry declared that the magazine had failed to follow directives laid out in its licensing agreements. It reported that despite repeated warnings, the magazine had continued to publish articles that created a "negative social impact."

The law requires journalists to pay monetary damages to individuals or organizations harmed as a result of their reporting, even if the reports are true. Independent observers noted that the law served to limit investigative reporting. Several media outlets continued to test the limits of government press restrictions by publishing articles that criticized actions by CPV and government officials. During the year there were press reports about topics that generally were considered sensitive, such as the prosecution on corruption charges of high ranking CPV and government officials. Nonetheless, the freedom to criticize the CPV and its senior leadership remained restricted. Occasional criticism of officials and official associations appeared in local press.

The law allows citizens to complain openly about inefficient government, administrative procedures, corruption, and economic policy. In general citizens freely exercised this right, but the government considered any overt political

criticism stemming from such commentary a crime. Attempts to organize those with complaints to facilitate action are considered proscribed political activities. Senior government and party leaders traveled to many provinces reportedly to try to resolve citizen complaints. Corruption related to land use was widely publicized in the press.

The government continued to prohibit speech that questioned the role of the CPV, criticized individual government leaders, promoted pluralism or multiparty democracy, or questioned policies on sensitive matters such as human rights or the border agreement with China. The line between what constituted private speech and public speech in those areas continued to be arbitrary. In February and March, in the lead up to the 10th party congress, newspapers and other media outlets carried a series of articles ostensibly written by private citizens that together constituted an unprecedented discussion of the CPV's role in society. Independent observers generally concluded that the articles represented varying opinions within factions of the government rather than independent criticism. The range of opinions ran the gamut from strong support of the status quo to guarded advocacy of a multiparty approach. Some observers dismissed this nascent political "debate" as staged. The media discussion ceased following the conclusion of the congress; however, there were echoes of some of the ideas expressed by the media in indirect National Assembly discussion of the CPV during its May session.

In August and September police detained a foreign citizen and six other political activists affiliated with the People's Democracy Party of Vietnam (PDPV), which reportedly advocated peaceful political change and opposed the country's single party rule. Other activists belonging to a second peaceful political activist organization--the 8406 Bloc--also faced harassment and detention. At year's end four members of the 8406 Bloc were in detention. Bui Kim Thanh, a land rights activist affiliated with the DPV, was involuntarily committed to a mental institution (see section 1.c.). At least seven and possibly another eight activists of the PDPV and the Union of Workers and Farmers also reportedly were under detention. Other prominent political activists, such as Do Nam Hai and Pham Hong Son, faced harassment, repeated police questioning sessions, and administrative measures taken against them in response to their political activities.

Democracy activist Nguyen Dan Que, released in February 2005, remained subject to government surveillance and low level harassment. Political activist Tran Khue also remained subject to surveillance and episodic harassment, such as the cutting of his telephone and Internet lines.

In a Web chat forum in May hosted by Tienphong Online, frank discussions on sexuality and persons with HIV/AIDS were not censored, although these were normally taboo subjects. In a July Web chat with a senior foreign diplomat at the same online agency, editors censored major portions of the diplomat's comments on human rights and religious freedom, although his comment that "we believe that Vietnam can achieve more prosperity and advancement by giving more room for political activities" remained posted.

Some persons who expressed alternative opinions on religious or political issues were not allowed to travel abroad (see section 2.d.).

Published reports on high level government corruption and mismanagement have become more frequent and prominent in recent years. In March and April the press extensively reported a corruption story involving Project Management Unit 18 (PMU 18), a government office handling large infrastructure projects, some with substantial foreign contributions (see section 3).

Foreign journalists must be approved by the Foreign Ministry's press center, and they must be based in Hanoi. The number of foreign staff allowed was limited, and local staff who worked for foreign media also were required to be registered with the ministry. It was difficult for foreign media outlets to hire local photographers and receive approval for their accreditation. In November two ethnic Vietnamese journalists with foreign citizenship were arbitrarily refused visas to travel to cover the Asia Pacific Economic Cooperation (APEC) summit. Police and government officials also reportedly prevented political and social activists from meeting with foreign journalists who traveled to Ho Chi Minh City to cover the visit of a foreign leader. The press center monitored journalists' activities and decided on a case by case basis whether to approve requests for interviews, photographs, filming, or travel, which must be submitted five days in advance. By law foreign journalists are required to address all questions to government agencies through the Foreign Ministry, although it appeared that this procedure often was ignored in practice. Foreign journalists generally received visas valid for six months.

The government generally required religious publishing to be done through a government owned religious publishing house; however, some religious groups were able to copy their own materials or import them, subject to government approval (see section 2.c.). There were reports that the government relaxed restrictions somewhat on the printing and

importation of some religious texts, including in some ethnic minority languages. However, in a few cases unauthorized religious materials were confiscated and the owners either fined or arrested.

Foreign language editions of some banned books were sold openly by street peddlers. Foreign language periodicals were widely available in cities; however, the government occasionally censored articles about the country and sometimes delayed the availability of a foreign periodical because of sensitive articles. The government generally did not limit access to international radio, except to Radio Free Asia (RFA) and the Far East Broadcasting Corporation, which it continued to jam periodically.

The law limits access to satellite television to top officials, foreigners, luxury hotels, and the press, but it was not enforced uniformly, and an increasing number of persons in urban and some rural areas had access to television programs via home satellite equipment or cable. Cable television, including foreign origin channels, was available to subscribers living in urban areas, although the government periodically blocked many subscribers from receiving certain news channels, including CNN and the BBC. When service was not blocked, it was usually subject to a 30 minute delay. Satellite dishes picking up pirated satellite signals from Thailand and the Philippines were increasingly common.

Internet Freedom

The government allowed access to the Internet through a limited number of Internet 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 also requires ISPs to provide technical assistance and workspace to public security agents to allow them to monitor Internet activities. The government also requires Internet agents, such as cybercafes, to register the personal information of their customers, store records of Internet sites visited by customers for 30 days, and cooperate with public security officials.

In July the Ministry of Post and Telematics instructed all ISPs to install in their Internet kiosks new control software designed to record information on users and their Internet behavior and send the information to the ISPs' servers to be stored for a year. The software also contained an identification system that allows ISPs to identify the user and what the user does during an Internet session. To use Internet kiosks, customers must provide personal details to acquire a username and password, granted and controlled by the ISP. Customers then can use the acquired username and password to browse the Internet. Alternatively, a customer can provide a personal national identity card to gain Internet access. It was not clear how fully these provisions were being followed in practice, and many cybercafes did not register the personal details of their clients. At least some home asymmetric digital subscriber line (ADSL) Internet subscribers had all Internet usage monitored by the newly installed software and hardware system.

On January 6, the CPV controlled Nhan Dan daily newspaper carried a commentary rejecting a Reporters Without Borders' characterization of Vietnam and 14 other countries as "enemies of the Internet" and its allegations about the impeded development of the Internet in the country. The newspaper cited the robust development of the Internet, including the CPV's guidelines on Internet application and the government's approval of an Internet development plan for the period 2001-05. The newspaper also reported that the country had registered an Internet growth rate of 20 percent annually since 2001, with more than eight million users, or one tenth of the total population. "While recognizing the benefits of the Internet, the Party and State of Vietnam are also aware of the dark side of this global information network and have adopted proper measures to minimize the movement of negative information into the country," the newspaper stated, adding it was "necessary that all countries in the world, not only Vietnam, take measures to safeguard their traditional cultural values."

On March 11, police raided a cybercafe and arrested an Internet user in Hanoi while he was taking part in a discussion forum on democracy. The individual's status was not known at year's end.

The government used firewalls to block Web sites that it deemed politically or culturally inappropriate, including sites operated by exile groups abroad. The government occasionally restricted access to the RFA and Voice of America Web sites during the year, as well as sites operated by overseas dissident groups. Local press occasionally wrote stories based on RFA broadcasts.

The government required owners of domestic Web sites, including those operated by foreign entities, to register their sites with the government and submit their Web site content to the government for approval.

Academic Freedom and Cultural Events

The government restricted academic freedom, and foreign field researchers often were questioned and monitored. However, the government continued to permit a more open flow of information, including in the university system, than in previous years. Local librarians increasingly were being trained in professional skills and international standards that supported wider international library and information exchanges and research. Foreign academic professionals temporarily working at universities in the country were allowed to discuss nonpolitical issues widely and freely in classes, but government observers regularly attended classes taught by both foreigners and citizens. Security officials occasionally questioned persons who attended programs on diplomatic premises or used diplomatic research facilities. Nevertheless, requests for materials from foreign research facilities increased. Academic publications usually reflected the views of the CPV and the government.

The government controlled art exhibits, music, and other cultural activities; however, it generally allowed artists broader latitude than in past years to choose the themes for their works. Many artists obtained permission to exhibit their works abroad and received passports to attend the exhibits and export permits to send their works out of the country. Additionally, a number of foreign embassies and consulates were able to conduct a wider variety of cultural activities than in the past.

From June to November, two state run institutions--the Vietnam Museum of Ethnology and the Vietnam Revolutionary Museum--showed a groundbreaking exhibit called "Hanoi Life under the Subsidiary Economy, 1975-1986," which included taped interviews of poets and journalists criticizing failed economic policies and censorship of artistic works during that period, a marked departure from any exhibit previously on display to the general public.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The right of assembly is restricted by law, and the government restricted and monitored all forms of public protest or gathering. Persons wishing to gather in a group are required to apply for a permit, which local authorities can issue or deny arbitrarily. In general the government did not permit demonstrations that could be seen as having a political purpose. Persons routinely gathered in informal groups without government interference; however, the government restricted the right of some unregistered religious groups to gather in worship.

As in previous years, there were reports from the Northwest Highlands and Central Highlands that officials prevented meetings of some Protestant believers or dispersed those meetings when they occurred (see section 2.c.). In the Central Highlands province of Dak Lak, as many as 100 congregations affiliated with the Southern Evangelical Church of Vietnam (SECV) were not permitted to gather to worship.

During the year peaceful small protests of farmers demanding redress for land rights issues frequently took place in front of government buildings in Hanoi. Police monitored these protests but did not disrupt them.

During the summer groups from the Mekong Delta and the Ho Chi Minh City region conducted small protests over land disputes. Police generally did not interfere with the protesters--mainly elderly women--who positioned themselves in front of government buildings in downtown Ho Chi Minh City. Police cordoned off the protesters from passersby and sought, sometimes by means of intimidation, to minimize protesters' contact with legal and political activists. In September a senior police official met with protesters and declared that the government and police would carefully examine their cases, but he cautioned that protesters could not carry signs that had "down with corrupt government" and that authorities would show "no mercy" with those who took advantage of the land disputes to work against the government. The protests stopped soon thereafter, but there was no indication that the government resolved the underlying grievances.

Freedom of Association

The government restricted freedom of association. Opposition political parties were not permitted. The government prohibited the legal establishment of private, independent organizations, insisting that persons work within established, party controlled mass organizations, usually under the aegis of the VFF. However, some entities, particularly unregistered religious groups, were able to operate outside of this framework with little or no government interference (see section 2.c.).

On June 6, several political dissidents led by Hoang Minh Chinh in Hanoi and Tran Khue in Ho Chi Minh City announced the formation of a new political group, the Democratic Party of Vietnam. In response, police occasionally harassed its members. It was not clear how large or active the party was after its formation, but independent observers generally characterized the organization as "a group of idealists" rather than an activist group.

In April a larger group of political activists largely based in the southern and central regions of the country formed the 8406 Bloc, which calls for the creation of a multiparty state. The 8406 Bloc claimed at least 2,000 supporters inside the country, although this claim was impossible to verify. At least four members of the 8406 Bloc were detained, and others faced severe harassment for their peaceful political activities. Authorities also arrested at least five members of another activist group, the People's Democratic Party of Vietnam (PDP VN), and a related group, the United Workers' Farmers' Union. Members of the PDP VN were advocating for the elimination of Article 4 of the constitution, which legally codifies Communist Party supremacy.

c. Freedom of Religion

Although the constitution and government decrees provide for freedom of worship, the government restricted religious freedom to a significant degree. However, during the year the government continued to relax restrictions, and participation in religious activities continued to grow significantly.

In June commune employed security officers detained and beat two Protestants belonging to an unregistered house church in Thanh Hoa Province. The incident resulted partly from a familial dispute involving members of the church and neighborhood leaders. However, in July commune officers beat two women of the same group after they attempted to visit the home used by the congregation as a place of worship. In all instances the provincial security department reportedly conducted investigations into alleged official abuse. In September two commune security officers received administrative punishment from the commune leadership in connection with the June incident (see section 1.c.).

Hong Thien Hanh, leader of the small To Dinh Tan Chieu Minh Cao Dai religious group in Tien Giang Province, remained in prison serving an eight year sentence after being convicted in 2005 on charges of engaging in illegal religious activities and defrauding his followers. Some independent Cao Dai confirmed the government's fraud allegations against Hanh.

By year's end most churches affiliated with the government recognized SECV in the Central Highlands were able to operate, although the process of according the congregations full legalization remained slow. At least 29 Protestant churches affiliated with the government recognized Evangelical Church of Vietnam North were granted registration in the Northwest Highlands during the year as part of a pilot program to accelerate registrations in the region. Two small Buddhist groups, a Danang based Protestant organization, and two Protestant house church organizations based in Ho Chi Minh City received national level registration. Registrations for the Baha'i Faith and additional Protestant house church organizations awaited registration at year's end. Congregations belonging to previously recognized faiths were able to register their activities and places of worship.

The 2005 government framework on religion maintained overall government control of religious organizations and kept in place significant limitations on education, medical, and charitable work by religious groups. The government continued to use the recognition and registration processes to monitor and limit the activities of church organizations. The government officially recognized Buddhist, Roman Catholic, Protestant, Hoa Hao, Cao Dai, and Muslim religious organizations. To obtain recognition a group must obtain government approval of its charter and leadership. Official approval is required for the registration of new congregations and places of worship, ordination of clerics, establishment of religious teaching institutions, and entry of students into those institutions. Officially recognized religious organizations were able to operate with increasing ease throughout most of the country, and followers of these religious bodies were usually able to worship without government harassment even if their local congregation was not registered.

The law mandates that the government act in a time bound and transparent fashion, but the approval process for recognition and registration could be slow and nontransparent. Some local authorities continued to demand that even recognized religious organizations provide lists of all members of subcongregations as a precondition to registration, although this requirement is not codified in the legal framework on religion. Some registered congregations in the northern region and the Northwest Highlands complained that officials used such lists to keep unlisted members from participating in services. Annual activities by congregations also must be registered with authorities, and activities not on the accepted annual calendar require separate government approval.

In addition to officially recognized religious denominations, numerous nonrecognized denominations operated in the country, including independent Buddhists, Baptists, Mennonites, Jehovah's Witnesses, Mormons, the Baha'i Faith, independent Cao Dai and Hoa Hao groups, and ethnic Cham Hindus. Some nonrecognized Protestant groups received what appeared to be local official recognition of their organizations. In addition to the three Protestant groups that received national registration, a fourth group affiliated with the Mennonites had its registration pending in other provinces.

As in past years, official oversight of recognized religions and their registered subcongregations, as well as problems faced by followers of nonrecognized religions or unregistered subcongregations of recognized religions, varied widely from locality to locality, often as a result of ignorance of national policy or varying local interpretations of the policy's intent. In general, central level efforts to coordinate proper implementation of the government's religious framework reduced the frequency and intensity of religious freedom violations. Nevertheless, activities of nonrecognized and unregistered religious groups remained technically illegal, and these groups occasionally experienced harassment. The level of harassment declined in comparison with previous years, and the vast majority of unregistered churches and temples were allowed to operate without interference.

The government actively discouraged contacts between the illegal UBCV and its foreign supporters, although such contacts continued. The government appeared to show increasing tolerance for unofficial contacts made by Protestant and Catholic groups with foreign counterparts. Police routinely questioned some persons who held alternative religious or political views, such as UBCV monks and certain Catholic priests. Police continued to restrict the free movement of UBCV monks and expelled at least two UBCV members from their pagodas in the Mekong Delta and in Khanh Hoa Province. According to credible reports, police in the Central Highlands restricted the activities of, and at times detained, persons based on a suspicion that the form of Protestant religion that they were practicing encouraged ethnic minority separatism.

In Ho Chi Minh City, local officials demolished a portion of Mennonite Pastor Nguyen Hong Quang's home that was built without proper zoning approval. Government officials reportedly also discouraged Quang from participating in a December registration briefing sponsored by the government under the legal framework on religion with other Ho Chi Minh City based Protestant groups. The authorities refused to accept all but a handful of registration applications from Quang's group.

There were no reports of police interference with other Protestant activities in Ho Chi Minh City. In August the city authorized the government recognized SECV to build a new seminary complex within city limits. Reports of harassment of Protestant groups in the Northwest Highlands continued to decline.

With the exception of up to 20 congregations in Dak Lak Province that faced limits on the size of gatherings, church leaders report that SECV affiliated Protestant groups in the Central Highlands that the government ordered closed in 2001 had resumed operations, and a small but growing number--fewer than 80--were officially recognized. The United World Mission Church, based in Danang but active throughout the Central Highlands, also received registration during the year and reported improved treatment for its congregations. More than 1,000 unregistered Protestant congregations among ethnic minority groups in the northern region and the Northwest Highlands, the Hmong in particular, formally began registration proceedings with local authorities.

In September the SECV was able to hold an organizational meeting in Nha Trang to select church officials without government interference.

There were few credible allegations of forced renunciations during the year. However, in September leaders of a house church organization based in Ho Chi Minh City reported that local officials and village elders in a remote rural village in central Coastal Ninh Thuan Province used the threat of withholding government benefits and social ostracism to induce 30 ethnic minority individuals to abandon Protestantism and return to traditionalist beliefs. However, local officials later resolved their differences with the church leader, and three families reportedly readopted Protestantism, while others chose to continue to follow traditional beliefs.

In Quang Ngai Province, a congregation leader, whom local officials previously had attempted to force to renounce his faith, and another leader of his group received government permission to attend pastoral training classes.

Articles in some provincial newspapers encouraged local authorities and ethnic minority groups to favor animist and traditional beliefs and to reject Protestantism.

Early in the year, police in Kon Tum Province reportedly harassed two Protestant believers and beat them. Official complaints to provincial authorities about the alleged police abuse reportedly went unanswered.

There were no credible reports that ethnic minority Protestants were made to sign a formal, written renunciation of their faith or undergo a symbolic ritual. At year's end no local officials had been punished for forcing an ethnic minority pastor in Ha Giang Province to renounce his faith in 2005; however, his congregation was able to gather for worship.

Buddhists practicing their religion under the Vietnam Buddhist Sangha Executive Council, the officially sanctioned Buddhist governing council, were generally free to practice their religion. While these constituted the vast majority of Buddhists, the government continued to harass members of the banned UBCV and prevented them from conducting independent religious activities outside their pagodas. Since 2003 senior UBCV leaders, including Patriarch Thich Huyen Quang and Thich Quang Do, have been confined to their pagodas and had restrictions on their ability to travel and meet with followers (see section 2.d.). Until September Thich Quang Do's attempts to meet with Thich Huyen Quang were blocked repeatedly. However, foreign diplomats were able to meet with Patriarch Thich Huyen Quang and Thich Quang Do on several occasions during the year. In September the government allowed Thich Quang Do and 19 other UBCV leaders to meet with Thich Huyen Quang during his hospitalization in Ho Chi Minh City.

Although the government technically maintained veto power over Vatican appointments of Catholic bishops, under the 2005 framework on religion it continued to ease restrictions on the Roman Catholic Church and did not veto any candidates submitted by the Church for bishoprics. During the year a new bishop was appointed for the newly created Ba Ria Vung Tau Diocese. The government reduced restrictions on the size and frequency of entering classes for Catholic seminaries. It also approved the creation of a new seminary in Xuan Loc Diocese, which technically would operate as a satellite of the Ho Chi Minh City seminary. The Ho Chi Minh City government continued to facilitate certain charitable activities of the Catholic Church in combating HIV/AIDS. A number of Catholic clergy reported a continued easing of government control over activities in certain dioceses during the year. In many places local government officials allowed the Catholic Church to conduct religious education classes (outside regular school hours) and some charitable activities. The government continued low level discussions to normalize diplomatic relations with the Vatican.

At least 10 Hoa Hao church followers remained in prison on accusations of playing key roles in a protest and clash with the police following a June 2005 religious event. Hoa Hao monks and believers following the government approved Hoa Hao Administrative Council (HHAC) were allowed freedom to practice their faith. Monks and followers who belonged to dissident groups or declined to recognize the authority of the HHAC suffered restrictions. In June a hunger strike by some Hoa Hao dissidents in the Mekong Delta triggered a standoff with police; however, the incident was defused without violence. Some organizers of the June incident were detained later in the year.

The government restricted and monitored all forms of public assembly, including assembly for religious activities. Large regularly scheduled religious gatherings were allowed, such as Protestant and Catholic Christmas celebrations, the Catholic celebrations at La Vang Pilgrimage Center in Quang Tri Province, and the Cao Dai celebrations in Tay Ninh Province. The Hoa Hao were allowed to hold large public gatherings to commemorate some traditional anniversaries.

Open adherence to a religious faith generally did not disadvantage persons in civil, economic, or secular life, although it would prevent advancement in government and military careers. However, there were some reports that ethnic minority boarding schools discriminated against children from religious, especially Protestant, families. Religious practice does not preclude membership in the CPV. Some government and CPV officials admitted that they followed traditional and Buddhist religious practices.

Foreign missionaries may not operate openly as religious workers in the country, although many undertook humanitarian or development activities with government approval.

A government publishing house oversees the publishing of all religious materials. Many Buddhist sacred scriptures, Christian Bibles, and other religious texts and publications, including some in ethnic minority languages, were printed by government approved organizations.

The government allowed religious travel for some religious persons. Muslims were permitted to make the Hajj, and more Buddhist, Catholic, and Protestant officials were able to travel and study abroad. The government allowed many Catholic bishops and priests to travel freely within their dioceses and allowed greater, but still restricted, freedom for travel outside these areas, particularly in ethnic areas. Many Protestant house church leaders traveled overseas and

within the country during the year. In the past government officials discouraged officially recognized clergy from entering the provinces of Son La, Dien Bien, Lai Chau, as well as Ha Giang and other "sensitive" ethnic minority highlands border provinces; however, some Protestant and Catholic leaders reported that this policy eased significantly during the year.

The government continued to be wary of overseas travel by religious leaders of nonrecognized groups not first coordinated with authorities. In one case members of a large Baptist group returning from a retreat in Cambodia were stopped and questioned by authorities, although there were no subsequent reports of repercussions against them. Authorities reportedly continued to refuse to return the passport of a Protestant pastor who made an unauthorized visit abroad in 2004.

Societal Abuses and Discrimination

In general relations among the various religious communities continued to be amicable, and there were no known instances of societal discrimination or violence based on religion. There was limited cooperation between the Catholic Church and the government recognized Vietnam Buddhist Sangha on charitable activities such as the fight against HIV/AIDS. There was no indigenous Jewish community in the country, and there were no reports of anti Semitic acts.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The constitution provides that citizens "shall enjoy freedom of movement and of residence within the country...(and) freely travel abroad and return home...in accordance with the provisions of the law"; however, the government imposed some limits on freedom of movement. Local authorities sometimes required members of ethnic minority groups to obtain permission to travel outside certain highland areas, including in some cases travel outside their own villages.

Political dissidents Pham Hong Son and Nguyen Khac Toan, who were amnestied during the year, were subject to official restrictions on their movements (see section 1.d.).

The 2004 decision by the Prime Minister's Office regarding travel to certain areas remained in effect. It requires citizens and resident foreigners to obtain a permit to visit border areas, defense facilities, industrial zones involved in national defense, areas of "national strategic storage," and "works of extreme importance for political, economic, cultural, and social purposes."

Local officials reportedly informally discouraged some clergy from traveling domestically, even within their own provinces, especially when travel to ethnic minority areas was involved (see section 2.c.).

During the year the National Assembly passed a controversial new Law on Residence which allows the MPS to retain the current system of residence registrations, in spite of strong opposition from many legislators. During the debate of the law, Assembly members echoed a common public concern that the residence registration violates the freedom of residency stipulated in the constitution. Many citizens believed that this government practice effectively acted as a barrier for individuals and families to move within the country and become legal residents of a new province or city, and that it has become an infamous example of excessive government bureaucracy. Legal residency is needed to buy property. MPS officials successfully argued that they must maintain this system for the sake of social order and security. The MPS restricts the number of residency registrations given out, for example, for Hanoi and Ho Chi Minh City.

Many persons continued to move without approval, especially migrant or itinerant laborers moving from rural areas to cities in search of work. Moving without permission hampered persons in obtaining legal residence permits. Foreign passport holders must register to stay in private homes, although there were no known cases of local authorities refusing to allow foreign visitors to stay with friends and family. Citizens are also required to register with local police when they stay overnight in any location outside of their own homes; the government appeared to have enforced these requirements more strictly in some districts of the Central and Northern Highlands. However, some ethnic minority individuals from the Central Highlands encountered no problems when they traveled to Ho Chi Minh City to process family reunification visas.

During the APEC summit, there were many reports of arbitrary government arrests and temporary detention of those deemed a threat or a potential embarrassment to the government. Some of the reports were exaggerated, but others were substantiated by foreign diplomats. In general the government did not hesitate to arbitrarily detain those whom they deemed a potential threat to government and Communist Party control.

The government again allowed fact finding and monitoring visits by the Office of the UN High Commissioner for Refugees (UNHCR) and foreign diplomatic mission representatives to the Central Highlands. In general these trips were monitored but not hindered by local government authorities. The government granted the UNHCR and foreign diplomatic staff access to local citizens of interest. The UNHCR and foreign diplomats saw some resistance from lower level officials in permitting private interviews of returnees. Local policemen often were present during UNHCR returnee interviews. Earlier in the year a separate foreign observer mission reported government officials disguised as local village elders. Nevertheless, the UNHCR and foreign diplomats separately concluded that provincial governments continued to honor their obligations to attempt to peacefully reintegrate ethnic minority returnees from Cambodia.

The UNHCR reported that by the end of the year, local authorities had received unprecedented training on UNHCR mandates for returnees. The UNHCR reported a general feeling of "more openness" during their monitoring visits and a better filtering of information from national to provincial to local government levels, due in part to World Trade Organization accession and APEC summit preparations.

UNHCR representatives reported that the overall environment for ethnic minorities in the Central Highlands improved, despite an increase in the number of persons illegally going to Cambodia during the year. They stated that there was "no general threat" of systemic discrimination against ethnic minorities in the Central Highlands.

Although the government no longer required citizens traveling abroad to obtain exit or reentry visas, the government sometimes refused to issue passports. In the past the government did not allow some persons who publicly or privately expressed critical opinions on religious or political issues to travel abroad. Authorities continued to deny political activist Tran Khue a passport to travel to Europe and the United States. However, provincial governments in the Central Highlands consistently facilitated the passport issuance and travel of ethnic minority individuals traveling legally to the United States on family reunification visas.

Citizens' access to passports sometimes was constrained by factors such as bribery and corruption. Immigrant visa applicants sometimes encountered local officials who arbitrarily delayed or denied passport issuance based on personal animosities, on the officials' perception that an applicant did not meet program criteria, or to extort a bribe. Unlike in past years, there appeared to be no restrictions on the ability of family members of ethnic minorities granted refugee status abroad to obtain documents and passports to rejoin their spouses abroad.

The law does not provide for forced internal or external exile; however, cases amounting to de facto exile continued to occur. In 2003 several UBCV leaders were forcibly returned to their home pagodas and placed under official or unofficial administrative detention there (see section 2.c.). Protestant pastor Nguyen Nhat Thong has been forced to reside in a remote village in Binh Thuan Province since 1979. He has been allowed to travel outside the village since 1986, but he must ask for the permission of local authorities each time. Protestant pastor Nguyen Lap Ma, who had been forced to reside in an isolated village in Can Tho Province since 1982, received a passport and was resettled in another country.

The U.S. government continued to process immigrants and refugee applicants for admission and resettlement, including family reunification cases and Amerasians. Travel under other refugee categories had virtually ceased as the relevant programs were closed to new applicants in the mid 1990s. However, due to concerns that some former reeducation camp detainees, former U.S. government employees, and former U.S. organization employees had been unable to apply or complete the application process, on June 25 a two year application period opened for such persons. By year's end several hundred persons had departed the country under this process and through related family reunification cases.

The government generally permitted citizens who had emigrated abroad to return to visit. However, the government refused to allow some citizen activists living abroad to return. For example, exiled activist Pastor Paul Tran Dinh Ai was denied entry at Ho Chi Minh City airport in February when he attempted to visit his mother. By law the government considers anyone born in the country to be a citizen, even if the person has acquired another country's citizenship, unless a formal renunciation of citizenship has been approved by the president. However, in practice the government usually treated overseas Vietnamese as citizens of their adopted country. Emigrants were not permitted

to use Vietnamese passports after they acquired other citizenship. The government generally encouraged visitation by such persons but sometimes monitored them carefully.

Following April 2004 protests in the Central Highlands, a number of ethnic minorities hid in forests and rubber plantations, and some attempted to flee across the border into Cambodia. Vietnamese police attempted to block these potential refugees and reportedly crossed the border into Cambodia. The UNHCR received approximately 775 ethnic minority refugees in its camps in Cambodia. Thirteen potential refugees who received UNHCR protection in Phnom Penh independently returned to Vietnam in October 2004. According to authorities, the 13 persons returned safely to their homes; however, newspaper accounts reported that they were interviewed extensively by authorities upon their return.

In January 2005 the government signed a tripartite Memorandum of Understanding on the Settlement of Issues Relating to the Vietnamese Central Highlands Ethnic Minority People in Cambodia with the government of Cambodia and the UNHCR to facilitate the return of all ethnic minority individuals in Cambodia who did not qualify for third country resettlement. The UNHCR and various foreign diplomats were subsequently permitted to visit ethnic minority returnees from Cambodia after their arrival in the Central Highlands.

The UNHCR reported that 228 Vietnamese ethnic minority individuals from the Central Highlands arrived in Cambodia during the year. Approximately 50 individuals returned under the auspices of the 2005 agreement.

Protection of Refugees

The country is not a signatory to the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. After North Korean asylum seekers entered foreign diplomatic missions in Hanoi in July 2005, the government called on diplomatic missions and international organizations to hand over to local authorities any third country intruders, whom the government considers to be immigration law violators. There were no reports at year's end that the government had invoked this new policy.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution does not provide for the right of citizens to change their government peacefully, and citizens could not freely choose and change the laws and officials that govern them. All authority and political power is vested in the CPV, and the constitution delineates the leadership of the CPV. Political opposition movements and other political parties are illegal. The CPV Politburo, led by a triumvirate consisting of CPV General Secretary Nong Duc Manh, State President Nguyen Minh Triet, and Prime Minister Nguyen Tan Dung, is the supreme decision making body in the country, although it technically reports to the CPV Central Committee.

The government continued to restrict public debate and criticism to certain aspects of individual, state, or party performance determined by the CPV itself. No public challenge to the legitimacy of the one party state was permitted; however, there were instances of unsanctioned letters critical of the government from private citizens, including some former senior party members, that circulated publicly. Several small opposition political groupings that established themselves during the year were tolerated, although police harassment of members gradually increased (see section 2.b.).

Elections and Political Participation

The most recent elections to select members of the National Assembly were held in 2002. The elections were neither free nor fair, since all candidates were chosen and vetted by the CPV's VFF, an umbrella group that monitored all of the country's popular organizations. Consequently, 90 percent of the delegates were CPV members, and non CPV members were only nominally independent.

The Law on Election of Deputies to People's Councils provided for higher numbers of female and minority candidates, more candidates per position, and fewer party members standing for seats in people's council elections at all levels than in previous elections. Nonetheless, for the 2004 people's councils elections at the district level, the party controlled VFF approved all candidates, as it did for national and provincial assembly elections. Although voting is not compulsory, election officials applied many means to persuade citizens to vote, including using public address systems to ask late voting citizens by name to come to the polls. The government claimed a 99.7 percent voter

turnout for the 2004 people's councils election. Proxy voting in that election, while illegal, appeared widespread. In addition, most voting was finished by 10 a.m., although polls were required to stay open until 7 p.m.

The National Assembly, although subject to the control of the CPV (all of its senior leaders and 90 percent of its members were party members), increasingly served as a forum for the expression of local and provincial concerns, a critic of corruption and inefficiency, and an arena for debating progress in improved transparency for the legal and regulatory systems. In the past it did not initiate legislation and did not pass legislation that the CPV opposed, but the National Assembly continued to assert itself as a legislative body during the year. The CPV's nominees for the three top positions in the government (below party general secretary) made brief presentations to the Assembly before their candidacies were voted on. Assembly members' displeasure over the government's reaction to corruption scandals was evident in low votes returned on several CPV candidates tainted by the scandals and in question and answer sessions with government ministers. In an unprecedented development, some deputies also indirectly criticized the CPV's preeminent position in society.

CPV officials occupied most senior government and National Assembly positions and continued to have the final decision on key issues.

The law provides the opportunity for equal participation in politics by women and minority groups. Women held a number of important government positions, including the vice presidency. There were 136 women in the 498 seat National Assembly. There were three women at the ministerial level but none in the Politburo. There were few women in provincial level leadership positions.

There were 87 ethnic minority members in the National Assembly and two ethnic minority members serving in cabinet level positions. The CPV general secretary was a member of the Tay ethnic minority group; however, the number of minorities in the executive branch of government or within the party at a national level did not accurately reflect their proportion (15 percent) of the population.

Government Corruption and Transparency

Corruption continued to be a major problem. The government showcased its efforts to fight corruption, including publicizing budgets at different levels of government and streamlining government inspection measures. Cases of government officials accused of corruption were publicized widely (see section 2.a.). In March and April, the press extensively reported a corruption story involving PMU 18, a government office handling large infrastructure projects, some with substantial foreign contributions. The press revealed that Bui Tien Dung, the head of PMU 18, was part of a betting ring. Deputy Minister of Transportation Nguyen Viet Tien was implicated in the scandal by a March 28 MPS report and required to step down; on March 30, a spokesman for the prime minister declared that "the transport minister must take responsibility, and after that deputy ministers must follow." On April 1, the CPV announced that a proposal to remove Transport Minister Dao Dinh Binh had been submitted to the Politburo. Binh submitted his resignation on April 3; however, he was not formally punished despite significant protests from National Assembly deputies. In late November the Government Inspectorate also found that two local party officials in Quang Ngai Province had illegally allowed their relatives to use large stocks of land for personal use; the party eventually removed the officials from their positions. In December the inspectorate found party officials had misused \$4.3 million (685 billion VND) intended for the upgrade of Highway 5, although it remained unclear if anyone would be punished in connection to the scandal.

During the year senior government officials in Khanh Hoa Province faced sanction, investigation, and possible imprisonment for a corrupt land deal. In August the director of one of Ho Chi Minh City's most prestigious high schools was arrested for corruption. The cases remained under investigation for possible prosecution.

At year's end neither Vice Minister of Trade Mai Van Dau nor his son, Mai Thanh Hai, had been tried after their 2004 indictment on charges of accepting bribes in exchange for arranging textile quotas.

In accordance with the Law on Promulgation of Legal Normative Documents, the Official Gazette published most legal documents in its daily publication. Party documents such as Politburo decrees were not published in the Gazette.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The government does not permit private, local human rights organizations to form or operate. The government generally did not tolerate attempts by organizations or individuals to comment publicly on government human rights practices, and it used a wide variety of methods to suppress domestic criticism of its human rights policies, including surveillance, limits on freedom of assembly, interference with personal communications, and detention.

The government generally prohibited private citizens from contacting international human rights organizations, although some activists did so. The government generally did not permit visits by international NGO human rights monitors; however, it allowed representatives from the press, UNHCR, foreign governments, and international development and relief NGOs to visit the Central Highlands. The government criticized almost all public statements on human rights issues by international NGOs and foreign governments, although criticism was muted compared with previous years.

The government generally was willing to discuss human rights problems bilaterally with some foreign governments, and several foreign governments continued official talks with the government concerning human rights.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on gender, ethnicity, religion, or social class; however, enforcement of these prohibitions was uneven. While many persons formerly interned in reeducation camps on the basis of association with the pre 1975 government were well integrated into society, some continued to report varying levels of discrimination as they and their families sought access to housing, education, and employment. In the past some military veterans of the pre 1975 South Vietnamese government and their families faced economic hardship as a result of past employment restrictions and discrimination. Few of these prohibitions remained, and the declining percentage of war veterans belonging to the labor force also lessened the incidence of such discrimination.

Women

The law prescribes punishment ranging from warnings to up to two years' imprisonment for "those who cruelly treat persons dependent on them", but the police and legal system were generally not equipped to deal with cases of domestic violence. Officials increasingly acknowledged domestic violence, which also was discussed more openly in the media. Domestic violence against women reportedly was common, although there were no firm statistics measuring the extent of the problem. Hotlines for victims of domestic violence operated by domestic NGOs existed in some major cities. There were no reports of police or judicial reluctance to act on domestic abuse cases. Approximately two thirds of divorces reportedly were due in part to domestic violence. The divorce rate has risen in the past few years, but many women remained in abusive marriages rather than confront social and family stigma as well as economic uncertainty.

It is a crime to use violence, threaten violence, take advantage of a person who is unable to act in self defense, or resort to trickery to have sexual intercourse with a person against that person's will. This appears to criminalize rape, spousal rape, and in some instances sexual harassment; however, there were no known instances of prosecution for spousal rape or sexual harassment.

Prostitution is illegal, but enforcement was uneven. Estimates varied widely, but some NGOs estimated that there were 300,000 prostitutes in the country, including those who engaged in prostitution part time or seasonally. As in past years, some women reportedly were coerced to work as prostitutes, often victimized by false promises of lucrative work (see section 5, Trafficking). Many more women felt compelled to work as prostitutes because of poverty and a lack of other employment opportunities. There were continued reports that some parents coerced daughters into prostitution or made extreme financial demands that compelled them to engage in prostitution, since parents often expected an eldest daughter to assume responsibility for a significant part of a family's finances. The Vietnam Women's Union as well as international NGOs engaged actively in education and rehabilitation programs to combat these abuses.

While there is no legal discrimination, women faced societal discrimination. Despite the large body of legislation and regulations devoted to the protection of women's rights in marriage as well as in the workplace and labor code provisions that call for preferential treatment of women, women did not always receive equal treatment.

In November the National Assembly passed the country's first ever Law on Gender Equality. The law was considered an acknowledgement by leadership that sex discrimination is a serious problem. It aims to redress wage and other gaps and rationalize existing gender related statutes. The law also calls for the establishment of a government

agency to implement the law and promote public education about gender equality. While the National Assembly consulted with the international donor community on the development of the law, and the law is seen as forward thinking in many areas, UN representatives stated that there are parts of the new law not compatible with the UN Convention on the Elimination of All Forms of Discrimination Against Women, alluding in part to the government's maintenance of a lower retirement age for women than for men.

The Women's Union continued to promote women's rights, including political, economic, and legal equality and protection from spousal abuse. The Women's Union also operated microcredit consumer finance programs and other programs to promote the advancement of women.

Children

International organizations and government agencies reported that despite the government's promotion of child protection and welfare, children continued to be at risk of economic exploitation. While education is compulsory through the age of 14, authorities did not enforce the requirement, especially in rural areas where government and family budgets for education were strained and where children were needed for agricultural labor. Some street children in Ho Chi Minh City and Hanoi participated in night education courses. The culture's strong emphasis on education led parents who could send children to school to do so rather than allow them to work. The public school system includes 12 grades. More than 90 percent of children attended primary grades; however, the percentage that attended lower and upper secondary school was much lower. Secondary school enrollments were at less than 75 percent of eligible students for lower secondary and less than 50 percent for upper secondary. Enrollments were lower at all educational levels in remote mountainous areas, although the government operated a system of subsidized boarding schools through the high school level for high aptitude ethnic minority students. The government also had a program of preferential placement for ethnic minority individuals seeking university entry. Religious groups operated some orphanages, despite the government's prohibition on such activities, and sent the children to public schools during the day.

The government continued a nationwide immunization campaign, and the government controlled press regularly stressed the importance of health and education for all children. While reports from domestic sources indicated that responsible officials generally took these goals seriously, concrete actions were constrained by limited budgets. According to the United Nations Children's Fund (UNICEF), despite growth in incomes over the past decade, severe malnutrition remained a problem; approximately 39 percent of children under five years of age were underweight during the 1995-2000 period.

Anecdotal evidence suggested that child abuse occurred, but there were no studies on the extent of such abuse.

Widespread poverty contributed to child prostitution, particularly of girls but also of some boys, in major cities. Many prostitutes in Ho Chi Minh City were under 18 years of age. Some child prostitutes, such as those from abusive homes, were forced into prostitution for economic reasons.

Some children were trafficked domestically, and others were trafficked to foreign destinations for the purpose of sexual exploitation (see section 5, Trafficking). Domestic trafficking also included incidents of beggar children and flower selling rings, especially in the urban centers of Ho Chi Minh City and Hanoi. Government officials prosecuted one such case, originating in Hue. Other children were trafficked from Cambodia into Ho Chi Minh City.

Child labor was a problem (see section 6.d.).

According to the Ministry of Labor, Invalids, and Social Affairs (MOLISA), there were 21,869 street children in the country as of February 2003. Street children were vulnerable to abuse and sometimes were abused or harassed by police. International NGOs documented numerous cases of Cambodian children trafficked to Ho Chi Minh City for work in begging and flower selling rings. In August the Vietnam Women's Union, in cooperation with the government of China and UNICEF, organized a Children's Forum on antitrafficking. Youth unions also launched awareness campaigns.

Trafficking in Persons

The penal code prohibits trafficking in women and children, but trafficking, in particular trafficking in women and children for the purpose of sexual exploitation, remained a significant problem. Documentation of known trafficking

cases as well as the level of case adjudications and prosecutions increased, while the government became more open in identifying and prosecuting trafficking cases and public awareness rose. The transnational element to Vietnam sourced trafficking also increased along with an increase in economic growth, globalization of the economy, and the gap between rich and poor.

A Central Coordination Office within the MPS's Criminal Department was set up during the year to coordinate government efforts in identification and prosecution of trafficking cases and assist in prevention and training activities. In addition, several law enforcement officers were trained under western standards.

During the year the government signed an antitrafficking memorandum of understanding (MOU) with China, similar to the MOU signed with Cambodia in 2005, which resulted in increased cooperation on border security, identification and prosecution of trafficking cases, and assistance and reintegration procedures for victims. With assistance from the UN and the international donor community, training of law enforcement officials increased, training manuals were developed and institutionalized, and law enforcement institutions and the court system began increasing their capacities. Several international NGOs worked in the field of trafficking in the country.

There were few documented cases of trafficking in adult persons for labor during the year; however, deceitful and fraudulent overseas labor contracts and recruiting remained a problem. MOLISA reported that some workers of state owned labor companies who were recruited and sent abroad suffered conditions akin to involuntary servitude or forced labor. MOLISA reported incidents within the Malaysian construction industry (see section 6.e.).

The country was a source for trafficking in persons. Women were trafficked primarily to Cambodia, Malaysia, China, Taiwan, and South Korea for sexual exploitation. Chinese police stated that they had rescued more than 1,800 trafficking victims on the China Vietnam border between 2001 and 2005. Some women also were trafficked to Hong Kong, Macau, Thailand, the United Kingdom, and the United States. There also were reports that some women going to Taiwan, Hong Kong, Macau, South Korea, and China for arranged marriages were victims of trafficking. The government estimated that approximately 10 percent of women in arranged marriages with Chinese men may have become trafficking victims. Some women and children also were trafficked within the country, usually from rural to urban areas. There were no reported incidents of trafficking of adult males during the year.

Some children were trafficked within the country, and others to foreign destinations, for the purpose of prostitution. An NGO advocate estimated that the average age of trafficked girls was between 15 and 17. Some reports indicated that the ages of girls trafficked to Cambodia typically were even lower.

Individuals also were convicted in cases in which parents received payments in exchange for giving up their infant children for adoption. In addition, there was anecdotal evidence that small children and infants were sometimes kidnapped and sold to traffickers in China. Children also were trafficked to other countries. Mass organizations and NGOs continued to operate programs to reintegrate trafficked women and children into society. During the year programs designed to provide protection and reintegration assistance for trafficking victims through psychosocial support and vocational training, as well as to supplement regional and national prevention efforts by targeting at risk populations for similar services, increased in the north of the country.

There were reports that some women from Ho Chi Minh City and the Mekong Delta who left the country to marry men from Taiwan were forced into prostitution after their arrival in Taiwan. There was reported trafficking in women to the Macau Special Administrative Region of China with the assistance of organizations in China that were ostensibly marriage service bureaus, international labor organizations, and travel agencies. After arrival, women were forced into conditions similar to indentured servitude; some were forced into prostitution. In 2005 visa issuance standards for Taiwanese marriages were tightened considerably, and the number of problematic or fraudulent marriages declined significantly as a result.

Poor women and teenage girls, especially those from rural areas, were most at risk for being trafficked. MPS and UNICEF research indicated that trafficking victims could come from any part of the country but were concentrated in certain northern and southern border provinces, especially the Mekong Delta and central province of Thanh Hoa. Some were sold by their families as domestic workers or for sexual exploitation. In some cases traffickers paid families several hundred dollars in exchange for allowing their daughters to go to Cambodia for an "employment offer." Many victims faced strong pressure to make significant contributions to the family income; others were offered lucrative jobs by acquaintances. False advertising, debt bondage, confiscation of documents, and threats of deportation were other methods commonly used by the traffickers, spouses, and employers.

Individual opportunists and informal networks, as well as some organized groups, lured poor, often rural, women with promises of jobs or marriage and forced them to work as prostitutes (see section 5, Women). The government stated that organized criminal groups were involved in recruitment, transit, and other trafficking related activities. Organized crime was on the rise, and Vietnam sourced trafficking operations were uncovered in Europe.

Throughout the year the government increased efforts to prosecute traffickers. The law provides for prison sentences of two to 20 years for each offense for persons found guilty of trafficking women, and between three years and life in prison for each offense for persons found guilty of trafficking children. Hundreds of traffickers have been convicted and imprisoned. The government worked with international NGOs to supplement and strengthen law enforcement measures and institutions and also cooperated with other national governments to prevent trafficking. It also cooperated closely with other countries within the frameworks of Interpol, its Asian counterpart, and the Association of Southeast Asian Nations.

While reliable statistics on the number of citizens who were victims of sex related trafficking were not available, there was evidence that the number has grown in recent years. The Criminal Police Department of the MPS, the Ministry of Justice, the Border Guard Command, and the Social Evils Department of MOLISA were the main government agencies involved in combating trafficking, with significant collaboration from the Women's Union. Police took an increasingly active role in investigating trafficking during the year, including training a dedicated antitrafficking force and building a conviction record. Late in the year, Ho Chi Minh City police reportedly uncovered a ring trafficking women to Malaysia, similar to another ring broken up in 2005.

Official institutions, including MOLISA, the Women's Union, the Youth Union, and the Committee for Population, Family, and Children, continued active programs aimed at prevention, public awareness, and victims' protection. These programs included warning women and girls of these dangers, repatriation programs, and vocational training for teenage girls in communities considered vulnerable to trafficking. Government agencies worked closely with the International Organization for Migration, the Asia Foundation, and other international NGOs to provide temporary shelter, medical services, education, credit, counseling, and rehabilitation to returned trafficking victims. Throughout the year security agencies with border control responsibility received training in investigative techniques to prevent trafficking. The UN Office on Drugs and Crime, funded with support from the Australian, French, and United Kingdom governments, had a three year program with the MPS in strengthening law enforcement institutions.

Persons with Disabilities

The law requires the state to protect the rights and encourage the employment of persons with disabilities; however, the provision of services to such persons was limited. Government agencies worked with domestic and foreign organizations to provide protection, support, physical access, education, and employment. The government operated a small network of rehabilitation centers to provide long term, inpatient physical therapy. Several provinces, government agencies, and universities had specific programs for those with disabilities.

Educational opportunities for children with disabilities were poor but improving. Slightly more than 10 percent of children with disabilities were enrolled in school. The government worked with donor countries and international NGOs to train additional teachers for students with disabilities.

The law provides for preferential treatment for firms that recruit persons with disabilities and for fines on firms that do not meet minimum quotas that reserve 2 to 3 percent of their workforce for workers with disabilities; however, the government enforced these provisions unevenly. Firms that have 51 percent of their employees with disabilities can qualify for special government subsidized loans. During the year the government provided \$750,000 (12 billion VND) for vocational training for persons with disabilities. Measures enacted in 2002 require that the construction or major renovation of new government and large public buildings include access for persons with disabilities. The Ministry of Construction trained architects and engineers in the requirements.

The government worked closely with international groups in implementing programs to increase access by persons with disabilities to education and employment.

National/Racial/Ethnic Minorities

Although the government officially was opposed to discrimination against ethnic minorities, longstanding societal discrimination against ethnic minorities remained a problem. With the significant economic growth that has occurred, especially in the last five years, some improvement in this area was reported, although the improved economic

conditions largely evaded ethnic minorities. The government continued to implement policies to narrow the gap in the standard of living by granting preferential treatment to domestic and foreign companies that invested in highland areas, which are heavily populated with ethnic minorities.

The government also had infrastructure development programs that targeted poor, largely ethnic minority areas and established agricultural extension programs for remote rural areas. The government operated special schools for ethnic minorities in many provinces, including subsidized boarding schools at the high school and middle school levels, and offered special admission and preparatory programs as well as scholarships and preferential admissions at the university level.

The government resettled some ethnic minorities from inaccessible areas to locations where basic services were easier to provide; however, the resettlement sometimes diluted the political and social solidarity of these groups. The government acknowledged that one of the goals of resettlement was to persuade the minorities to change from traditional slash and burn agricultural methods to sedentary agriculture. This resettlement program also had the effect of making more land available to ethnic Vietnamese migrants and state owned plantations.

Some members of ethnic minority groups continued to flee to Cambodia and Thailand, reportedly to seek greater economic opportunity or shortcuts to immigration to other nations. During the year approximately 20 Vietnamese Hmong were detained along with a larger group of Laotian Hmong in Thailand, reportedly claiming that they were escaping ethnic and religious pressures in the northern region and the Northwest Highlands, although conditions for religious freedom significantly improved in the north during the year. Government officials continued to monitor some highland minorities closely, particularly several ethnic groups in the Central Highlands, because of concern that the form of Protestant religion they were practicing encouraged ethnic minority separatism. Hmong Protestants in the northwest provinces were also subject to special attention for practicing their religion without official approval, although the great majority of Hmong believers were able to worship without difficulty, and conditions for religious freedom significantly improved in the north (see section 2.c.).

The government continued to impose extra security measures in the Central Highlands, in response to fears of ethnic minority separatist activity. There were some reports that ethnic minority individuals using cellular telephones to call the ethnic minority community abroad were a special target of police attention. There were numerous reports that ethnic minorities seeking to cross into Cambodia were returned by Vietnamese police operating on both sides of the border, sometimes followed by beatings and detentions; however, the government also continued to implement measures to address the causes of ethnic minority discontent and initiate new measures as well. These included special programs to improve education and health facilities and expand road access and electrification of rural communities and villages. The government allocated land to ethnic minorities in the Central Highlands through a special program, but there were complaints that implementation of these special programs was uneven.

The government continued a program to conduct classes in some local ethnic minority languages up to the fifth grade. The government worked with local officials to develop a local language curriculum. The government appeared to implement this program more comprehensively in the Central Highlands than in the mountainous northern and northwestern provinces. The government broadcast radio and television programs in ethnic minority languages in some areas. The government also instructed ethnic Kinh officials to learn the language of the locality in which they worked; however, implementation was not widespread. 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 allowed the UNHCR and western diplomats extensive access to interview and monitor ethnic minority individuals returned to the Central Highlands from Cambodia under a tripartite MOU established with Cambodia and the UNHCR in 2005. Western observers were increasingly allowed to conduct private interviews with these individuals. There was little credible evidence that ethnic minority returnees faced discrimination in the Central Highlands during the year.

Other Societal Abuses and Discrimination

There was no evidence of official discrimination against persons with HIV/AIDS, but there was substantial societal discrimination against such persons. There were multiple credible reports that persons with HIV/AIDS lost jobs or suffered from discrimination in the workplace or in finding housing. In a few cases, children of persons with HIV/AIDS were barred from schools, although this is against the law. With the assistance of some foreign donors, the national government and some provincial authorities took steps to treat, assist, and accommodate persons with HIV/AIDS;

decrease societal stigma and discrimination; and increase dignity, although overall consistency was lacking. Religious charities were sometimes permitted to operate in this area.

Section 6 Worker Rights

a. The Right of Association

Workers are not free to join or form unions of their choosing. The CPV controls the single trade union, the Vietnam General Confederation of Labor (VGCL), an umbrella organization that approves and manages a range of subsidiary labor unions organized according to location and industry. According to December 2005 data, the VGCL claimed 5.4 million members, or an estimated 48.8 percent of the approximately 11.1 million wage earners. Of these, 36.5 percent worked in the public sector, 33.1 percent in state owned enterprises, and 30.4 percent in the private sector. The VGCL claimed that its membership represented 95 percent of public sector workers and 90 percent of workers in state owned enterprises. Approximately 1.7 million union members worked in the private sector, including in enterprises with foreign investment (more than 700,000 persons). The vast majority of the workforce was not unionized, as more than 33 million of the 44 million total laborers lived in rural areas and engaged in activities such as small scale farming or worked in small companies and the informal private sector.

Union leaders influenced key decisions, such as amending labor legislation, developing social safety nets, and setting health, safety, and minimum wage standards. However, the VGCL asserted that authorities did not prosecute some violations of the law. MOLISA acknowledged shortcomings in its labor inspection system, emphasizing that the country had an insufficient number of labor inspectors. The VGCL stated, and MOLISA acknowledged, that low fines on firms for labor violations failed to act as an effective deterrent against law violations. On June 7, at a National Assembly session, VGCL Standing Chairman Dang Ngoc Tung criticized law enforcement and stated that remedies had not been strong enough. Tung provided an example in which an enterprise had employed 5,000 workers but had made social insurance contributions for only 2,000 employees, retaining for itself as much as \$187,500 (three billion VND) in social insurance contributions. Tung stated that labor authorities imposed only a \$1,250 (20 million VND) fine on the firm for the violation, and subsequently the employer continued to violate the law.

The International Labor Organization (ILO) and the UN Development Program continued to cooperate on a large multiyear technical assistance program to strengthen labor law implementation. The program involved projects to improve industrial relations, including collective bargaining and dispute settlement, encourage job promotion for young women, and improve occupational safety and health, among other objectives. During the year the ILO concluded a project to eliminate child labor.

The VGCL had relations with 140 labor organizations in 91 countries, 20 NGOs and UN organizations, and 20 international and regional occupational trade unions.

According to the trade union law, VGCL's industrial union subsidiaries are also allowed to join international trade unions in conformity with their activity objectives.

The labor code requires enterprises to facilitate employee efforts to join the union and prohibits antiunion discrimination on the part of employers against employees who seek it, but enforcement was uneven. Toan Cau SH Trading Company's 681 workers in Quoc Oai District of Ha Tay Province, who had been working since September 2005, were prohibited from establishing a union. The company ignored not only the workers' request to set up a trade union but also a similar appeal from the representative of Quoc Oai trade union.

b. The Right to Organize and Bargain Collectively

By law the provincial or metropolitan branch of the VGCL is responsible for organizing a union within six months of the establishment of any new enterprise, and management is required to cooperate with the union. In actuality only 85 percent of state owned enterprises, 60 percent of foreign invested enterprises, and 30 percent of private enterprises were unionized.

The law provides VGCL affiliated unions the right to bargain collectively on behalf of workers. However, according to a June ILO report on industrial relations, only 6 percent of workers in the four most industrialized provinces were represented by collective labor agreements. The ILO noted that collective bargaining agreements, if they existed,

were vague and tended simply to repeat the law, lacking key specifics on salary increases for seniority, overtime, and nonsalary benefits.

In November the National Assembly passed an amendment to the labor code that revised chapter 14, pertaining to strikes. The government deemed the amendment necessary because nearly all of the more than 1,200 strikes held since 1995 were de jure illegal. A wave of strikes in late 2005 and early in the year created a further impetus for the amendment. Labor experts had criticized the previous legally required conciliation and arbitration processes as overly lengthy and complicated. At the same time, enterprises and local authorities had failed to establish required dispute resolution bodies. The amendment clarifies the procedures for holding strikes legally and for the first time allows workers to choose their own representatives to negotiate disputes at enterprises where no union exists. In the past the VGCL was the sole organization allowed to represent workers.

While the amended law does not allow for independent unions, it states that the negotiation of disputes can be led and organized by "relevant entities" when the enterprise in question does not have a union. MOLISA officials characterized the change as significant because large numbers of workers were not unionized. A key feature of the amended law is that it shortens the time for resolving disputes by half and divides labor disputes into those over rights and those over interests. Collective labor disputes over rights must be routed through a conciliation council and, if the council cannot resolve the issue, to the chairman of the district level people's committee. In collective labor disputes over interests, workers must take their claims through a process involving a conciliation council, or a district level labor conciliator where no union is present, and if no resolution is obtained, a provincial arbitration council before a legal strike can be held. Unions (or workers' representatives where no union is present) have the right either to appeal decisions of provincial labor arbitration councils to provincial people's courts or to go on strike. Individual workers may take cases directly to the people's court system, but in most cases they may do so only after conciliation has been attempted and failed. The amendment also stipulates that workers on strike will not be paid wages while they are not at work.

Strikes that began at South Korean and Taiwanese foreign invested firms in the southern region soon spread to domestically owned firms in that area and also to firms in other areas of the country. The VGCL and MOLISA maintained that the vast majority of strikes occurred over wages and employers' labor regulation violations; however, the ILO noted that outdated industrial relations mechanisms contributed to the tensions. Specifically, the ILO mentioned a lack of capacity at the VGCL at the local level to mediate labor disputes, the weakness of collective bargaining agreements at enterprises, and poor enforcement of labor laws.

According to MOLISA, 303 strikes took place in the first six months of the year, more than twice the number that took place in all of 2005, itself a record year for strikes. Of the 303 strikes, 224 involved foreign invested enterprises, 76 occurred in domestic private firms, and only three affected state owned firms. Approximately 75 percent of the strikes took place in the textile, shoe making, and processing industries, and 90.9 percent of the strikes occurred in Ho Chi Minh City and Dong Nai and Binh Duong provinces. Strikes typically did not follow the authorized conciliation and arbitration process and thus were technically illegal, but the government tolerated them and took no action against the strikers. The law prohibits retribution against strikers, and there were no reports of retribution. In some cases the government disciplined employers for the illegal practices that led to strikes.

The law prohibits strikes in 54 occupational sectors and businesses that serve the public or are considered by the government to be important to the national economy and defense. A subsequent decree defines these enterprises to be those involved in electricity production; post and telecommunications; railway, maritime, and air transportation; banking; public works; and the oil and gas industry. The law also grants the prime minister the right to suspend a strike considered detrimental to the national economy or public safety.

There are no special laws or exemptions from regular labor laws in export processing zones and industrial zones. There was anecdotal evidence that the government enforced the laws more actively in the zones than outside them.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced and compulsory labor, including by children; however, there were reports that thousands of children worked in exploitative situations (see section 6.d.). Some women were coerced into prostitution (see section 5).

Prisoners routinely were required to work for little or no pay. They produced food and other goods used directly in prisons or sold on local markets, reportedly to purchase items for their personal use.

On April 5, the government abolished an ordinance requiring all male citizens between 18 and 45 years of age and female citizens between 18 and 35 years of age to perform 10 days of annual public labor. In December 2005 a government taskforce finished a year long survey of forced labor, and at year's end it was reviewing all legal regulations related to forced labor with the aim of signing ILO conventions 29 and 105 on forced labor.

d. Prohibition of Child Labor and Minimum Age for Employment

Child labor was a problem. The law prohibits most child labor but allows exceptions for certain types of work. The law sets the minimum age for employment at 18, but enterprises may hire children between 15 and 18 if the firm obtains permission from parents and MOLISA. Based on a living standards survey conducted in previous years, MOLISA reported in June that approximately 30 percent of children between the ages of six and 17 participated in economic activities, 44.7 percent of them between 15 and 17, 16.4 percent between 11 and 14, and 1.2 percent between six and 10. MOLISA further calculated that 1.2 percent of children between six and 10 worked, 16.4 percent of children between 11 and 14 worked, and 44.7 percent of children between 15 and 17 worked. Observers noted that the estimate may have understated the number of children who participated in such activities, since many more children worked in the informal sector, usually on family farms or in family businesses not within the scope of the law. According to the Vietnam Commission for Population, Family, and Children, as of December 31, 2005, there were 7,699 street children in the country, although estimates of the numbers of such children in previous years were considerably higher. In 2005 a total of 2,032 street children were assisted in returning to their homes.

By law an employer must ensure that workers under 18 do not undertake hazardous work or work that would harm their physical or mental development. Prohibited occupations are specified in the labor law. The law permits children to register at trade training centers, a form of vocational training, from the age of 13. Children may work a maximum of seven hours per day and 42 hours per week and must receive special health care.

In rural areas children worked primarily on family farms and in other agricultural activities. In some cases they began work as young as age six and were expected to do the work of adults by the time they were 15. In urban areas children also worked in family owned small businesses. According to a 2002-03 living standard survey, 88.5 percent of children who worked did so in household businesses and family owned small businesses, while the remainder were occupied in wage earning work. Migration from rural to urban settings exacerbated the child labor problem, because unauthorized migrants were unable to register their households in urban areas. This meant that their children could not attend public schools and families had less access to credit. Officials stated that juveniles in education and nourishment centers, which functioned much as reform schools or juvenile detention centers, were commonly assigned work for "educational purposes."

A 2004 study of child labor in Ho Chi Minh City found cases in which parents in poor families entered into "verbal agreements" with employers, who then put their children to work. An ILO and MOLISA sponsored study of four groups of child workers conducted by Hanoi National University of Vietnam's Center for Women Studies found that the salaries of children in domestic labor were sent directly to the parents. Most children in the study rarely used the wages for themselves, although some were able to pay their school fees with part of their salary. The study also noted that the working hours and income of children engaged in coal sorting and fishing were to some degree managed by their families.

Government officials may fine and, in cases of criminal code violations, prosecute employers who violate child labor laws. While the government committed insufficient resources to enforce effectively laws providing for children's safety, especially for children working in mines and as domestic servants, it detected some cases of child exploitation, removed the children from the exploitative situations, and fined the employers. In September Ho Chi Minh City police uncovered two unlicensed textile businesses that forced children between the ages of 12 and 17 to work 15 to 19 hours a day. The employers also allegedly physically abused the children.

International donor assistance targeted the problem of child labor. The government also continued programs to eliminate persistent child labor, with a particular focus on needy families and orphans.

e. Acceptable Conditions of Work

The law requires the government to set a minimum wage, which is adjusted for inflation and other economic changes. In January, amid the wave of strikes at foreign invested firms, the government raised the official monthly minimum wage for unskilled laborers at foreign investment joint ventures by 40 percent to \$54.40 (870,000 VND) in the urban districts of Hanoi and Ho Chi Minh City; \$49.40 (790,000 VND) in the suburban districts of Hanoi, Ho Chi Minh City,

and several other industrial districts and towns; and \$44.40 (710,000 VND) elsewhere in the country. The government may temporarily exempt certain joint ventures from paying the minimum wage during the first months of an enterprise's operations or if the enterprise is located in a very remote area, but the minimum monthly wage in these cases can be no lower than \$44.40 (710,000 VND). On October 1, the official monthly minimum wage of the state sector increased to \$28 (450,000 VND). This amount remained inadequate to provide a worker and family a decent standard of living. The new salary policy benefited more than 10 million persons and 1.8 million pensioners and social insurance beneficiaries. However, state owned enterprises consistently paid more than the state sector minimum wage. The number of workers who received government subsidized housing decreased. Many workers received bonuses and supplemented their incomes by engaging in entrepreneurial activities. Households frequently included more than one wage earner.

The government set the workweek for government employees and employees of companies in the state sector at 40 hours, and it encouraged the private business sector and foreign and international organizations that employed local workers to reduce the number of hours in the workweek to 40 hours but did not make compliance mandatory.

The law sets normal working hours at eight hours per day, with a mandatory 24 hour break each week. Additional hours require overtime pay at one and one half times the regular wage, two times the regular wage for weekdays off, and three times the regular wage for holidays and paid leave days. The law limits compulsory overtime to four hours per week and 200 hours per year but provides for an exception in special cases, where this maximum can be up to 300 overtime hours worked annually, subject to stipulation by the government after consulting with VGCL and employer representatives. The law also prescribes annual leave with full pay for various types of work. It was unclear how well the government enforced these provisions.

According to the law, a female employee who is engaged, pregnant, on maternity leave, or raising a child under one year of age cannot be dismissed unless the enterprise closes. Female employees who are at least seven months' pregnant or are caring for a child under one year of age cannot work overtime, at night, or in locations distant from their homes.

The law requires the government to promulgate rules and regulations that ensure worker safety. MOLISA, in coordination with local people's committees and labor unions, is charged with enforcing the regulations. In practice enforcement was inadequate because of low funding and a shortage of trained enforcement personnel. The VGCL reported that there were more than 300 labor inspectors in the country but that at least 600 were needed. On the job injuries due to poor health and safety conditions in the workplace were a problem. The greatest number of occupational injuries was caused by machinery such as rolling mills and presses. In 2005 36.3 percent of fatalities were caused by construction accidents, and 14.3 percent of occupational injuries were caused by mining accidents. According to MOLISA statistics from 60 of 64 provinces, in 2005 there were 3,691 injuries and 473 fatalities resulting from 4,050 work related accidents. In 2004 statistics from 64 provinces showed 6,186 injuries and 575 fatalities resulting from 6,026 work related accidents (some involving multiple workers).

There was evidence that workers, through labor unions, were effective in improving working conditions. Some foreign companies with operations in the country performed independent monitoring of problems at their factories. Companies reported that MOLISA or provincial labor agencies performed labor and occupational safety and health inspections at enterprises when they learned of serious accidents or when there were reports of hazardous conditions.

The law provides that workers may remove themselves from hazardous conditions without risking loss of employment; however, it was unclear how well this stipulation was enforced. MOLISA stated that there were no worker complaints of employers failing to abide by the law.

Recognizing that labor exports were a lucrative source of income for the country, the government planned to send 80,000 to 90,000 additional citizens overseas each year until 2010, adding to the 400,000 workers already abroad at the end of the year. To promote and regulate the growing industry, restrict the number of laborers taking illegal jobs abroad for higher pay, and address international community concerns over a lack of worker protections afforded to Vietnamese guest workers, in November the government passed an export labor law (see section 5).