

## Vietnam

### Country Reports on Human Rights Practices - [2007](#) Released by the Bureau of Democracy, Human Rights, and Labor March 11, 2008

The Socialist Republic of Vietnam, with a population of approximately 84 million, is an authoritarian state ruled by the Communist Party of Vietnam (CPV). The CPV's constitutionally mandated primacy and the continued occupancy of all key government positions by party members allows it to set national policy. However, the CPV continued to reduce its formal involvement in government operations and allowed the government to exercise discretion in implementing policy. There were no other legal political parties. The most recent National Assembly elections, held in May, were neither free nor fair, since all candidates were vetted by the CPV's Vietnam Fatherland Front (VFF), an umbrella group that monitored the country's popular organizations. The civilian authorities generally maintained effective control of the security forces.

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

#### **RESPECT FOR HUMAN RIGHTS**

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

###### ***Arbitrary or Unlawful Deprivation of Life***

There were no substantiated reports that the government or its agents committed any politically motivated killings; however, there were unconfirmed reports of extrajudicial killings. Some political and religious activists claimed that government authorities used plainclothes "contract thugs" and "citizen brigades" to beat and sometimes kill "undesirables"; however, it was impossible to confirm these reports.

There were no developments in the July 2006 case of Y Ngo Adrong, an ethnic Jarai who reportedly hanged himself in his prison cell, although bruises on his torso strongly suggested that he died from a beating.

###### ***Disappearance***

Two politically active Vietnamese citizens, Tim Sakhorn and Le Tri Tue, disappeared in Cambodia in May. Tim Sakhorn reappeared months later in Vietnamese custody in An Giang Province, where he was later

tried and sentenced to one year in prison in November. Le Tri Tue was still missing at year's end, amid rumors that Vietnamese government security agents had killed him.

### ***Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment***

The law prohibits physical abuse; however, police sometimes physically mistreated suspects while they were under arrest or in police custody.

Incidents of local police harassment and beatings were reported in the provinces of Dien Bien, Quang Ninh, Hai Phong, Lang Son, Thanh Hoa, and Tra Vinh, often involving disruption of "illegal" meetings at Protestant house churches or restrictions on religious holiday celebrations. Officials involved in harassment and beating incidents in Thanh Hoa were fined and reprimanded. In Lang Son in November, plainclothes security agents allegedly beat democracy activist Nguyen Phuong Anh while he was visiting another activist; authorities claimed that he was drunk. More than one Protestant congregation in Dien Bien reported incidents of police beatings and harassment.

There were allegations from activist groups that police harassed or beat ethnic minority returnees in the Central Highlands, although most reports could not be substantiated. Monitors found that most incidents involved land, money, or domestic disputes.

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

On July 11, a political dissident and prominent labor activist was released from the mental hospital where she was involuntarily committed in November 2006. While there were no restrictions on her activities, she reportedly was ordered to undergo monthly "checkups," and she remained concerned about surveillance and potential rearrest.

No action was taken against local authorities who beat two ethnic Dao Protestants in the Central Highlands province of Kon Tum, and no compensation was provided to the victims.

### ***Prison and Detention Center Conditions***

Prison conditions could be severe but generally did not threaten the lives of prisoners. Diplomatic observers reported Spartan but generally acceptable conditions. Overcrowding, insufficient diet, lack of clean drinking water, and poor sanitation nonetheless remained serious problems in many prisons. Prisoners had access to basic health care, with additional medical services available in hospitals at the district and provincial levels. In many cases, however, family members were prevented from transmitting medication to prisoners. Prisoners generally were required to work but received no wages. Prisoners were sometimes moved to solitary confinement, where they were deprived of reading and writing materials for periods of up to several months. Family members made credible claims that prisoners received better benefits by paying bribes to prison officials.

There were unsubstantiated reports of poor prison conditions at Xuan Loc Prison in Dong Nai Province. Allegations included cases of several deaths of prisoners, which could not be confirmed by the international community. Family members of human rights lawyer and Protestant activist Nguyen Van Dai and Catholic activist Father Nguyen Van Ly claimed that the two were denied access to a Bible, allegedly because prison officials feared they would convert other inmates to Christianity. In October Nguyen Van

Dai was allowed to have a Bible. Another imprisoned activist and Christian, Le Thi Cong Nhan, reportedly had her Bible taken from her by prison authorities in Thanh Hoa Province.

The government generally did not permit the International Committee of the Red Cross or nongovernmental organizations (NGOs) to visit prisons. The government approved a request from the Office of the UN High Commissioner for Refugees (UNHCR) to visit a prisoner, but by year's end no UNHCR representative had gone to the prison. In March a foreign diplomat was allowed to visit a prison in the north. In October foreign observers were allowed to visit political and religious activists at a prison outside Hanoi. Other requests by diplomatic observers to visit prisoners were pending.

### ***Arbitrary Arrest or Detention***

The law prohibits arbitrary arrest and detention; however, the government continued to arrest and detain citizens for their political activities. This included the November arrests in Ho Chi Minh City of two Vietnamese citizens and three foreign citizens who were preparing to mail pamphlets calling for a democratic change of government through nonviolent resistance. The government accused the group of committing "terrorist acts." By year's end two of the foreign nationals had been released. Another foreigner, connected to the group and arrested at the same time at the border with Cambodia, remained in custody at year's end. The government accused the foreign citizen of entering the country with false documentation but did not announce formal charges.

The criminal code allows the government to detain persons without charges indefinitely under vague "national security" provisions. During the year several individuals were arrested for violating Article 88 of the criminal code, which prohibits the "distribution of propaganda against the state." Those charged with violating Article 88 were typically sentenced to terms of up to five years in prison.

### ***Role of the Police and Security Apparatus***

Internal security is primarily the responsibility of the Ministry of Public Security (MPS); however, in some remote areas the military is the main government agency and provides public safety functions, including maintaining public order in the event of civil unrest. The MPS controls the police, a special national security investigative agency, and other internal security units. It also maintains a system of household registration and block wardens to monitor the population, including those suspected of engaging, or likely to engage, in unauthorized political activities; however, the system became less pervasive in its intrusion into most citizens' daily lives. Nevertheless, credible reports suggested there were incidents of local police forces using "contract thugs" and "citizen brigades" to harass and beat political activists and others perceived as "undesirable" or a "threat" to public security.

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

### ***Arrest and Detention***

The criminal 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's Office) issues arrest warrants, generally at the request of police; however, police may make an arrest without a warrant on the basis of a complaint filed by any person. The procuracy issues retroactive warrants in such cases. The procuracy must issue a decision to initiate a formal criminal investigation of a detainee within nine days; otherwise, police must release the suspect. In practice the nine-day regulation was often circumvented.

The investigative period may last from three months for less serious offenses (those punishable by up to three years' imprisonment) to 16 months for exceptionally serious offenses (those punishable by more than 15 years' imprisonment or capital punishment), or 20 months for national security cases. During the investigative period, detainees typically were not allowed access to a lawyer or family members, especially in national security cases. During this period some detainees were strongly compelled to admit guilt in support of the government's case against them. Investigators sometimes used physical isolation, excessively lengthy interrogation sessions, and sleep deprivation to compel detainees to admit guilt.

The criminal code further permits the procuracy to request additional two-month periods of detention after an investigation to consider whether to prosecute a detainee or ask the police to investigate further. There was no functioning bail system or equivalent system of conditional release. Time spent in pretrial detention counts toward time served upon conviction and sentencing.

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

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

Police generally informed families of detainees' whereabouts; however, family members were allowed to visit a detainee only with the permission of the investigator, and this permission was not automatically granted. Prior to a formal indictment, detainees also have the right to notify family members. However, a number of detainees suspected of national security violations were held incommunicado. At year's end some persons arrested early in the year had not been seen by family members or a lawyer, nor had they been formally charged with crimes.

Courts may sentence persons to administrative detention of up to five years after completion of a sentence. In addition, police or mass organizations can propose that one of five "administrative measures" be imposed by people's committee chairpersons at district and provincial levels without a trial. The measures include terms ranging from six to 24 months in either juvenile reformatories or adult detention centers and generally were applied to repeat offenders with a record of minor offenses, such as committing petty theft or "humiliating other persons." Chairpersons may also impose terms of "administrative probation," which generally was some form of restriction on movement and travel. In March the government repealed Decree 31, a provision on administrative probation often used to punish perceived political dissidents. However, authorities continued to sanction some individuals subject to Decree 31 after its repeal. The government also used other decrees, ordinances, and measures, such as Article 88, to detain activists for the peaceful expression of opposing political views.

Arbitrary detentions, particularly for political activists, remained a problem. A government crackdown on political dissent that started in late 2006 and continued through April resulted in the arrest and detention of approximately 30 activists. Although some were released, others either remained under investigation and in detention without being formally charged or were tried and sentenced to lengthy prison terms.

On May 8, police forcibly entered the home of prominent Ho Chi Minh City democracy activist Tran Khue and removed personal computers and other material. Khue underwent interrogation and was eventually

released. On November 26, Khue was prevented from traveling to Hanoi to visit terminally ill democracy activist Hoang Minh Chinh.

There were 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.

Peaceful land rights protests in Ho Chi Minh City and Hanoi resulted in the temporary detention and security surveillance of several activists, although the government handled the dispersal of these protests without significant violence. Peaceful protests in December over Chinese actions in the disputed Spratly and Paracel Islands also resulted in the temporary detention of several activists for demonstrating without permission. One activist in Ho Chi Minh City claimed he was held for questioning for 30 hours before being released.

In July Thich Khong Thanh, a Unified Buddhist Church of Vietnam (UBCV) monk, was temporarily detained in Hanoi for his reported involvement in land rights protests, then transferred back to Ho Chi Minh City and released. Others with him were temporarily detained in Hanoi. In November UBCV monk Thich Thien Minh was temporarily detained and questioned in Ho Chi Minh City, also due to his involvement in land rights protests. He remained under police surveillance.

Senior UBCV leaders remained under "pagoda arrest," although the government denied that such orders existed, but they were allowed some movement within the country. Other religious and political activists were subject to varying degrees of informal detention in their residences.

### ***Amnesty***

The government did not grant a Tet amnesty, and it delayed the September National Day amnesty until October, due to the May elections and a change in government portfolios. Nevertheless, provincial councils throughout the country conducted a National Day amnesty of prisoners under their jurisdiction. In late October, as part of a delayed National Day Amnesty, the government amnestied several thousand persons, including 11 under national security charges. The 11 national security releases included three of eight Cao Dai activists, originally arrested in 2004 for distributing petitions at an ASEAN meeting in Phnom Penh, and Montagnard prisoners, arrested in the 2004 Central Highlands protests.

Several high-profile prisoners benefited from special release during the year, including political activists Nguyen Vu Binh, Phan Van Ban, and Le Quoc Quan. Binh, a journalist and writer released in June, was detained in 2002 and sentenced to seven years in prison in 2003 after writing articles calling for greater political freedoms. Ban, imprisoned in 1985 after joining an organization that called for political change, was released and deported on May 9. Le Quoc Quan, an attorney and democracy activist, was released on June 16 but remained under strict surveillance.

### ***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 and often to determine verdicts. Most, if not all, judges were members of the CPV and were chosen at least in part for their political reliability. As in past years, the judicial system was strongly distorted by political influence, endemic corruption, and inefficiency. CPV influence was particularly notable in high-profile cases and others in which a person was charged with challenging or harming the CPV or the state.

The judiciary consists of the Supreme People's Court (SPC); provincial and district people's courts; military tribunals; administrative, economic, and labor courts; and other tribunals established by law. Each district has a people's court, which serves as the court of first instance for most domestic, civil, and criminal cases. Each province also has a people's court, which serves as the appellate forum for district court cases as well as court of first instance for other cases. The SPC, which reports to the National

Assembly, is the highest court of appeal and review. Administrative courts adjudicate complaints by citizens about official abuse and corruption. There are also special committees to help resolve local disputes.

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

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 required.

Military tribunals, although funded by the Ministry of Defense, operate under the same rules as other courts. The Defense Ministry 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 ministry 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***

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

There continued to be credible reports that defense lawyers were pressured not to take as clients any religious or democracy activists facing trial.

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

On March 30, government officials allowed foreign diplomats to observe by closed-circuit television the trial of Catholic priest Nguyen Van Ly in Hue. The government later allowed foreign diplomats to view via

closed-circuit television the May 11 trial of Nguyen Van Dai and Le Thi Cong Nhan in Hanoi as well as their SPC appeal trial on November 27.

### ***Political Prisoners and Detainees***

There were no reliable estimates of the number of political prisoners. The government claimed it held no political prisoners, only lawbreakers. The government held at least 30 political detainees at year's end, although some international observers claimed the numbers ranged into the hundreds.

In January police briefly detained human rights lawyer and labor activist Le Thi Cong Nhan for questioning. Nhan was later arrested, tried, and on May 11 sentenced to four years in prison and three years' probation for violating Article 88. In November the SPC reduced the prison portion of her sentence to three years on appeal.

In February authorities temporarily detained and questioned a number of politically active church leaders, including Roman Catholic priests Chan Tin and Phan Van Loi. Other democracy activists who were detained and eventually released included Nguyen Phong, Nguyen Binh Thanh, Hoang Thi Anh Dao, Bach Ngoc Duong, Nguyen Phuong Anh, and Pham Van Coi. Some subsequently fled to Cambodia and sought protection from the UNHCR, while Nguyen Phong and Nguyen Binh Thanh were later rearrested, tried, and on March 30 sentenced to prison terms of six and five years, respectively.

On February 18, Catholic priest Nguyen Van Ly, amnestied in 2005, was rearrested. On March 30, Ly was sentenced to eight years in prison under Article 88 for "conducting propaganda against the state."

On March 6, human rights attorney Nguyen Van Dai was arrested under Article 88; on May 11, he was sentenced to five years in prison and four years' probation. In November the SPC on appeal reduced the prison portion of his sentence to four years.

On March 8, attorney and democracy activist Le Quoc Quan was arrested in March shortly after returning from a fellowship program in the United States. He was charged with violations of Article 79 of the penal code, which covers "crimes of infringing upon national security," including "carrying out activities aimed at overthrowing the people's administration." On June 16, while still under investigation, Quan was released as part of a special amnesty but was disbarred. At year's end he remained under strict surveillance.

In April writer and journalist Tran Khai Thanh Thuy was detained for violation of Article 88. At year's end she remained in detention without trial (see section 2.a.).

In May Tran Quoc Hien received a three-year prison term for "conducting propaganda against the state" and a two-year sentence for "disrupting security."

On May 10, Le Nguyen Sang, Huynh Nguyen Dao, and Nguyen Bac Truyen, arrested in August 2006 and charged with "storage of antigovernment materials," were sentenced to five years' imprisonment for violating Article 88. On August 17, at the appeals trial for Le Nguyen Sang, the court reduced Sang's sentence from five to four years in prison, Truyen's from four years to three years and six months, and Dao's from three years to two years and six months; their two-year probation terms remained unchanged. The court continued to find Sang, Truyen, and Dao guilty of "propagandizing against the state."

On May 16, prodemocracy activist Nguyen Ba Dang was arrested for "spreading propaganda against the state"; at year's end authorities had not released any information regarding his case. Dang was being detained in Kinh Chi Camp in Hai Duong City.

At year's end Truong Quoc Huy remained in detention without formal charges after his arrest in August 2006 on charges related to political activism, including "attempting to undermine national unity." A trial

scheduled for April 13 was postponed for unspecified reasons, and a trial rescheduled for December 18 was indefinitely postponed.

Pham Ba Hai, Vu Hoang Hai, Nguyen Ngoc Quan, and an unknown number of others, arrested in September 2006 for activities involving the "propagandizing against the people's government," remained in detention without official notification of charges. A trial set for December 27 was indefinitely postponed.

Several political dissidents affiliated with outlawed political organizations, including Bloc 8406, the People's Democratic Party, People's Action Party, Free Vietnam Organization, Democratic Party of Vietnam, United Workers-Farmers Organization, and others, remained in prison in various locations.

At year's end five of eight Cao Dai Church members, sentenced in 2005 to between three and 13 years in prison, remained incarcerated. Three were amnestied in October. Ethnic minority prisoners from the Central Highlands, associated with the 2004 Central Highlands protests, also remained in prison. Some NGOs claimed there were several hundred such prisoners. Some were released from detention in the October amnesty.

### ***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, all of which follow the same procedures as in criminal cases and are adjudicated by members of the same body of judges and lay assessors. All three levels were subject to the same problems of corruption, lack of independence, and inexperience.

Officials reported that according to law, a citizen seeking to press a complaint regarding a human rights violation by a civil servant is required first to petition the officer accused of committing the violation for permission to refer the complaint to the administrative courts. If a petition is refused, the citizen may refer it to the officer's superior. If the officer or his superior agrees to allow the complaint to be heard, the matter is taken up by the administrative courts. If the administrative courts agree that the case should be pursued, it is referred either to the civil courts for suits involving physical injury seeking redress of less than 20 percent of health care costs resulting from the alleged abuse, or to the criminal courts for redress of more than 20 percent of such costs. In practice this elaborate system of referral and permission ensured that citizens had little effective recourse to civil or criminal judicial procedures to remedy human rights abuses, and few legal experts had experience with the system.

### ***Arbitrary Interference with Privacy, Family, Home, or Correspondence***

The law prohibits such actions; however, the government did not respect these prohibitions in practice. Household registration and block warden systems existed for the surveillance of all citizens. Authorities focused on persons suspected of being involved in unauthorized political or religious activities.

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 of repercussions 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 and Internet service of a number of political activists and their family members.



The government did not have an official policy of forced resettlement. Nevertheless, the government resettled some citizens to make way for infrastructure projects, many in ethnic minority communities, and there were widespread reports that compensation was either not fair or not paid in a timely manner.

In June in Ho Chi Minh City, disgruntled groups from the Mekong Delta and the Ho Chi Minh City region conducted peaceful protests over disputes related to land expropriation and land compensation by the state. On July 18, some protesters were forcibly placed into police trucks when they refused to end the three-week rally, and many suffered minor injuries. Eyewitnesses dismissed as inaccurate reports that police violence was used to break up the Ho Chi Minh City protests. Police detained protest organizers but eventually released them, reportedly unharmed. Several activists later complained of police surveillance and harassment. Other reported organizers were publicly denounced in the media and had their home addresses published, a common practice by security officials. A smaller July land rights protest in Hanoi was peacefully dispersed by security officials, and those detained were released shortly afterwards.

Following the protests in June and July, the government publicized measures to address land rights protesters' concerns, including the establishment of 14 interagency inspection teams to look into unresolved land claims disputes. However, at year's end there were no reports that any such claims had been resolved.

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.

Some resettled individuals reportedly returned to their ancestral villages in Son La and Dien Bien provinces after being forced to move during the year. In the case of a dam project in Son La, the government attempted to improve compensation and resettlement activities, although not every family was satisfied.

Membership in the CPV remained a prerequisite to career advancement for all government and government-linked organizations and businesses. 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 and education rather than coercion. The government can deny promotions and salary increases to public sector employees with more than two children, and some cases of denied promotion or financial penalties were reported, although the policy did not appear to be enforced in a consistent manner.

## **Section 2 Respect for Civil Liberties, Including:**

### ***Freedom of Speech and Press***

The law provides for freedom of speech and of the press; however, the government continued to restrict these freedoms, particularly with respect to speech that criticized individual government leaders, promoted pluralism or multiparty democracy, or questioned policies on sensitive matters such as human rights, religious freedom, or the border agreement with China. The line between what constituted private speech and public speech continued to be arbitrary.

Both the constitution and the criminal code include broad national security and antidefamation provisions that the government used to restrict freedom of speech and of the press. 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 criminal code also expressly forbids "taking advantage of democratic freedoms and rights to violate the interests of the state and social organizations."

The CPV, government, and party-controlled mass organizations controlled all print, broadcast, and electronic media, although some media organizations increasingly pushed the limits of censorship. The government exercised oversight through the Ministry of Culture and Information, reorganized during the year to become the Ministry of Information and Communication, and supplemented its control through pervasive party guidance and national security legislation sufficiently broad to ensure effective self-censorship by the domestic media.

On January 9, politburo member Truong Tan Sang gave a speech calling on the CPV to strengthen "management of the press" by "amending legal documents on press activities and improving media workers' political stances, skills, and ethics." After detailing the positive role the media played in socioeconomic development, Sang stated that the CPV "must enhance its leadership role" in appointing and recruiting media workers. In addition, the party's Central Committee resolved at its sporadic but typically semiannual plenary meetings for state media to rededicate itself to carrying out party lines and policies.

In August the country's first national press award honors went to the official army newspaper for exposing the threat of "reactionary" and "hostile influences" working to undermine the country.

Editors from some periodicals were reportedly threatened with sanctions for their publication of criticisms of the government, including revelations of alleged official corruption. Late in the year, two deputy chief editors at the Ho Chi Minh City-based *Tuoi Tre* daily newspaper were removed for their publication of articles in 2006 alleging that the state bank governor awarded his son a contract to print new polymer banknotes.

Late in the year, Chinese statements asserting authority over disputed islands in the South China Sea created enormous public and media resentment. To control the popular reaction, the government reportedly ordered media silence on the issue. VietnamNet, a major online news outlet, published an editorial in December, and the Ministry of Information and Communication fined the news organization \$2,000 (32 million VND). The editor-in-chief was notified that he would be removed from his position. At year's end he remained in his post, but a coeditor was named by the ministry to oversee the outlet's news production.

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 severely limited investigative reporting. Several media outlets continued to test the limits of government press restrictions by publishing articles that criticized actions by CPV and other government officials. There were press reports on topics that generally were considered sensitive, such as the prosecution on corruption charges of high-ranking CPV and government officials, as well as occasional criticism of officials and official associations. Nonetheless, the freedom to criticize the CPV and its senior leadership remained restricted.

In June Prime Minister Nguyen Tan Dung signed a decree prohibiting all government and CPV employees except ministers, provincial governors, or appointed spokespersons from speaking to the media. The decree codifies several procedures that journalists must follow before being granted an interview, but it does not specify punishments for officials who provide information without permission. International and domestic journalists suggested that the decree represents the formalization of what was a previously implied policy.

Some persons who expressed alternative opinions on religious or political issues were not allowed to travel abroad or were denied a passport.

Foreign journalists must be approved by the Foreign Ministry's press center and must be based in Hanoi, with the exception of one correspondent reporting solely on economic issues who lived and maintained an office in Ho Chi Minh City while officially accredited to Hanoi. Foreign journalists are required to renew their visas every three to six months, although the process is routine and there were no reports of any visa renewals being refused. The number of foreign media employees allowed was limited, and local employees who worked for foreign media also were required to be registered with the Foreign Ministry.

It became somewhat easier for foreign media outlets to hire local reporters and photographers and receive approval for their accreditation, although the process continued to be cumbersome. The Foreign Ministry's press center nominally monitored journalists' activities and approved requests for interviews, photographs, filming, or travel, submitted at least five days in advance, on a case-by-case basis. By law foreign journalists are required to address all questions to government agencies through the Foreign Ministry, although in practice this procedure was often ignored. Foreign journalists noted that they generally did not notify the government about their travel outside of Hanoi unless it involved a story that the government would consider sensitive or they were traveling to an area considered sensitive, such as the Central Highlands.

### ***The government restricted the publication and distribution of religious texts.***

Foreign-language editions of some banned books were sold openly by street peddlers and in shops oriented to tourists. Foreign-language periodicals were widely available in cities, although there was occasional censorship of articles by the government. The government's censorship office threatened to ban the publication of *A Perfect Spy*, a novel about the Viet Cong double agent Pham Xuan An; however, in August a government-owned, party-controlled firm published the book.

The law limits access to satellite television to top officials, foreigners, luxury hotels, and the press. In practice, however, persons throughout the country were able to access foreign programming via home satellite equipment or cable. Cable television, including foreign-origin channels, was widely available to subscribers living in urban areas. Unlike in 2006, the government did not block subscribers from receiving certain channels.

### ***Internet Freedom***

The government allows access to the Internet through a limited number of Internet Service Providers (ISPs), all of which were state-owned joint stock companies. Internet usage grew rapidly during the year, with an estimated 18 million Internet users out of a population of 84 million by year's end. Blogging increased rapidly, primarily as a youth phenomenon, but older adults and professionals also set up their own blogs. In addition, a number of prominent print and online news journalists set up their own blogs. In several cases their blogs were considered far more controversial than their mainstream writing. In a few cases, the government fined or punished these individuals for the content of their blogs.

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 requires Internet agents, such as cybercafes, to register the personal information of their customers and store records of Internet sites visited by customers. However, in practice many cybercafe owners did not maintain these records. Similarly, it was not clear whether major ISPs complied with the many government regulations.

The government monitored e-mail, searched for sensitive key words, regulated Internet content, and blocked many Web sites with political or religious content that authorities deemed "offensive." They claimed that censorship of the Internet was necessary to protect citizens from pornography and other

"antisocial" or "bad elements." They also claimed to try to limit Internet access by school-age users to keep them from gaming at the expense of their school work.

Article 88 is construed to prohibit individuals from downloading from the Internet and disseminating documentation that the government deems offensive.

Authorities continued to detain and imprison dissidents who used the Internet to publish ideas on human rights and political pluralism. For example, on April 21, writer and Internet journalist Tran Khai Thanh Thuy was arrested at her home in Hanoi for Article 88 violations. Thuy reportedly expressed her political views on a number of domestic Web sites. At year's end she was being held at a prison in Hanoi, with no access to family or a lawyer. Hanoi-based human rights lawyers Nguyen Van Dai and Le Thi Cong Nhan were also arrested, jailed, and charged under Article 88. At their May trial, the government's case largely revolved around downloading, authoring, and distributing prodemocracy documents on the Internet.

Other individuals were also arrested for "misuse" of the Internet, including participating in certain online forums and chat services and writing about democracy and human rights.

The government continued to use firewalls to block some Web sites that it deemed politically or culturally inappropriate, including Web sites operated by overseas Vietnamese political groups. The government appeared to have lifted most of its restrictions on access to the Voice of America Web site. Although Radio Free Asia (RFA) appeared to be available only intermittently, primarily in the north, local press occasionally wrote stories based on RFA broadcasts. Access to sites operated by overseas dissident groups continued to be restricted.

The Ministry of Information and Communication requires owners of domestic Web sites, including those operated by foreign entities, to register their sites with the government and submit their planned Web site content and scope to the government for approval; however, enforcement remained selective.

In a widely publicized case, *Intellasia*, an online news and investment publication, came under public attack from government-sponsored newspapers alleging the *Intellasia* Web site was "illegal for posting reactionary content." Media articles reported that police had detected an "unlicensed" Web operation managed by an Australian citizen and that the Web site had "posted many distorted and reactionary articles about the country's politics, human rights, and democracy." Government investigators allegedly confirmed that *Intellasia's* Web site management company, Tri Tue A Chau Ltd., violated Decree 56 concerning press operations. *Intellasia* also was under suspicion for publishing "critical political news" and operating a Web server abroad. In August authorities shut down access to the Web site inside the country. In September the Australian owner of the site fled the country, claiming that security officials had threatened his wife and employees with imprisonment and had used denial of service and cyberattack techniques to shut down the site. At year's end *Intellasia* was operating from outside the country.

### ***Academic Freedom and Cultural Events***

The government asserts the right to restrict academic freedom, and foreign field researchers were sometimes 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.

In March four writers, members of a former dissident intellectual circle from the 1950s and once banned for writing poems critical of government policy, received prestigious national awards for artistic achievement. Two of the awards were posthumous. This was widely seen as a cautious indication of a greater tolerance for free academic discourse.

The government generally exercised controlled over 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.

## ***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 by law and regulation to apply for a permit, which local authorities can issue or deny arbitrarily. In practice only those arranging publicized gatherings to discuss sensitive issues appeared to require permits, and persons routinely gathered in informal groups without government interference. In general the government did not permit demonstrations that could be seen as having a political purpose, and the government restricted the right of several unregistered religious groups to gather in worship.

On April 5, security services obstructed a meeting at a foreign ambassador's residence between a foreign congressional delegation and five family members of political activists. In November police broke up a Protestant house church gathering in Haiphong. Several such "unregistered" religious gatherings also were broken up or obstructed in the Northwest Highlands, amid accusations by religious practitioners that local authorities sometimes used "contract thugs" to harass or beat them.

As in previous years, peaceful protests by citizens demanding redress for land rights claims frequently took place in Ho Chi Minh City. Police monitored these protests but generally did not disrupt them. In June and July, several hundred protesters camped in front of a government building in Ho Chi Minh City for more than 30 days. When several prominent members of the unrecognized Unified Buddhist Church of Vietnam became involved, police broke up the protests (see section 1.f.). In addition, anti-China protests resulting from long-standing sovereignty disputes over the Spratly and Paracel Islands took place in Hanoi and Ho Chi Minh City late in the year. Police monitored and dispersed protesters without significant violence.

### ***Freedom of Association***

The government severely restricted freedom of association. Opposition political parties were neither permitted nor tolerated. The government prohibited the legal establishment of private, independent organizations, insisting that persons work within established, party-controlled mass organizations, usually under the aegis of the VFF. However, some entities, including unregistered religious groups, were able to operate outside of this framework with little or no government interference.

In June the National Assembly passed the Ordinance on Grassroots Democracy, which is intended to allow villagers, with the participation of local VFF representatives, to convene meetings for the purpose of discussing and proposing solutions to local problems and nominating candidates for local leadership. The ordinance also attempts to encourage transparency in local governance by requiring commune governments to publicize how they raise and spend funds for local economic development. At year's end implementation had not begun.

Bloc 8406, a political activist group that calls for the creation of a multiparty state, continued to exist even though senior members were arrested and jailed in a crackdown early in the year and others faced severe harassment for their peaceful political activities. Bloc 8406 claimed more than 2,000 supporters

inside the country, although this number could not be verified. At least 10 members of the group were in detention at year's end.

Authorities continued to arrest members of another activist group, the People's Democratic Party of Vietnam, and a related group, the United Workers-Farmers Organization. Several individuals were tried and sentenced to prison terms, while others were in detention at year's end.

### ***Freedom of Religion***

The constitution and government decrees provide for freedom of worship, and overall respect for religious freedom improved during the year, but the government persisted in placing restrictions on the organized, political activities of religious groups. However, the government continued to relax restrictions on religious activities, and such activities continued to grow significantly.

Problems remained in the implementation of the 2004-5 Legal Framework on Religion. These included excessive delays, and in some cases inaction, in the registration of Protestant congregations in the north and the Northwest Highlands; inconsistent application of procedures for congregation registration and other legal requirements; continued restrictions on religious recruitment; difficulties in the establishment of Catholic seminaries and Protestant pastor training courses; and unresolved land expropriation claims involving a number of religious denominations. Some provincial authorities were more active, while others appeared not to consider positive and consistent implementation of the Legal Framework on Religion a priority.

The government remained concerned that some ethnic minority groups active in the Central Highlands were operating a self-styled "Dega Church," which reportedly combines religious practice with political activism and calls for ethnic minority separatism. The government also restricted the leadership of the unrecognized UBCV and maintained that it would not recognize the organization under the existing leadership.

The government maintained a prominent role overseeing recognized religions. Religious groups encountered the greatest restrictions when they engaged in activities that the government perceived as political activism or a challenge to its rule. The government continued to ban, and actively discouraged participation in, one unrecognized faction of the Hoa Hao Buddhist Church. Government authorities imprisoned and defrocked a number of ethnic Khmer Buddhists for their involvement in antigovernment protests in the Mekong Delta early in the year. Some religious figures, including Catholic priest Nguyen Van Ly, Khmer Krom monk Tim Sakhorn, and Protestant activist Nguyen Van Dai, were sentenced to prison terms for their political activism.

By law religious groups must be officially recognized or registered, and the activities and leadership of individual religious congregations must be approved by the appropriate lower-level authorities. The law mandates that the government act in a time-bound and transparent fashion, but the approval process for registration and recognition of religious organizations was sometimes slow and nontransparent. Nevertheless, new congregations were registered throughout the country, and a number of religious denominations were registered at the national level. In March the Baha'i Faith received official recognition, and in October the government recognized the Vietnamese Baptist and Mennonite religious groups. The Protestant Vietnam Inter-Christian Fellowship and the Vietnam Presbyterian Church also received national-level recognition. However, in the northern region and the Northwest Highlands, local authorities had not acted on registration applications submitted in 2006 by more than 1,000 Protestant congregations among ethnic minority groups, the Hmong in particular.

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 specific requirement was 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 or for harassment by local authorities or their agents. Annual activities by congregations also must be registered with authorities, and activities not on the accepted annual calendar require separate government approval.

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. 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.

There were few credible allegations of forced renunciations during the year. However, there were isolated but credible reports of local authorities in some northwest provinces "encouraging renunciations" of recently converted Christians and pressuring them to return to their traditional beliefs. Some of these persons reported that they were also denounced for "believing in an American religion" and were therefore "enemies of the state." A training manual for local officials published by the Government Committee on Religion in late 2006 appeared to encourage recently converted Christians to return to their traditional beliefs. The manual was highlighted by international human rights groups and reportedly reworded during the year to meet legal requirements.

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

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.

In February the government rejected the appointment of two Catholic bishops endorsed by the Vatican. However, Catholic officials reported that the government generally continued to ease restrictions on assignment of new clergy. In August the Jesuits opened their new theological training facility in Ho Chi Minh City. The Catholic Church indicated that it had begun exploring with government authorities the establishment of additional seminaries. Late in the year, the government moved towards establishment of an official joint working group with the Vatican to develop principles and a roadmap toward establishing official relations.

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 Church to conduct religious education classes (outside regular school hours) and charitable activities. The Ho Chi Minh City government continued to facilitate certain charitable activities of the Church in combating HIV/AIDS; however, other activities and permits for Catholic NGOs remained suspended.

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 2005 religious event. Hoa Hao monks and believers who accepted the government-approved Hoa Hao Administrative Council were allowed freedom to practice their faith.

Monks and followers who belonged to dissident groups or declined to recognize the authority of the council suffered restrictions.

Reports that some ethnic minority boarding schools discriminated against children from religious, especially Protestant, families continued. In 1997 the government published regulations in a circular appearing to prohibit religious adherents from attending certain schools; however, authorities denied that the government has a policy of limiting access to education based on religious belief and cited the 2005 Education Law, which calls for universal education for children. The government was reportedly working on an update and clarification of its regulations at year's end.

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

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. The government relaxed restrictions somewhat on the printing and importation of some religious texts, including in some ethnic minority languages. Other publishing houses were allowed to publish religious-related texts. The government's religious publishing house also published the Bible and other religious materials in ethnic minority languages for the first time. However, in a few cases unauthorized religious materials were confiscated and the owners either fined or arrested.

### ***Societal Abuses and Discrimination***

Relations among the various religious communities generally continued to be amicable, and there were no known instances of societal discrimination or violence based on religion. There was some 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 Jewish community in the country, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

### ***Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons***

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the government imposed some limits on freedom of movement for certain individuals.

Several political dissidents, amnestied with probation or under house arrest, were subject to official restrictions on their movements, but police allowed them to venture from their homes under surveillance or to go to regular interrogation sessions. For example, political dissidents Pham Hong Son and Nguyen Khac Toan, amnestied in 2006, and journalist Nguyen Vu Binh, amnestied during the year, continued to be subject to administrative detention in the form of official restrictions on their movements. Although occasionally confined to their homes, they were allowed some movement within Hanoi, but visits from other dissidents and their own whereabouts were closely monitored.

A government restriction 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 informally discouraged some clergy from traveling domestically, even within their own provinces, especially when travel to ethnic minority areas was involved. The Catholic archbishop of Hanoi



was restricted in his official travels to ethnic minority areas in the north but was allowed to travel in a private capacity.

During the year the National Assembly implemented a controversial new Law on Residence that allows the MPS to retain the system of residence registrations. Many citizens believed that this government practice effectively served as a barrier for individuals and families seeking to move within the country and become legal residents of a new province or city. By law the MPS restricts the number of residency registrations issued, for example, for Hanoi and Ho Chi Minh City.

Many persons continued to migrate without approval, especially laborers moving from rural areas to cities in search of work. Moving without permission hampered persons seeking legal residence permits, public education, and healthcare benefits. 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.

The government sometimes refused to issue passports to certain individuals. However, provincial governments in the Central Highlands generally facilitated the passport issuance and travel of ethnic minority individuals traveling legally to the United States on family reunification visas.

Citizens' access to passports was constrained at times by factors such as bribery and corruption. Immigrant visa applicants sometimes encountered local officials who arbitrarily delayed or denied passport issuance based on personal animosities, on the officials' perception that an applicant did not meet program criteria, or to extort a bribe.

***The law does not provide for forced internal or external exile.***

The government generally permitted citizens who had emigrated to return to visit. However, the government refused to allow certain citizen activists living abroad to return. Dissident Bloc 8406 activist Nguyen Chinh Ket, who traveled abroad in November 2006, was not allowed to return. His family in Ho Chi Minh City was served with an arrest warrant in the event he returned. Known overseas Vietnamese political activists were denied entrance visas.

By law the government considers anyone born in the country to be a citizen, even if the person has acquired another country's citizenship, unless a formal renunciation of citizenship has been approved by the president. However, in practice the government usually treated overseas Vietnamese as citizens of their adopted country. Emigrants were not permitted to use Vietnamese passports after they acquired other citizenship. The government generally encouraged visits and investment by such persons but sometimes monitored them carefully. During the year the government liberalized travel restrictions for overseas Vietnamese, adopting a multiple-entry visa program for "qualified" persons.

The government continued to honor a tripartite memorandum of understanding signed with the government of Cambodia and the UNHCR to facilitate the return from Cambodia of all ethnic minority Vietnamese who did not qualify for third-country resettlement.

Local government authorities observed but did not hinder fact-finding and monitoring visits by UNHCR and foreign diplomatic mission representatives to the Central Highlands. The UNHCR and foreign diplomats saw some resistance from lower-level officials in permitting private interviews of returnees. Although less frequently than in previous years, local policemen sometimes were present during UNHCR returnee interviews. Provincial governments generally continued to honor their obligations to attempt to reintegrate ethnic minority returnees from Cambodia.

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

### ***Protection of Refugees***

The country is not a signatory to the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the law does not provide for the granting of asylum or refugee status. The government has not established a system for providing protection to refugees and did not grant refugee status or asylum. In practice the government did not provide protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution, although in practice asylum seekers were not always returned.

After asylum seekers entered foreign diplomatic missions in Hanoi in 2005, the government called on diplomatic missions and international organizations to surrender to local authorities any "third-country intruders," whom the government considers to be immigration law violators. However, in two separate cases the government allowed asylum seekers who entered foreign embassies during the year to leave for resettlement in a third country.

The government sometimes cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

### ***Stateless Persons***

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

The government also contributed to statelessness by involuntary denationalization of its citizens, such as women who married foreigners. This group, which typically consisted of Vietnamese women who married Chinese, Korean, or Taiwanese men, had to give up their Vietnamese citizenship to apply for foreign citizenship; however, before gaining foreign citizenship, they divorced their husbands and returned to Vietnam without possessing any citizenship or supporting documentation. The UNHCR worked with the government and the international community to address this problem.

During the year the Vietnamese Women's Union worked with the government of the Republic of Korea to address problems arising from international marriage brokering and introduce premarriage counseling that included education on immigration and citizenship regulations. The Ministry of Foreign Affairs pledged to work with immigration authorities to better publicize existing methods for such women to regain their lost Vietnamese citizenship, documentation, and residency benefits. However, because the process was costly and cumbersome, such women often remained stateless. Some domestic and international NGOs provided assistance.

### **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 recognizes the leadership of the CPV. Political opposition movements and other political parties are illegal. The CPV politburo functions as the supreme decision-making body in the country, although it technically reports to the CPV Central Committee.

The government continued to severely restrict public debate and criticism to certain aspects of individual, state, or party performance determined by the CPV itself. No public challenge to the legitimacy of the one-party state was permitted; however, there were instances of unsanctioned letters critical of the government from private citizens, including some former senior party members, that circulated publicly. In addition, the media continued to push the boundaries on criticism of government officials, especially in the area of revealing public corruption and waste. Small opposition political groupings established in 2006 were broken up, with scores of arrests and detentions, decimating the leadership of most of these prodemocracy groups and driving them underground.

#### ***Elections and Political Participation***

The most recent elections to select members of the 12th National Assembly were held in May. The elections were neither free nor fair, since all candidates were chosen and vetted by the VFF. Despite the CPV's early announcement that a greater number of "independent" candidates (those not linked to a certain organization or group) would run in the elections, the ratio of independents was only slightly higher than that of the 2002 election. The CPV approved 30 "self-nominated" candidates, who did not have official government backing but were given the opportunity to run for office. There were credible reports that party officials pressured many self-nominated candidates to withdraw or found such candidates to be "ineligible" to run.

According to the government, more than 99 percent of the 56 million eligible voters cast ballots in the election, a figure that international observers considered improbably high. Voters were permitted to cast ballots by proxy, and local authorities were charged with ensuring that all eligible voters cast ballots by organizing group voting and making sure all voters within their jurisdiction were recorded as having voted. This practice was seen as having greatly detracted from the transparency and fairness of the process.

The May results were similar to those of the 2002 election. CPV leaders--Prime Minister Nguyen Tan Dung, Party Chief Nong Duc Manh, President Nguyen Minh Triet, and National Assembly Chairman Nguyen Phu Trong--retained their seats. CPV candidates took 450 of 493 seats, and nonparty candidates won 43 seats (almost 9 percent). Only one of the 30 self-nominated candidates won.

The National Assembly, although subject to the control of the CPV (all of its senior leaders and more than 90 percent of its members were party members), continued to assert itself as a legislative body. Some deputies indirectly criticized the CPV's preeminent position in society.

The law provides the opportunity for equal participation in politics by women and minority groups. There were 127 women in the 493-seat National Assembly, or 26 percent, a slightly lower percentage than in the previous National Assembly.

Ethnic minorities held 87 seats, or 18 percent, in the National Assembly, slightly exceeding the country's approximately 13 percent ethnic minority population.

#### ***Government Corruption and Transparency***

The law provides for criminal penalties for official corruption; however, the government did not always implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. Corruption continued to be a major problem. The government showcased its efforts to fight corruption, including publicizing budgets at different levels of government, developing a new Asset Declaration Decree, and streamlining government inspection measures. Cases of government officials accused of corruption sometimes were publicized widely.

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

In March Prime Minister Nguyen Tan Dung signed the country's first Asset Declaration Decree. Government officials must annually report by November 30 the houses, land, precious metals, and "valuable papers" they own, money they hold in overseas and domestic bank accounts, and their taxable income. The decree requires the government to publicize asset declaration results only if a government employee is found "unusually wealthy" and more investigation or legal proceedings are needed. In addition to senior government and party officials, the decree applies to prosecutors, judges, and those at and above the rank of deputy provincial party chief, deputy provincial party chairman, deputy faculty head at public hospitals, and deputy battalion chief.

In June the Supreme People's Court of Appeals upheld the guilty verdict of Mac Kim Ton, a former National Assembly member and director of the Thai Binh Provincial Education Department (TBED), for "abusing power in the conduct of his official duties" but reduced his sentence from eight to seven years in prison. In March the Thai Binh Provincial People's Court had sentenced Ton after prosecutors presented "sufficient evidence" of malfeasance. The National Assembly and TBED also removed Ton from his positions in those entities after revelations of his alleged corrupt activities came to light. The court found Ton guilty of hiring one of his former students to install computers at public schools in Thai Binh Province and receiving approximately \$16,900 (270 million VND) as "thank-you money." They also charged Ton's associate with embezzling approximately \$28,700 (460 million VND) from the public schools.

In August the Hanoi People's Court found nine officials from the Ministry of Construction's Project Management Unit 18 guilty of illegally gambling and conspiring to bribe officials to cover up their misdeeds. A subsequent appeals court decision in November affirmed the verdict of 13 years for the ringleader but reduced the sentence for two accomplices by one year each (to six and two years, respectively).

The law does not provide for public access to government information, and the government did not usually grant access for citizens and noncitizens, including foreign media. In accordance with the Law on Promulgation of Legal Normative Documents, the *Official Gazette* published most legal documents in its daily edition. The government maintained a Web site in both Vietnamese and English, as did the National Assembly. In addition, decisions made by the Supreme People's Court Council of Judges were accessible through the Supreme Court's Web site. 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 did not tolerate attempts by organizations or individuals to comment publicly on government human rights practices, and it used a wide variety of methods to suppress domestic criticism of its human rights policies, including surveillance, limits on freedom of the press and assembly, interference with personal communications, and detention.

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

The government 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, typically through annual human rights dialogues.

## **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***

By law it is a crime to use violence, threaten violence, take advantage of a person who cannot act in self-defense, or resort to trickery to have sexual intercourse with a person against that person's will. This appears to criminalize rape, spousal rape, and in some instances sexual harassment; however, there were no known instances of prosecution for spousal rape or sexual harassment. Other rape cases were prosecuted to the full extent of the law.

The law prescribes punishment ranging from warnings to a maximum of two years' imprisonment for "those who cruelly treat persons dependent on them," but the police and legal system generally remained unequipped to deal with cases of domestic violence. On November 21, the National Assembly passed the Law on Domestic Violence Prevention and Control, highlighting the issue and providing additional penalties for abusers and resources for victims. The new law specifies acts constituting domestic violence, assigns specific portfolio responsibilities to different government agencies and ministries, and specifies punishments for perpetrators of domestic violence, although these were considered to be vague. Implementing decrees were scheduled to be written and approved in 2008.

Officials increasingly acknowledged the existence of domestic violence as a significant social concern, and this was discussed more openly in the media. Domestic violence against women was considered common, although there were no firm statistics measuring the extent of the problem. Several domestic and international NGOs worked on the problem.

Hot lines operated by NGOs existed in major cities for victims of domestic violence. While rural areas often lacked the financial resources to provide crisis centers and domestic hotlines, many villages established "intervention groups" allowing women to live with another family while men in the women's families confront the abuser. Approximately two-thirds of divorces reportedly were due in part to domestic

violence. The divorce rate continued to rise, but many women remained in abusive marriages rather than confront social and family stigma as well as economic uncertainty.

The government, with the help of international NGOs, supported workshops and seminars aimed at educating both women and men about domestic violence and also highlighted the issue through public awareness campaigns. In March the Vietnamese Women's Union opened up the government-supported national Center for Women and Development. The center provided services to victims of trafficking, including shelters and vocational training. The center was partly supported by foreign foundations and NGOs.

*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 employment. Many more women felt compelled to work as prostitutes because of poverty and a lack of other employment opportunities. There were continued but declining reports that some parents coerced daughters into prostitution or made extreme financial demands that compelled them to engage in prostitution, since parents often expected the eldest daughter to assume responsibility for a significant part of a family's finances. The Vietnam Women's Union as well as international NGOs engaged actively in education and rehabilitation programs to combat these abuses.* the advancement of women. The NCFAW was tasked with implementing the government's national strategy on the advancement of women by the end of 2010. Key areas of this strategy focus on placing more women in senior ministry positions and in the National Assembly. The strategy also focuses on increasing literacy rates, access to education, and health care.

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

The act of sexual harassment is not clearly defined, and the prevention of it is not specified in legal documents. Ethical regulations for government and other public servants do not mention the issue, although the problem existed.

In cases of sexual harassment, victims can inform social associations such as the Women's Union for their involvement. In serious cases victims can sue offenders according to Article 121 of the penal code, which deals with "humiliating other persons," and specifies punishments that include a warning, noncustodial reform for up to two years, or a prison term ranging from three months to two years. However, in reality sexual harassment lawsuits were unheard of, and most victims were unwilling to publicly denounce the offenders.

The Vietnam Women's Union and the National Committee for the Advancement of Women (NCFAW) continued to promote women's rights, including political, economic, and legal equality and protection from spousal abuse. The Women's Union also operated microcredit consumer finance programs and other programs to promote

## **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 and free through the age of 14, authorities did not always enforce the requirement, especially in rural areas, where government and family budgets for education were strained and children's contribution as agricultural laborers was valued. The culture's strong emphasis on education led parents who could send children to school to do so rather than allow them to work. The

2005 Education Law provides universal access to education for children regardless of gender, religion, race, or ethnicity.

The public school system includes 12 grades. More than 90 percent of children attended primary grades, but the percentage attending lower and upper secondary school was much lower; secondary school enrollments were at less than 75 percent of eligible students for lower secondary and less than 50 percent for upper secondary. Enrollments were lower at all educational levels in remote mountainous areas.

Some street children in Ho Chi Minh City and Hanoi participated in night education courses. Vocational training programs implemented by NGOs enjoyed some success in Hanoi and other metropolitan areas, notably at the grassroots level, and filled the gap created by a lack of government implementation of existing legislation.

Religious groups operated some orphanages, despite the government's prohibition on such activities, and sent the children to public schools during the day.

The government provided medical care equally for both boys and girls, although medical services were constrained by limited budgets and geography in remote rural areas.

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

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

Children were trafficked domestically and to foreign destinations for sexual exploitation. Domestic trafficking also included incidents of child beggars and flower-selling rings, especially in Ho Chi Minh City and Hanoi. Other children were trafficked from Cambodia into Ho Chi Minh City. The government, in collaboration with the International Labor Organization (ILO) and the NGO Save the Children, held a high-profile child trafficking conference in Hanoi in August. The UN Children's Fund (UNICEF) and international NGOs also provided specific training to the government's border guard on methods to identify and combat trafficking in children.

According to the Ministry of Labor, Invalids, and Social Affairs (MOLISA), there were nearly 23,000 street children, who were vulnerable to abuse and sometimes were abused or harassed by police. International NGOs documented numerous cases of Cambodian children trafficked to Ho Chi Minh City for work in begging and flower-selling rings. MOLISA managed two centers to provide support for women and children in needy situations. Youth unions also launched awareness campaigns.

Child labor remained a problem, but it was limited by a societal value for education and an ample supply of laborers of working age.

### ***Trafficking in Persons***

The penal code prohibits trafficking in women and children, but trafficking, in particular trafficking in women and children for sexual exploitation, remained a significant problem. Reliable statistics on the number of citizens who were victims of sex-related trafficking were not available; however, there was evidence that the number was growing. 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 a growing gap between rich and poor.

The country was a significant source for trafficking in persons. Women were trafficked primarily to Cambodia, Malaysia, China, Taiwan, and South Korea for sexual exploitation. Women also were trafficked to Hong Kong, Macau, Thailand, the United Kingdom, Eastern Europe, and the United States. There were reports that some women going to Taiwan, Hong Kong, Macau, South Korea, and China for arranged marriages were victims of trafficking. Women and children also were trafficked within the country, usually from rural to urban areas. Men were trafficked regionally to work in construction, agriculture, and fishing.

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 their arrival women were forced into conditions similar to indentured servitude; some were forced into prostitution.

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

There were increasing reports that parents received payments in exchange for giving up their infant children for adoption. In addition, there was evidence that small children and infants were sometimes kidnapped and sold to traffickers in China and other countries. The media highlighted a number of cases of children trafficked from northern provinces to China. Because of China's strict one-child policy and growing need for agricultural and factory workers, children in border provinces remained at risk.

There were some documented cases of trafficking in adults for labor during the year. These included men trafficked to Malaysia and Thailand to support construction industry projects and cases of fishermen working in Taiwan. Deceitful and fraudulent overseas labor contracts and recruiting remained a problem, although the government began to take steps to regulate export labor. MOLISA reported that some workers in 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 as well as Thailand (see section 6.e.).

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, informal networks, and some organized groups lured poor, often rural, women with promises of jobs or marriage and forced them to work as prostitutes. Family relatives were often involved in trafficking cases. The government stated that organized criminal groups were involved in recruitment, transit, and other trafficking-related activities. Vietnam-sourced trafficking operations were uncovered in Europe.

Throughout the year the government continued to increase efforts to prosecute traffickers. The law provides for prison sentences of two to 20 years for each offense for persons found guilty of trafficking



women, and between three years and life in prison for each offense for persons found guilty of trafficking children. On July 26, the Ho Chi Minh City People's Court convicted six persons for trafficking 126 women to Malaysia under the cover of a matchmaker agency. The ringleader received a sentence of 12 years in prison; the other five received prison terms ranging from five to 10 years.

A national steering committee, led by the MPS, coordinated government efforts to identify and prosecute trafficking cases and assisted in prevention and training activities. 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. Government statistics showed an increase in case investigations and prosecutions.

The government implemented its 2004-10 National Program of Action on combating trafficking in women and children as well as a new Export Labor Law and directives on recruitment and contracting transparency. Decrees issued during the year also placed greater responsibility on provincial people's committees to combat trafficking, and the government committed to draft a new comprehensive antitrafficking law.

Mass organizations and NGOs continued to operate programs to reintegrate trafficked women and children into society. During the year programs continued that were 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. Official institutions, including MOLISA, the Women's Union, the Youth Union, and the Committee for Population, Family, and Children, continued active programs aimed at trafficking prevention, public awareness, and victims' protection. Government agencies worked closely with the International Organization for Migration, Asia Foundation, Pacific Links Foundation, and other international NGOs to provide temporary shelter, medical services, education, credit, counseling, and rehabilitation to returned trafficking victims. Security agencies with border control responsibility received training in investigative techniques to prevent trafficking. The UN Office on Drugs and Crime completed a four-year program with the MPS, supported by the international donor community, to strengthen legal and law enforcement institutions on antitrafficking, including conducting numerous training programs for provincial and local level law enforcement authorities.

The government worked with international NGOs to supplement and strengthen law enforcement measures and institutions and 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.

In 2006 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.

### ***Persons with Disabilities***

The law requires the state to protect the rights and encourage the employment of persons with disabilities. The provision of services to such persons, although limited, improved during the year.

During the year the Ministry of Transportation developed accessibility codes for public transportation facilities and trained transportation agency officials and students on use of the codes. The ministry piloted three bus routes accommodated for persons with disabilities in Ho Chi Minh City and another such route in Hanoi.

Educational opportunities for children with disabilities were improving. In the 1990s approximately 10 percent of children with disabilities were enrolled in school; by 2005 this rate increased to 22 percent, and during the year the rate reached 70 to 80 percent in some locations. The government worked with donor countries and international NGOs to train additional teachers for students with disabilities. During the year, for the first time, funds were allocated (\$90,000, or 1.5 billion VND) specifically for improving the quality of inclusive education for children with disabilities, as part of the National Action Plan on Disabilities.

The first representative of women with disabilities was appointed as a member of the management board of the Vietnam Women's Union.

Construction or major renovation of new government and large public buildings must include access for persons with disabilities. The Ministry of Construction established enforcement units in Hanoi, Ho Chi Minh City, Danang, Quang Nam, and Ninh Binh to ensure the implementation of the barrier-free codes.

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.

The government respects the political and civil rights of persons with disabilities. Under the election law, ballot boxes may be brought to the homes of individuals who wish to vote but are unable to go to a polling station.

The government supported the establishment of organizations aiding persons with disabilities. In two years it granted legal status for 13 organizations of persons with disabilities. Such persons are consulted in the development or review of national programs, such as poverty reduction programs, vocational laws, and various educational policies. The National Coordination Committees on Disabilities and its ministry members worked with domestic and foreign organizations to provide protection, support, physical access, education, and employment. The government operated a small network of rehabilitation centers to provide long-term, inpatient physical therapy. Several provinces, government agencies, and universities had specific programs for those with disabilities.

### ***National/Racial/Ethnic Minorities***

Although the government officially was opposed to discrimination against ethnic minorities, longstanding societal discrimination against ethnic minorities persisted. Despite the country's significant economic growth, ethnic minority communities benefited little from improved economic conditions.

Some members of ethnic minority groups continued to flee to Cambodia and Thailand, reportedly to seek greater economic opportunity or shortcuts to immigration to other countries. Government officials monitored certain highland minorities closely, particularly several ethnic groups in the Central Highlands, because of concern that the form of Protestant religion they were practicing encouraged ethnic minority separatism.

The government continued to impose security measures in the Central Highlands in response to concerns over possible ethnic minority separatist activity. There were some reports that ethnic minority individuals using cellular telephones to call the ethnic minority community abroad were a special target of police attention. There were a few reports that ethnic minorities seeking to cross into Cambodia were returned by Vietnamese police operating on both sides of the border, sometimes followed by police beatings and detentions.

The government continued to implement measures to address the causes of ethnic minority discontent and to initiate new measures as well. These included special programs to improve education and health

facilities and to expand road access and electrification of rural communities and villages. The government allocated land to ethnic minorities in the Central Highlands through a special program, but there were complaints that implementation of these special programs was uneven.

The government maintained a program to conduct classes in some local ethnic minority languages up to the fifth grade. The government worked with local officials to develop a local language curriculum, but it appeared to implement this program more comprehensively in the Central Highlands than in the mountainous northern and northwestern provinces. The government operated special schools for ethnic minorities in many provinces, including subsidized boarding schools at the high-school and middle-school levels, and offered special admission and preparatory programs as well as scholarships and preferential admissions at the university level. There were also a handful of government subsidized technical and vocational schools for ethnic minorities. Nonetheless, there were credible cases of discrimination against Christian ethnic minorities, although the law provides for universal education for children, regardless of religion or ethnic group.

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

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

### ***Other Societal Abuses and Discrimination***

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

A homosexual community existed but was largely underground. There was low public awareness of the issue and little evidence of discrimination based on sexual orientation.

## **Section 6 Worker Rights**

### ***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 VGCL statistics, in June 2006 total membership was more than 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. This included an increase of 555,000 members from the nonstate and foreign invested sectors. 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 almost 34 million of the 45.3 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 always prosecute 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.

The VGCL had relations with 140 labor organizations in 91 countries, 20 nongovernmental 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 government continued to arrest or harass labor activists. In March Tran Thi Thuy Trang was arrested in Ho Chi Minh City for her involvement in organizing workers and in defending workers in labor disputes and protecting their rights outside CPV-controlled structures. In May Tran Quoc Hien was sentenced to seven years' imprisonment (two suspended) and two years' house arrest for "disturbing security and order" in his role as spokesman for the outlawed United Workers-Farmers Organization (UWFO).

In December three UWFO founding members--Doan Huy Chuong, Tran Thi Le Hang (or Hong), and Doan Van Dien--arrested in November 2006 for their role in establishing an organization to promote workers' and farmers' rights were tried and sentenced to prison terms of four years and six months, three years, and one year and six months, respectively, for "abusing democracy and freedom rights to infringe the interests of the state and the legitimate rights and interests of organizations and citizens." The status of other UWFO members also reportedly arrested in November 2006, including Nguyen Tan Hoanh, Nguyen Thi Tuyet, Le Van Sy, Nguyen Toan, and Le Ba Trient, was unknown at year's end. (Some sources reported that Nguyen Tan Hoanh and Doan Huy Chuong were the same person.)

Nguyen Khac Toan, former journalist and the founder of the International Labor Union of Vietnam (ILUV), remained under strict surveillance after his release from prison in early 2006. The government continued to outlaw the ILUV, which Toan created in October 2006 to protect workers' rights.

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.

### ***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.

While the law does not allow for independent unions, it states that the negotiation of disputes can be led and organized by "relevant entities," which may be composed of worker representatives, when the enterprise in question does not have a union.

Workers must take individual 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. 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. Amendments made to the labor law in July divide such disputes into those over rights (compliance with the law) and those over interests (demands beyond what the law provides), setting out different procedures for both. The law sets out an extensive process of mediation and arbitration that must be followed before a strike can legally take place.

Strikes are illegal if they are not related to a collective labor dispute or if they concern matters that are outside of labor relations. 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 July amendments also stipulate that workers on strike will not be paid for the time they are not at work.

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.

Strikes usually occurred due to demands for more pay and better working conditions. Approximately 75 percent of strikes during the year took place in the textile, shoe-making, and processing industries. More than 90 percent of strikes occurred in Ho Chi Minh City and southern Dong Nai and Binh Duong provinces. In March more than 7,000 workers at a Mabuchi Motor Company plant in Dong Nai went on strike for more pay and better working conditions. In April nearly 2,000 workers in a shoe plant owned by a Taiwanese firm in Haiphong also walked off the job. In May 4,000 workers seeking higher wages at a locally owned shoe factory in the same city walked off the job.

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. However, there were credible reports that employers in the zones tended to ignore workers' rights and to use short-term contracts to avoid the legal requirement to set up a union.

### ***Prohibition of Forced or Compulsory Labor***

The law prohibits forced and compulsory labor, including by children; however, there were reports that such practices occurred.

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.

### ***Prohibition of Child Labor and Minimum Age for Employment***

Child labor remained a problem, particularly in the rural areas, where 72 percent of the population resides. The law prohibits most child labor but allows exceptions for certain types of work. The law sets the minimum age for employment at 18, but enterprises may hire children between 15 and 18 if the firm obtains permission from parents and MOLISA. In June 2006 MOLISA reported that approximately 30 percent of children between the ages of six and 17 participated in economic activities. Observers noted that the estimate may have understated the number of children who participated in such activities, since

many more children worked in the informal sector, usually on family farms or in family businesses not within the scope of the law.

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 worked in family-owned small businesses or on the street shining shoes or selling articles such as lottery tickets and newspapers. 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."

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.

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.

### ***Acceptable Conditions of Work***

The law requires the government to set a minimum wage, which is adjusted for inflation and other economic changes. In November the government raised minimum wages across all categories and locations, in part to account for rising inflation. Effective January 1, 2008, the official monthly minimum wage for unskilled laborers at foreign-invested joint ventures and foreign and international organizations was set to be \$62 (one million VND) in the urban districts of Hanoi and Ho Chi Minh City; \$56 (900,000 VND) in the suburban districts of Hanoi, Ho Chi Minh City, and several other industrial districts and towns; and \$50 (800,000 VND) elsewhere. 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 \$50 (800,000 VND). The official monthly minimum wage for unskilled labor in the state sector was \$34 (540,000 VND) in the provinces and \$39 (620,000 VND) in the urban districts of Hanoi and Ho Chi Minh City, an increase of 38 percent. Nevertheless, this amount remained inadequate to provide a worker and family a decent standard of living. 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 approval 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 strictly the government enforced these provisions.

According to the law, a female employee who is engaged to be married, 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 be compelled to 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, but enforcement was inadequate because of low funding and a shortage of trained enforcement personnel. 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.

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.

Amid the export labor industry's rapid growth, media articles and international human rights groups cautioned the government against building up the industry without also providing robust worker protections. They noted the increasing number of workers who were charged as much as \$7,000 (112 million VND) for the opportunity to work abroad, fees that most workers typically could recover only after one or two years abroad. Reports of bonded labor, related sex trafficking, and the lack of resources available to workers in distress subsequently emerged. The government's January Decision No. 05/2007, which regulates labor brokerage fees, as well as the November 2006 Export Labor Law, which went into effect on July 1, were designed to alleviate this situation and provide recourse to victims of labor-based trafficking.