

# 2010 Human Rights Report

Bureau of Democracy, Human Rights, and Labor  
2010 Country Reports on Human Rights Practices  
April 8, 2011

## **VIETNAM**

The Socialist Republic of Vietnam, with a population of approximately 88.6 million, is an authoritarian state ruled by the Communist Party of Vietnam (CPV), led by General Secretary Nong Duc Manh, Prime Minister Nguyen Tan Dung, and President Nguyen Minh Triet. The most recent National Assembly elections, held in 2007, were neither free nor fair, since the CPV's Vietnam Fatherland Front (VFF), an umbrella group that monitored the country's mass organizations, vetted all candidates. Security forces reported to civilian authorities.

Citizens could not change their government, and political opposition movements were prohibited. The government increased its suppression of dissent, arresting at least 25 political activists, convicting 14 dissidents arrested in 2008, 2009, and 2010, and denying the appeals of another 10 dissidents convicted at the end of 2009. Police commonly mistreated suspects during arrest or detention. Prison conditions were often austere. Although professionalism in the police force improved, members of the police sometimes acted with impunity. Individuals were arbitrarily detained for political activities and denied the right to fair and expeditious trials. Political influence, endemic corruption, and inefficiency strongly distorted the judicial system. The government increased measures to limit citizens' privacy rights and freedom of the press, speech, assembly, movement, and association. Internet freedom was further restricted as the government orchestrated attacks against critical Web sites and spied on dissident bloggers. Freedom of religion continued to be subject to uneven interpretation and protection; despite some progress, significant problems remained, especially at the provincial and village levels. Police corruption remained a significant problem. The government maintained its prohibition of independent human rights organizations. Violence and discrimination against women as well as trafficking in persons continued to be problems, despite laws and government efforts to combat such practices. Some ethnic minority groups suffered societal discrimination. The government limited workers' rights to form and join independent unions.

### **RESPECT FOR HUMAN RIGHTS**

- Section 1    Respect for the Integrity of the Person, Including Freedom From:
- a.    Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings; however, there were reports of nine deaths of persons in custody during the year. In nearly all cases, police alleged the victim committed suicide.

In January Nguyen Quoc Bao died while in custody in Hanoi, allegedly as the result of being beaten by police after being detained for a traffic violation. There was no reported investigation into Bao's death.

Vo Van Khanh died in police custody in May in Quang Nam Province, after police arrested him for a traffic violation. There was no reported investigation into police conduct, despite allegations of abuse leading to Khanh's death.

In June two individuals allegedly died as the result of beatings received while in detention: Nguyen Phu Trung was detained by police for his suspected involvement in a burglary in Hanoi, and Vu Van Hien died after being taken to the hospital in Thai Nguyen Province following a beating in detention. Several police officers in Hanoi reportedly were either arrested, suspended, or fired for their involvement in Trung's death.

In July Nguyen Van Khuong in Bac Giang Province was beaten to death after being arrested for a traffic violation. One police officer involved in the questioning of Khuong was arrested for use of excessive force.

In August Tran Duy Hai died in police custody in Hau Giang Province shortly after questioning related to his supposed involvement in a burglary. Police claimed Hai committed suicide, but family members asserted he was beaten to death. There was no reported investigation into police conduct.

Tran Ngoc Duong died in police custody in Dong Nai Province in September after being arrested for involvement in a neighborhood dispute. An investigation into police conduct reportedly was initiated.

There were two deaths in custody in December: Nguyen Van Thang died after he was arrested in Haiphong Province, and Dang Van Den died after being detained in An Giang Province for allegedly being involved in a burglary. There were reports that police were investigating the cause of Thang's death. In An Giang Province, police detained several other individuals following public protests of police involvement in the death of Den in custody.

In addition, police in Thanh Hoa Province shot and killed two individuals in May, including a 12-year-old child, who were participating in a land-rights protest against a large state-owned enterprise. Press reports claimed that police were investigating the actions of officers involved, but there was no public information on the results of the investigation.

There were no developments in the case of Y Ben Hdok, a Montagnard from Dak Lak who died while in detention in 2008.

b. Disappearance

There were no reports of politically motivated disappearances.

There was no information on the whereabouts of Thich Tri Khai, a monk from the unregistered Unified Buddhist Church of Vietnam, arrested in 2008.

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

The law prohibits physical abuse; however, police commonly mistreated suspects physically during arrest or detention. Incidents of police harassment were reported in Hanoi and Danang and in the provinces of Bac Giang, Binh Phuoc, Dak Lak, Dien Bien, Hanoi, Gia Lai, Ha Giang, Lai Chau, Nghe An, Quang Nam, Son La, Thai Binh, Thai Nguyen, Thanh Hoa, and Tra Vinh.

Many incidents were related to unrecognized Protestant churches seeking to hold services in these provinces. For example, several small house churches affiliated with the Inter-Evangelistic Movement (IEM) continued to report difficulties in several locations in Dien Bien Province, where police in past years broke up meetings of worshippers. Local authorities there refused to register IEM meeting points and pressured followers to abandon their faith. Between July 2009 and March 2010, Pastor Nguyen Trung Ton, head of the Full Gospel Church in Thanh Hoa Province, reported repeated and extended harassment and beatings by local and provincial police at several different Full Gospel meeting points in Thanh Hoa. Local officials interrupted numerous church gatherings and detained and physically abused church members and leaders, including Ton and his family. Authorities did not investigate the actions of security officials or those hired to carry out the physical attacks. Ton was a member of the Bloc 8406 political movement and a close affiliate of dissidents Le Thi Cong Nhan and Do Nam Hai.

Land-rights protesters in Hanoi, Ho Chi Minh City, Danang, and several Mekong Delta provinces also reported harassment from local authorities. Most incidents between local authorities and ethnic minorities involved land, money, or domestic disputes.

The government reported that more than 33,000 drug users were living in forced detoxification labor camps. The overwhelming majority of these individuals were administratively sentenced to two years without judicial review.

### Prison and Detention Center Conditions

Prison conditions could be austere but generally were not life threatening. Overcrowding, insufficient diet, lack of clean drinking water, and poor sanitation remained serious problems. Prisoners generally were required to work but received no wages. Foreign diplomats observed Spartan but clean living areas and generally acceptable labor conditions during a November 2009 visit to Nam Ha Prison in Ha Nam Province. Prisoners sometimes were placed in 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 benefits by paying bribes to prison officials or undertaking hunger strikes.

Prisoners had access to basic health care, with additional medical services available at district or provincial hospitals. However, in many cases officials prevented family members from providing medication to prisoners. Family members of imprisoned activists who experienced health problems claimed that medical treatment was inadequate, resulting in greater long-term health complications.

The total number of prisoners and detainees was not publicly available. Pretrial detainees were held separately from convicted prisoners. Juveniles were held separately from adults in prison, but on rare occasions they were held with adults in detention for short periods of time due to unavailability of space. Men and women were held separately. Political prisoners were typically sent to specially designated prisons that also held other regular criminals, and in most cases political prisoners were kept separate from nonpolitical prisoners. Some high-profile political prisoners were kept in complete isolation from all other prisoners. While prison sentences could be extremely lengthy, prisoners were not forced to serve beyond the maximum sentence for their charged offense.

Prisoners were limited to one 30-minute family visit a month, and family members were generally permitted to give supplemental food and bedding to prisoners. Prisoners did not have the right to manifest their religious beliefs or practices in public. Roman Catholic priest Thaddeus Nguyen Van Ly (released in March), Le Thi Cong Nhan, and Nguyen Van Dai were allowed to keep the Bibles given to them by visiting foreign delegations, but in general prisoners were denied access to religious books and scriptures. Prisoners were allowed to submit complaints to prison management and judicial authorities, but their complaints were routinely ignored.

Authorities allowed foreign diplomats and a foreign delegation to make limited prison visits and meet with prisoners in various prisons. The press was permitted limited visits to prisons, but state control of the media restricted reporting on living conditions. In the past the International Committee of the Red Cross was permitted to visit prisons, but no such visits occurred during the year. No individuals were allowed to serve on behalf of prisoners and detainees to consider such matters as alternatives to incarceration for nonviolent offenders.

#### d. Arbitrary Arrest or Detention

The criminal code allows the government to detain persons without charges indefinitely under vague "national security" provisions such as articles 84, 88, and 258. The government also arrested and detained indefinitely individuals under other legal provisions. Authorities subjected several dissidents throughout the country to administrative detention or house arrest.

#### Role of the Police and Security Apparatus

Internal security is the responsibility of the Ministry of Public Security (MPS); however, in some remote areas, the military is the primary government agency and performs 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. While this system was less intrusive than in the past, it continued to be used to monitor those suspected of engaging, or likely to engage, in unauthorized political activities. Credible reports suggested that local police used "contract thugs" and "citizen brigades" to harass and beat political activists and others, including religious worshippers, 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 people's committees at each level. At the commune level, it was common for guard forces made up of residents to assist the police. The police were generally effective at maintaining public order, but police capabilities, especially investigative, were generally very low. Police training and resources were inadequate.

The government cooperated with several foreign governments in a program for provincial police and prison management officials to improve the professionalism of security forces.

### Arrest Procedures and Treatment While in 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 (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 typically lasted from three months for less serious offenses (punishable by up to three years' imprisonment) to 16 months for exceptionally serious offenses (punishable by more than 15 years' imprisonment or capital punishment) or more than two years for national security cases. However, at times investigations were prolonged indefinitely. 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 police to investigate further. Investigators sometimes used physical abuse, isolation, excessively lengthy interrogation sessions, and sleep deprivation to compel detainees to confess.

By law detainees are permitted access to lawyers from the time of their detention; however, authorities used bureaucratic delays to deny access to legal counsel. In cases investigated under broad national security laws, authorities prohibited defense lawyers' access to clients until after an investigation had ended and the suspect had been formally charged with a crime, most often after approximately four months. Under the regulations, investigations can be continued and access to

counsel denied for more than two years. In addition a scarcity of trained lawyers and insufficient protection of defendant rights made prompt detainee access to an attorney rare. In practice only juveniles and persons formally charged with capital crimes were assigned lawyers.

Attorneys must be informed of and allowed to attend interrogations of their clients. However, a defendant first must request the presence of a lawyer, and it was unclear whether authorities always informed defendants of this right. Attorneys also must be given access to case files and be permitted to make copies of documents. Attorneys were sometimes able to exercise these rights.

Police generally informed families of detainees' whereabouts, but family members could visit a detainee only with the permission of the investigator, and this permission was not regularly granted. During the investigative period, authorities routinely denied detainees access to family members, especially in national security cases. 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. There is no functioning bail system or equivalent system of conditional release. Time spent in pretrial detention counts toward time served upon conviction and sentencing.

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." Terms of 24 months were standard for drug users and prostitutes. Individuals sentenced to detention facilities were forced to meet work quotas to pay for services and the cost of their detention. Chairpersons may also impose terms of "administrative probation," which generally was some form of restriction on movement and travel. Authorities continued to punish some individuals using vaguely worded national security provisions in the criminal code.

Six police officers in Quang Ninh Province were administratively punished in December after a video they took while arresting several alleged prostitutes later appeared on the Internet. Police officers were shown in the video prohibiting several naked crying women from covering themselves while being questioned, videotaped, and photographed. Three of the police officers were demoted two

ranks, two were demoted one rank, and one officer received a written reprimand for violating the rights of the accused.

Arbitrary detentions, particularly for political activists, remained a problem. The government used decrees, ordinances, and other measures to detain activists for the peaceful expression of opposing political views (see section 2.a.). During the year authorities increasingly charged political dissidents with violating article 79, "attempting to overthrow the state," due to their alleged membership in political parties other than the CPV. While violators of article 79 had the possibility of receiving the death penalty, they typically received sentences of up to seven years in prison, although one individual received a sentence of 16 years' imprisonment. Unlike in previous years, all activists who appealed their sentences had their original sentences upheld.

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

Peaceful land-rights protests in Ho Chi Minh City and Hanoi resulted in the temporary detention and surveillance of several organizers, although the government handled the dispersal of these protests without significant violence.

Religious and political activists also were subject to varying degrees of informal detention in their residences. In Ho Chi Minh City, prominent activists Nguyen Dan Que and Do Nam Hai remained under house arrest.

### Amnesty

In honor of National Day, the central government amnestied approximately 17,500 prisoners, the overwhelming majority of whom had ordinary criminal convictions. More than 100 Montagnards from the Central Highlands convicted of violating national security laws in 2001 and 2004 were released during the year.

#### e. Denial of Fair Public Trial

The law provides for the independence of judges and lay assessors; however, in practice the CPV controlled the courts at all levels through its effective control over judicial appointments and other mechanisms. In many cases the CPV determined verdicts. Most, if not all, judges were members of the CPV and were chosen at least in part for their political views. 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 other instances in which a person was charged with challenging or harming the CPV or the state.

There was a shortage of trained lawyers and judges. Low salaries hindered efforts to develop a trained judiciary. The few judges who had formal legal training often had studied abroad in countries with communist legal traditions. The government continued to participate in training programs to address the problem of inadequately trained judges and other court officials.

In May the government granted a foreign nongovernmental organization (NGO) an operating license to conduct training initiatives aimed at reforming the criminal code and strengthening lawyers' capacity.

The Vietnam Bar Federation, a national professional association created in May 2009 to represent practicing attorneys, falls under the supervision of the VFF and closely coordinated with the Ministry of Justice and the Vietnam Lawyers Association. The federation acted as an umbrella association overseeing the functions of local bar associations and continued developing a professional code of conduct for lawyers.

### 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. The public prosecutor brings charges against an accused person and serves as prosecutor during trials. Defendants have the right to be present and have a lawyer at trial, although not necessarily the lawyer of their choice, and this right was generally upheld in practice. Defendants unable to afford a lawyer generally were provided one only in cases involving a juvenile offender or with possible sentences of life imprisonment or capital punishment. The defendant or defense lawyer has the right to cross-examine witnesses; however, there were cases in which neither defendants nor their lawyers were allowed to have access to government evidence in advance of the trial, cross-examine witnesses, or challenge statements. Defense lawyers commonly had little time before trials to examine evidence against their clients. In national security cases, judges occasionally silenced defense lawyers who were making arguments on behalf of their clients in court that because the judges deemed the arguments reactionary. Convicted persons have the right to appeal. District and provincial

courts did not publish their proceedings. The Supreme People's Court continued to publish the proceedings of all cases it reviewed.

There continued to be credible reports that authorities pressured defense lawyers not to take as clients any religious or democracy activists facing trial, and several lawyers who took these cases faced harassment, arrest, conviction, and occasionally disbarment. Other human rights lawyers, such as Le Cong Dinh, Le Tran Luat, Le Thi Cong Nhan, and Le Quoc Quan, were stripped of their bar memberships and were not permitted to practice law.

### Political Prisoners and Detainees

There were no precise estimates of the number of political prisoners. The government reportedly held more than 100 political detainees at year's end, although some international observers claimed there were even more.

In January in Phu Yen Province, lay preachers Ksor Y Du and Kpa Y Ko, affiliated with the Good News Mission Church, were arrested for alleged connections with the United Front for the Liberation of Oppressed Races (FULRO) and for opposing the government. Police allegedly handcuffed and dragged Ksor Y Du behind a motorbike to the police station. The government's Committee for Religious Affairs (CRA) asserted that both had long-time connections with FULRO, an armed guerrilla group that sought the creation of an independent Montagnard state, and had prior convictions for "illegally crossing the border." The CRA contended that they had been "embroiled by hostile forces" in a plot to encourage a separatist movement by sowing division among ethnic communities. In November both were tried jointly and convicted in Phu Yen Provincial Court. Ksor Y Du was sentenced to six years' imprisonment and Kpa Y Ko to four years' imprisonment for attempting to organize demonstrations, causing political and security disorder, and dividing national solidarity.

On January 24, dissident Nguyen Ba Dang, a member of the People's Democratic Party (PDP), was arrested in Hai Duong Province and charged with violating article 88, which prohibits distribution of propaganda against the state. He awaited trial at year's end.

In February Doan Huy Chuong, Nguyen Hoang Quoc Hung, and Do Thi Minh Hanh, affiliated with the For the People's Party (FPP) and the United Workers and Farmers Organization (UWFO), were arrested for distributing pamphlets calling for citizens to advocate for democracy and fight attempted invasions from China.

The distribution of the leaflets was a joint campaign by Viet Tan, Rally for Justice, the PDP, and the Viet Labor Movement. The individuals were tried jointly in October and convicted of violating article 89, "causing public disorder to oppose the people's government." Nguyen Hoang Quoc Hung was sentenced to nine years' imprisonment, while Do Thi Minh Hanh and Doan Huy Chuong each were sentenced to seven years' imprisonment.

On April 19, Pham Thi Phuong and her husband Pham Ba Huy were arrested in Ho Chi Minh City for planning "terrorist activities." The government alleged that Phuong, an FPP member, left the country in 2002 while under investigation for fraud and illegally returned as part of a campaign to bomb statues in Ho Chi Minh City. The government also alleged that the FPP had paid her \$5,000 to carry out the bombing. They were awaiting trial at year's end.

In May a priest with the unrecognized Cao Dai faith in Tay Ninh was convicted for "slandering an on-duty official," according to the MPS-affiliated *People's Police* newspaper. The priest was arrested in November 2009 after criticizing several police officers for actions against religious followers of the unrecognized Cao Dai faith. In 2008 the priest had led a protest of more than 300 followers of the group to the Cao Dai Holy See to denounce the leader of the official Cao Dai organization and demand that the officially recognized church return properties, including the Cao Dai Holy See, to the unrecognized church.

In June Doan Van Chac was arrested after evading arrest for 27 years. In 1983 Doan participated in a campaign against the government that resulted in the deaths of three government officials. He was awaiting trial at year's end.

In June Phung Lam from Binh Phuoc Province was arrested for alleged ties to the Democratic Party of Vietnam (DPV) and DPV chairman Nguyen Sy Binh. Police claimed that Lam posted articles opposing the government on the Internet. Lam fled to Cambodia in May but was arrested when he attempted to return to visit his family in June. He was awaiting trial at year's end.

In July and August, Nguyen Thanh Nam and Pham Van Thong from Ben Tre Province, Pastor Duong Kim Khai from Ho Chi Minh City, and Tran Thi Thuy from Dong Thap were arrested for their alleged ties to Viet Tan and for organizing and advocating on behalf of land-rights claimants in Ben Tre and Dong Thap provinces; they were charged with violating article 79. The government alleged that several of the individuals had participated in Viet Tan training in Thailand. Several family members of the accused denied any connection to Viet Tan. In

November authorities arrested lay pastor Nguyen Chi Thanh and congregant Pham Ngoc Hoa, affiliated with Khai and the unrecognized Mennonite Church, on the same charge for their alleged ties to Viet Tan and their work with Khai. All awaited trial at year's end.

In August Pham Minh Hoang, a dual foreign national and professor at the Ho Chi Minh City University of Technology, was arrested for his alleged ties to Viet Tan and for posting critical comments online against the government under a pseudonym; he was charged with violating article 79. Hoang's family denied any connection to Viet Tan. He was awaiting trial at year's end.

On October 10, Australian citizen Vo Hong was arrested for her involvement in a public protest sponsored by Viet Tan against China's actions over maritime boundary disputes on the eve of Hanoi's 1,000th anniversary. Hong was originally charged with terrorism but was released and deported after being detained for 11 days.

On October 29, U.S. citizen Le Kin was arrested in Ho Chi Minh City for violating article 79 relating to his alleged involvement with overseas political organizations critical of the government. He was awaiting trial at year's end.

In November attorney Cu Huy Ha Vu was arrested first for allegedly soliciting a prostitute but later for violating article 88 relating to his Internet articles and interviews with foreign media criticizing Prime Minister Nguyen Tan Dung. Vu twice sued the prime minister, first for the controversial decision to allow Chinese companies to mine bauxite in the Central Highlands, and second for issuing a decree that restricted complaints against the government. He was awaiting trial at year's end. Vu, a former employee of the Ministry of Foreign Affairs, is the son of Cu Huy Can, a friend of Ho Chi Minh and famous revolutionary poet who served as the first minister of agriculture and later as minister of culture.

Vu Duc Trung and Le Van Thanh, affiliated with the Falun Gong movement, were arrested in Hanoi in November for illegally broadcasting information into China. According to state-run media, Chinese officials asked the Vietnamese government to initiate the arrests. Both were awaiting trial at year's end.

In December Chau Heng, a Khmer Krom land-rights activist from An Giang Province, was arrested upon reentering Vietnam after being denied political refugee status by the Office of the UN High Commissioner for Refugees

(UNHCR) in Thailand. Heng led large-scale protests in 2007 and 2008 against local government land seizures.

On January 20, prominent attorney Le Cong Dinh, businessman and blogger Tran Huynh Duy Thuc, Le Thang Long, and DPV leader and Viet Youth for Democracy cofounder Nguyen Tien Trung, arrested in mid-2009, were tried jointly in Ho Chi Minh City for violating article 79. The government claimed the individuals were involved in a plot to create new political parties and overthrow the government. Dinh and Trung pled guilty to joining political parties other than the CPV but denied they were attempting to overthrow the government. They were sentenced to five and seven years' imprisonment, respectively. Long and Thuc maintained their innocence but were sentenced to five and 16 years' imprisonment, respectively. Foreign diplomats and journalists were permitted to attend the trial. Several foreign governments denounced the proceedings and sentences. On March 11, the Ho Chi Minh City Appellate Court rejected the appeals of Le Cong Dinh, Le Thang Long, and Tran Huynh Duy Thuc and upheld their original sentences. Foreign diplomats and journalists were denied admittance to the appeals court. Nguyen Tien Trung did not appeal his verdict.

On April 29, the Thai Binh Province Appeals Court upheld the five-and-a-half-year prison term of Tran Anh Kim, arrested in July 2009 and convicted in December 2009 for violating article 79 due to his leadership role in the DPV.

On April 20, four FPP members arrested in September 2009 were convicted in Lam Dong Province for violating article 91 for "fleeing abroad to oppose the government." Duong Au was sentenced to five years' imprisonment and five years' administrative probation, Phung Quang Quyen was sentenced to four years' imprisonment and four years' administrative probation, and Truong Van Kim and Truong Thi Tam were each sentenced to three years' imprisonment and three years' administrative probation.

On February 5, dissident author Tran Khai Thanh Thuy was convicted of assault in Hanoi and sentenced to three-and-one-half years in prison following an October 2009 incident in which she and her husband, Do Ba Tan, were attacked by unidentified individuals. Thuy was struck in the head with a brick but was charged with assault. Do Ba Tan was sentenced to two years' probation. Foreign diplomats and journalists were permitted to attend the trial but not the appeals hearing in April that upheld her original sentence. There were credible reports that Thuy was beaten in August by another prisoner. Foreign diplomats were denied repeated requests to visit Thuy in prison.

On January 18, the Hanoi Appellate Court upheld the three-year sentences of Bloc 8406 members Tran Duc Thach and Vu Van Hung and the four-year sentence of Pham Van Troi. All three were arrested in 2008 and convicted of violating article 88 in October 2009 for displaying banners that criticized the Communist Party and advocated multiparty democracy. Foreign diplomats and journalists were not permitted to attend the appeal.

On January 21, the Haiphong Appellate Court rejected the appeals of six dissidents affiliated with Bloc 8406 who were arrested in 2008 and convicted in October 2009 for violating article 88. The six were sentenced to jail terms ranging from two to six years' imprisonment for displaying banners that criticized the Communist Party and advocated multiparty democracy. Foreign diplomats and journalists were not allowed to attend the appeals trial.

On January 29, Pham Thanh Nghien, a Bloc 8406 member arrested in 2008, was convicted in Haiphong for violating article 88 and sentenced to four years' imprisonment and three years' administrative probation relating to her petition to hold a demonstration against the government's policies on inflation and for criticizing the government's handling of border disputes with China. Nghien's family, journalists, and foreign diplomats were not permitted to attend the appeal proceedings.

Several other political dissidents affiliated with outlawed political organizations, including Bloc 8406, PDP, People's Action Party, Free Vietnam Organization, DPV, UWFO, and others, remained in prison or under house arrest in various locations. In March Bloc 8406 published a list of 38 members imprisoned for their affiliation with the movement.

Several of approximately 30 activists arrested in 2006-07 but later released remained under investigation and administrative detention without being formally charged.

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

Authorities also detained and imprisoned persons who used the Internet to publish ideas on human rights, government policies, and political pluralism (see section 2.a., Internet Freedom).

Several persons, including political activists and religious leaders, were released during the year.

In June Mennonite pastor Nguyen Thi Hong was released five months early following her January 2009 conviction for "abusing trust to appropriate property" related to alleged unpaid debts owed by her deceased husband.

In March, following two strokes in prison in July and November 2009, dissident Catholic priest Thaddeus Nguyen Van Ly was granted a one-year humanitarian medical release to allow him to seek treatment for a brain tumor. Ly was arrested in 2007 for violating article 88 due to his role in cofounding the Bloc 8406 movement and the Vietnam Progressive Party (VPP) and was sentenced to 8 years' imprisonment.

In March Le Thi Cong Nhan--well-known human rights attorney, Bloc 8406 cofounder, and VPP spokeswoman--was released from prison after completing her three-year sentence. Nhan was arrested in 2007 and convicted of violating article 88.

In August Truong Minh Nguyet was released from prison. A member of the Vietnamese Patriots Group and vice chair of the Vietnam Political and Religious Prisoners Friendship Association, Nguyet was arrested in 2007 and sentenced to four years' imprisonment for "abusing democratic freedoms."

In August PDP founding member Le Nguyen Sang was released from prison after completing his four-year sentence. Sang was arrested in Ho Chi Minh City in 2006 for violating article 88, related to his involvement with the PDP.

In May PDP founding member Nguyen Bac Truyen was released after completing his three-and-a-half-year prison sentence. Truyen was arrested in Ho Chi Minh City in 2006 for violating article 88 related to his role in the creation of the PDP.

Mai Thi Dung, a member of the unrecognized Hoa Hao Buddhist Church, was released in August after completing her five-year sentence. Dung was arrested in 2005 and convicted in 2006 for "disturbing the public order" and assaulting police after allegedly assisting in pouring gasoline on a local official.

During the year there were reports that authorities released more than 100 Montagnards from the Central Highlands convicted of violating national security laws relating to 2001 and 2004 protests in the Central Highlands.

In July Dinh Quang Hai was released after completing his 10-year sentence. In September Huynh Buu Chau was released after completing an 11-year sentence. He was arrested in 1999 in Cambodia while petitioning the UNHCR for refugee status; Cambodian officials escorted Chau to the Vietnamese border and turned him over to Vietnamese police. He was subsequently convicted of "fleeing abroad to oppose the government."

Nguyen Anh Hao was released in July after completing a 13-year sentence. Hao was arrested in 1997 and convicted of "fleeing abroad to oppose the government."

In July Truong Van Suong was granted a one-year humanitarian medical release due to declining health after spending 33 years in detention, including six years in reeducation camps (1975-81).

#### Civil Judicial Procedures and Remedies

There is no clear or effective mechanism for pursuing a civil action to redress or remedy abuses committed by authorities. Civil suits are heard by administrative 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.

By law a citizen seeking to press a complaint regarding a human rights violation by a civil servant is required first to petition the officer accused of committing the violation for permission to refer the complaint to the administrative courts. If a petition is refused, the citizen may refer it to the officer's superior. If the officer or his superior agrees to allow the complaint to be heard, the matter is taken up by the administrative courts. If the administrative courts agree that the case should be pursued, it is referred either to the civil courts for suits involving physical injury seeking redress of less than 20 percent of health-care costs resulting from the alleged abuse, or to the criminal courts for redress of more than 20 percent of such costs. In practice this elaborate system of referral and permission ensured that citizens had little effective recourse to civil or criminal judicial procedures to remedy human rights abuses, and few legal experts had experience with the system. In August the government issued new regulations limiting the number of government agencies that could receive a complaint and restricting each complaint to only one signatory. The new regulation restricted the common practice of

individuals, particularly land-rights petitioners, from sending joint complaints to numerous federal agencies.

### Property Restitution

In August 2009 the prime minister issued a decree that offers compensation, housing, and job training for individuals displaced by development projects. Nevertheless, there were widespread reports of official corruption and a general lack of transparency in the government's process of confiscating land and moving citizens to make way for infrastructure projects. By law citizens must be compensated when they are resettled to make way for infrastructure projects, but there were complaints, including from the National Assembly, that compensation was inadequate or delayed.

In January Catholic parishioners in Hanoi conducted several large-scale prayer vigils as a result of the police's destruction of a large concrete crucifix on disputed property at Dong Chiem parish.

In May police clashed with local Catholics at a cemetery in the village of Con Dau outside Danang. In 2003, despite objections by some parishioners, the government reached an agreement with Catholic officials to relocate parishioners while building an ecotourism resort in the area. Both sides agreed that a former Catholic cemetery within the construction zone would no longer be used, and the government designated a new cemetery. On May 4, when protesting parishioners attempted to bury the remains of a local parishioner in the cemetery, which authorities had closed in March, police intervened. Parishioners reportedly attacked police who were blocking the entrance to the cemetery, and violence between police and parishioners ensued. Police arrested six parishioners accused of starting the altercation and damaging a police vehicle. On October 27, the six were tried for public disorder; two individuals received nine- and 12-month jail sentences, and the remaining four defendants received suspended sentences. Three of the accused were denied their right to legal representation. An appeal by family members of the convicted was denied on the grounds that it was not filed by the convicted individuals directly.

Local security officials allegedly interrogated Nguyen Thanh Nam on two separate occasions for his involvement in the May clash in Con Dau. In July Nam died under unusual circumstances one day after being detained by police for attempted burglary. The accounts of the cause of Nam's death differed widely, even among family members. Some claimed the death was from natural causes, while others

alleged it was the result of police beatings during interrogation. Nam's family denied efforts by police to conduct an autopsy and signed an affidavit claiming he died from a stroke. In October Nam's wife was pressured by security services to make a videotaped statement that Nam died of a stroke, but she refused.

Some members of ethnic minority groups in the Central and Northwest Highlands continued to complain that they had not received proper compensation for land confiscated by the government to develop large-scale state-owned coffee and rubber plantations.

f. 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, although these systems were less intrusive than in the past. Authorities focused particular attention 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. Police forcibly entered homes of a number of prominent dissidents, such as Nguyen Khac Toan, Nguyen Thanh Giang, Le Tran Luat, Nguyen Cong Chinh, and Do Nam Hai, and removed personal computers, cell phones, and other material.

Government authorities opened and censored targeted persons' mail; confiscated packages and letters; and monitored telephone conversations, e-mail, text messages, and fax transmissions. The government cut the telephone lines and interrupted the cell phone and Internet service of a number of political activists and their family members.

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 imbalanced ratio of newborn boys to girls was increasing rapidly. According to the UN Population Fund, for every 100 females births in 2009 there were 111

male births, up from 105 five years ago. One government study found the ratio to be 120 boy births per 100 girls in some wealthier areas of Hanoi and Ho Chi Minh City. The government announced nationwide targets to reduce the growing disparity to no more than 113 male births in 2015 and 115 in 2020. Experts attributed the rise to three main factors: societal bias, government pressure for smaller family size, and the increasing access to affordable technology for son-selection.

## Section 2    Respect for Civil Liberties, Including:

### a.    Freedom of Speech and Press

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

Political activists and family members of prisoners occasionally were physically prevented from meeting with foreign diplomatic representatives. Tactics included setting up barriers or guards outside their residences or calling them into the local police station for random and repetitive questioning.

The CPV, government, and party-controlled mass organizations controlled all print, broadcast, and electronic media. The government exercised oversight through the Ministry of Information and Communication (MIC), under the overall guidance of the Communist Party Propaganda and Education Commission. These two bodies frequently intervened directly to dictate or censor a story. More often, however, control over media content was ensured through pervasive self-censorship, backed by the threat of dismissal and possible arrest.

Some private investors were permitted to operate television channels and news aggregator Web sites and to publish certain pages in newspapers, as long as the content was not deemed "sensitive" by the government. However, private ownership of any media outlet was prohibited.

During the year Vietnam News Agency began the first exclusive news channel, V-News, broadcasting in Vietnamese and English. Vietnam Television (VTV) also began *Vietnam Today*, a daily program aimed at the overseas Vietnamese community to encourage the diaspora to return.

Despite the continued growth of Internet blogs, the party and the government increased efforts to suppress press freedom, continuing a "rectification" campaign begun in 2008. In speeches in January and February, the prime minister stated that "journalists must be loyal soldiers serving the nation," called on news agencies to fight against "sedition," and asserted that the press "should not report information that harms the country's interests." Similarly, the MIC held a conference on the media's responsibility in the "fight against false arguments, slanders, and accusations against Vietnam," claiming that many "reactionary forces" were attempting to carry out "peaceful evolution plots against Vietnam to incite an overthrow of the government" and that the media should be more active in reporting on these "slanders" from overseas.

In December the MIC officially reprimanded the editor in chief and two reporters from the news Web site Vietnam Net for publishing results of a survey on corruption by Transparency International. The author of the article was also denied renewal of her government-issued press card.

Several journalists were attacked or threatened relating to their reporting on sensitive stories. The most serious cases included *Lao Dong* newspaper reporter Tran The Dung, who was assaulted by several individuals while reporting on illegal poultry imports, and *Tien Phong* newspaper reporters Vo Minh Chau and Minh Thuy, who were attacked in Ha Tinh Province while investigating illegal land encroachment. Police continued to investigate several of the assaults at year's end. Phan Ha Binh, deputy managing editor of *Tien Phong*, was arrested in October for soliciting a VND 220 million (\$11,000) bribe from a cement company about which he threatened to write negative articles.

The law requires journalists to pay monetary damages to individuals or organizations whose reputations were harmed as a result of journalists' reporting,

even if the reports were true. Independent observers noted that the law severely limited investigative reporting. 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 November the MIC issued a new decree restricting the ability of the local press to report on foreign news stories, requiring them to seek advance permission.

Foreign journalists must be approved by the Foreign Ministry's press center, and they must be based in Hanoi, with the exception of one correspondent reporting solely on economic matters 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. The number of foreign media employees allowed was limited, and Vietnamese employees working for foreign media are required to register with the Foreign Ministry.

The procedure for foreign media outlets to hire local reporters and photographers and receive approval for their accreditation continued to be cumbersome. The press center nominally monitored journalists' activities and approved, on a case-by-case basis, requests for interviews, photographs, filming, or travel, which must be submitted at least five days in advance. By law foreign journalists are required to address all questions to government agencies through the Foreign Ministry, although this procedure often was ignored in practice. Foreign journalists noted that they generally did not notify the government about their travel outside 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.

Under February 2009 regulations, the MIC has the authority to revoke licenses for foreign publishers, and each foreign publisher must reapply annually to maintain its license. 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. Occasionally the government censored articles.

The law limits satellite television access to top officials, foreigners, luxury hotels, and the press, but in practice 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.

## 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 continued to grow throughout the year. Nearly 27.3 million persons (32 percent of the population) had access to the Internet, according to the government's General Statistics Office. According to a separate study by Internet World Stats, in large population centers more than 50 percent had access, with even higher numbers reported in Hanoi and Ho Chi Minh City.

Blogging continued to increase rapidly. The MIC estimated that there were more than one million bloggers. In addition a number of prominent print and online news journalists maintained their own professional blogs. In several cases their blogs were considered far more controversial than their mainstream writing. In a few instances, the government fined or punished these individuals for the content of their blogs.

The number of persons who used social networking sites increased to several million. Zing Me, officially launched in August after one year of trial operation, was estimated to be the largest social networking site, with more than five million users. Despite the government ordering ISPs to block Facebook in November 2009, the site remained popular with young persons, many of whom used workarounds to access the site. Facebook finished the year with nearly two million users. In May the government-owned Vietnam Multimedia Corporation launched GO.VN, but adoption was sluggish.

The government forbids direct access to the Internet through foreign ISPs, requires domestic ISPs to store information transmitted on the Internet for at least 15 days, and requires ISPs to provide technical assistance and workspace to public security agents to allow them to monitor Internet activities.

The government requires cybercafes to register the personal information of their customers and store records of Internet sites visited by customers. However, many cybercafe owners did not maintain these records. ISP compliance with these government regulations was unclear.

Although citizens enjoyed increasing access to the Internet, the government monitored e-mail, searched for sensitive key words, and regulated Internet content.

Decree 97, issued by the Prime Minister's Office in 2008, details the government's role in the management, provision, and use of Internet services and electronic information on the Internet. During the year several cities and provinces issued additional regulations to control online access. In April the Hanoi People's Committee issued regulations requiring all "Internet retailers" to install government-approved software to monitor online activities.

In June the MIC issued new regulations governing Internet companies and requiring social networking sites and Web sites that provide information in the areas of "politics, economics, culture, and society" to register and receive an operating license from the government before operation.

In September Hanoi authorities ordered Internet cafes within 200 meters (219 yards) of a school to cease operations and required ISPs to cut online access to Internet cafes between 11 p.m. and 6 a.m. to curb online gaming. Some businesses flouted the regulations by registering as restaurants, which were not subject to the same restrictions.

Government regulations prohibit bloggers from posting material that the government believes undermines national security or discloses state secrets, incites violence or crimes, or includes inaccurate information harming the reputation of individuals and organizations. These regulations were routinely ignored. The regulations also require global Internet companies with blogging platforms operating in the country to report to the government every six months and, if requested, to provide information about individual bloggers. Officials construed article 88 of the criminal code, which bans "distributing propaganda against the state," to prohibit individuals from downloading and disseminating documents that the government deemed offensive.

Authorities continued to detain and imprison dissidents who used the Internet to criticize the government and publish ideas on human rights and political pluralism.

In January Tran Huynh Duy Thuc, the blogger known as Change We Need who regularly reported on corruption in the prime minister's family, was sentenced to 16 years' imprisonment for subversion. In August 2009 Huy Duc was dismissed from his job for his politically sensitive blog postings.

In March several bloggers affiliated with the Free Journalists Club, including bloggers Wind Trader, Truth and Justice, and AnhBa Saigon (Phan Thanh Hai), were detained for short periods.

In October authorities arrested AnhBa Saigon for postings critical of the government and charged him with violating article 88. Officials arrested Le Nguyen Huong Tra (Co Gai Do Long) for violating article 258 after posting commentaries critical of the son of MPS Vice Minister Nguyen Khanh Toan. Nguyen Van Hai (Dieu Cay) was transferred to a new jail on the day of his scheduled release in October and rearrested for violating article 88 based on three-year-old blog postings. His former wife was denied permission several times to meet with him, while his son was allowed regular 30-minute monthly meetings. At year's end Nguyen reportedly was being held in isolation. All three bloggers were awaiting trial at year's end.

In October Vi Duc Hoi, a former Communist Party official from Lang Son, was arrested for online postings critical of the CPV and charged with violating article 88. Hoi, a CPV member since 1980, was ejected in 2007 after he authored online articles disparaging corruption in the CPV. He was awaiting trial at year's end.

At least 50 Web sites critical of the government and hosted overseas were targeted by distributed denial-of-service attacks. A majority of the targeted Web sites were news aggregator sites that regularly republish postings by high-profile dissidents critical of the government. Several other Web sites were made inoperable by hackers.

Throughout the year the Web site Bauxite Vietnam, an online forum started by intellectuals in opposition to the government's plan to allow Chinese companies to mine bauxite in the Central Highlands, experienced repeated distributed denial-of-service attacks. The main Bauxite Vietnam Web site was disabled, as were several replacement Web sites of the same name; however, the managers of the site created new Bauxite Vietnam Web sites with different Internet protocol addresses to avoid attacks. Security services repeatedly questioned the chief editor of Bauxite Vietnam, Nguyen Hue Chi, from mid-January to February regarding his role with the Web site.

In December the popular news portal Vietnam Net was hacked multiple times and made inaccessible. An investigation into the attacks continued at year's end.

On March 30, Google's security team posted online a statement affirming that malware implanted in Vietnamese-language keyboard software had been used to spy on Vietnamese dissidents and to launch "distributed denial-of-service attacks against blogs containing messages of political dissent." Online security company

McAfee also alleged that the denial-of-service attacks were "politically motivated" and that the perpetrators "have some allegiance to the government of the Socialist Republic of Vietnam."

Political dissidents and bloggers routinely reported having the Internet connections at their homes disconnected on orders from the security services. In May well-known dissident poet and blogger Ha Si Phu had his Internet and telephone lines disconnected in his home town of Dalat for spreading "antigovernment" information.

The government continued to use firewalls to block some Web sites that it deemed politically or culturally inappropriate, including sites affiliated with the Catholic Church, such as Vietcatholic.net, and others operated by overseas Vietnamese political groups. The government appeared to have lifted most of its restrictions on access to the Voice of America Web site, although it continued to block Radio Free Asia most of the time. During the year BBC online in Vietnamese and English was at times blocked. Nevertheless, the local press occasionally wrote stories based on Radio Free Asia broadcasts and BBC articles.

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

#### Academic Freedom and Cultural Events

The government asserts the right to restrict academic freedom, and authorities sometimes questioned and monitored foreign field researchers. Foreign academic professionals temporarily working at universities in the country were allowed to discuss nonpolitical topics widely and freely in classes, but government observers regularly attended classes taught by both foreigners and nationals. 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. Local librarians increasingly were being trained in professional skills and international standards that supported wider international library and information exchanges and research.

In November the government issued a decree restricting the ability of international and domestic organizations to host conferences with international sponsorship or

participation. The decree requires government approval of all such events at least 20 days in advance of the conference. The government used the edict to postpone or cancel conferences hosted by foreign embassies and consulates.

Members of the academic community continued to express concern over the July 2009 decree (Decision 97), which prohibits independent scientific and technical organizations from publicly criticizing party and state policy, alleging that it was a potentially severe restriction on academic freedom.

The government controlled art exhibits, music, and other cultural activities; however, artists were allowed broader latitude than in past years to choose the themes for their works. The government also allowed universities more autonomy over international exchanges and cooperation programs.

#### b. Freedom of Peaceful Assembly and Association

##### Freedom of Assembly

Freedom of assembly is limited 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 matters appeared to require permits, and persons routinely gathered in informal groups without government interference. The government generally did not permit demonstrations that could be seen to have a political purpose. The government also restricted the right of several unregistered religious groups to gather in worship.

Demonstrations by citizens demanding redress for land-rights claims frequently took place in Ho Chi Minh City and occasionally in Hanoi. Police monitored these protests but generally did not disrupt them.

##### 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.

c. Freedom of Religion

For a complete description of religious freedom, please see the *2010 International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt/](http://www.state.gov/g/drl/irf/rpt/).

d. 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. The government generally cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Several political dissidents, amnestied with probation or under house arrest, were subject to official restrictions on their movements. Although their probation ended in 2009, dissidents Nguyen Khac Toan, Pham Hong Son, Le Thi Kim Thu, and others were prohibited from receiving a passport and traveling overseas. Attorney Le Quoc Quan, attorney Le Tran Luat, and journalist Nguyen Vu Binh were allowed to travel within the country but were prohibited from traveling overseas.

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."

The 2007 Law on Residence was not broadly implemented, and migration from rural areas to cities continued unabated. However, moving without permission hampered persons seeking legal residence permits, public education, and health-care 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 also were required to register with local police when staying overnight in any location outside of their own homes; the government appeared to enforce these requirements more strictly in some districts of the Central and Northern Highlands.

Officials occasionally delayed citizens' access to passports in order to extort bribes, and prospective emigrants occasionally encountered difficulties obtaining a passport.

The law does not provide for forced internal or external exile, and the government did not use it.

The government generally permitted citizens who had emigrated to return to visit. However, the government refused to allow certain activists living abroad to return. Known overseas Vietnamese political activists were denied entrance visas or were detained and deported after entering the country.

By law the government considers anyone born to at least one Vietnamese citizen parent to be a citizen; there are also provisions for persons who do not have a Vietnamese-citizen parent to acquire citizenship under certain conditions. Emigrants who acquire another country's citizenship are generally considered Vietnamese citizens unless they formally renounce their Vietnamese citizenship. However, in practice the government treated overseas Vietnamese as citizens of their adopted country. Legislation passed in 2008 sought to clarify this apparent discrepancy by allowing for dual citizenship. The government generally encouraged visits and investment by such persons but sometimes monitored them carefully. The government continued to liberalize travel restrictions for overseas Vietnamese, including permitting visa-free travel and permitting individuals to petition to receive Vietnamese passports.

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 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 representatives to the Central Highlands. The UNHCR reported that it was able to meet with returnees in private. Foreign diplomats experienced some resistance from lower-level officials in permitting private interviews of returnees. As in previous years, local police officials sometimes were present during foreign diplomat interviews with returnees but left when asked. Provincial governments generally continued to honor their obligations to reintegrate peacefully ethnic minority returnees from Cambodia.

The UNHCR, which conducted several monitoring trips throughout the year, reported that there was "no perceptible evidence of mistreatment" of any of the ethnic minority individuals it monitored in the Central Highlands.

### Protection of Refugees

The country is not a signatory to the 1951 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. Government regulations and policy do not explicitly provide protection against the expulsion or return of persons where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion; however, there were no such reported cases during the year.

### 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 by the Government of Cambodia, which asserted no proof existed that these individuals had ever possessed Cambodian citizenship. Almost all were ethnic Chinese or Vietnamese who were initially settled in four 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. An additional 2,100 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 enjoy the same rights as Vietnamese citizens, including the right to own property, comparable access to education, and public medical care. In July the first group of 287 individuals received Vietnamese citizenship as part of a joint UNHCR-government effort to survey and naturalize these stateless individuals. The naturalization applications for the approximately 1,800 remaining had been submitted to the Office of the President for final approval and were expected to be completed before the end of 2011.

The government previously resolved earlier problems of statelessness due to involuntary denationalization of its citizens, such as women who married foreigners, by implementing legislation passed in 2008 allowing dual citizenship. This group typically consisted of women who married Chinese and Korean men. Previously the women had to renounce their Vietnamese citizenship to apply for

foreign citizenship, but before gaining foreign citizenship they divorced their husbands and returned to Vietnam without possessing any citizenship or supporting documentation. However, Taiwanese law continued to require Vietnamese women to renounce their citizenship in order to marry and apply for Taiwanese citizenship. The government and the UNHCR worked with the authorities in Taiwan to address this problem.

The Vietnam Women's Union continued to work with the government of South Korea to address international marriage brokering and premarriage counseling, including education on immigration and citizenship regulations. 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.

#### Elections and Political Participation

The most recent elections to select members of the National Assembly were held in 2007. 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 allowed to run for office. There were credible reports that party officials pressured many self-nominated candidates to withdraw or found such candidates "ineligible" to run.

According to the government, more than 99 percent of the 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 assuring that all eligible voters cast ballots by organizing group voting and that 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.

In the 2007 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. 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 take incremental steps to assert itself as a legislative body. The National Assembly publicly criticized socioeconomic policies, corruption, the government's handling of inflation, financial problems of large state-owned enterprises, and the plan to mine bauxite in the Central Highlands. For the first time, the National Assembly voted against an official government project sponsored by the prime minister--a VND 1.12 quadrillion (\$56 billion) high-speed rail project. Assembly sessions were televised live countrywide. Some legislators also indirectly criticized the CPV's preeminent position in society.

All authority and political power is vested in the CPV, and the constitution recognizes the leadership of the CPV. The CPV Politburo functioned as the supreme decision-making body in the country, although technically it reports to the CPV Central Committee. Political opposition movements and other political parties are illegal.

The government continued to restrict public debate and criticism severely. No public challenge to the legitimacy of the one-party state was permitted; however, there were instances of unsanctioned letters critical of government policy from private citizens, including some former senior party members. The most prominent of these involved widely publicized letters from General Vo Nguyen Giap criticizing the government's decision to allow substantial foreign investment in bauxite-mining projects in the Central Highlands. The government continued to crack down on the small opposition political groupings established in 2006, and members of these groups faced arrests and arbitrary detentions.

Members of Bloc 8406, a political activist group that calls for the creation of a multiparty state, continued to face harassment and imprisonment. At least 38 members of the group were in detention at year's end.

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

Ethnic minorities held 87 seats, or 18 percent, in the National Assembly, exceeding their proportion of the population, estimated at 14 percent.

#### Section 4 Official Corruption and Government 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 persisted in efforts to fight corruption, including publicizing budgets of different levels of government and continuing to streamline government inspection measures. Cases of government officials accused of corruption occasionally were widely publicized.

The anticorruption law 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 public political criticism a crime unless the criticism was controlled by authorities. Attempts to organize those with complaints to facilitate action are considered proscribed political activities and subject 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.

Corruption among police remained a significant problem at all levels, and members of the police sometimes acted with impunity. Internal police oversight structures existed but were subject to political influence.

Foreign aid donors conducted a biannual Anti-Corruption Dialogue as part of consultative group meetings with the government. Previous dialogues focused on corruption in the education, health, and construction sectors.

In January Vu Dinh Tuan, the former deputy chairman of the Office of the Government, and 22 other collaborators were charged with abuse of power to seek personal benefit relating to taking bribes while rewarding contracts for modernizing information technology systems in government agencies. The government alleged Tuan took VND 275 million (\$14,100) and that his actions directly cost the government approximately VND 4.6 billion (\$242,100).

In June police arrested Doan Tien Dung, deputy general director of the state-owned Bank for Investment and Development, alleging he had received more than VND six billion (\$307,700) in bribes in exchange for approving loans and illegal cash withdrawals. Also in June a high school teacher, who became famous throughout the country for bringing endemic bribe-taking by teachers in the education system to light through undercover videotapes shown on national television, resigned his position due to being harassed and passed over for promotion. The teacher's actions in bringing the corruption to light had earlier earned him an award from the minister of education.

In August Bui Tien Dung, the former director of Project Management Unit Number 18 (PMU-18), was sentenced to an additional three years' imprisonment, in addition to his earlier sentence of 13 years, for "intentionally violating state economic regulations causing serious consequences." Two other colleagues of Dung also received prison terms for embezzlement. At year's end eight key corruption cases originating in 2007 remained unfinished, including the PMU-18 and Bai Chay bridge project scandals.

In a wide-ranging corruption scandal in Ho Chi Minh City, in August two individuals were convicted of bribery and "cheating to usurp the people's property" and sentenced to life imprisonment in relation to bribes paid to city officials, bank officers, and others under the ruse of building a housing complex and industrial park. The two ringleaders bribed city officials with more than VND 1.6 billion (\$72,000) to obtain government approval for the projects, and then based on these approvals they borrowed and embezzled more than VND 115 billion (\$5.9 million) from the Vietnam Bank for Agriculture and Rural Development (Agribank). The former district people's committee chairman who had received the bribes and facilitated government approval of the project was sentenced to 26 years' imprisonment, while several commune officials received double-digit sentences related to abuse of power. Several officials at Agribank also received lengthy prison terms for violating banking regulations.

In August Pham Thanh Binh, chief executive officer of the shipbuilding conglomerate Vinashin, was arrested under misappropriation charges. In September two former Vinashin board members--Tran Quang Vu and Tran Van Liem--and two former Vinashin subsidiaries general directors--Nguyen Van Tuyen and Nguyen Tuan Duong--were also arrested on similar charges of misappropriation and embezzlement.

A VTV financial department employee alleged in September that the VTV director had embezzled VND 1.6 billion (\$82,000) in value-added taxes and had also misappropriated funds of the Japanese aid agency relating to construction of a new VND10 trillion (\$500 million) headquarters. There was no official investigation into the alleged embezzlement.

In September Huynh Ngoc Si, former deputy director of the Ho Chi Minh City transport service, was indicted for receiving more than \$262,000 in bribes from officials of Pacific Consultants International (PCI), a foreign consulting firm. Si was sentenced to life imprisonment on October 18. The government seized his two homes and also ordered him to pay a \$262,000 fine to the government. Si and his associate Le Qua were convicted in September 2009 of "abusing power while on official duty" for accepting VND 52 million (\$2,700) and VND 54 million (\$3,000), respectively, in kickbacks from office rent from PCI. In March Si and Qua appealed their three- and two-year sentences, only to have the appellate court extend their sentences to six and five years, respectively.

In September four Vietnamese-American directors of the foreign-based Nexus Corporation were convicted of paying bribes to government officials from 1999 to 2008 in exchange for contracts with government agencies.

According to the asset declaration decree, government officials must annually report by November 30 the real estate, precious metals, and "valuable papers" they own; money they hold in overseas and domestic bank accounts; and their taxable income. The government must 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 chairperson, deputy faculty head at public hospitals, and deputy battalion chief. Due to a lack of transparency, it was not known how widely the decree was enforced.

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 government 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 People's

Court Web site. Party documents such as politburo decrees were not published in the *Gazette*.

#### Section 5 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 its 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 matters by international NGOs and foreign governments.

In September the government requested that Thai authorities prohibit two individuals affiliated with a human rights NGO from entering that country. The NGO had planned to unveil a report critical of Vietnam's leadership on human rights issues during its chairmanship of the Association of Southeast Asian Nations (ASEAN). Similarly, two individuals affiliated with a foreign-based human rights NGO were barred from visiting the country to attend the ASEAN People's Forum in September.

During the year the government hosted two UN independent experts: the independent expert on minority issues in July, and the independent expert on human rights and extreme poverty in August. Both met with the deputy prime minister and foreign minister and were permitted to travel to remote regions of the country.

The government discussed human rights matters bilaterally with some foreign governments. Several foreign governments continued official talks with the government concerning human rights, typically through annual human rights dialogues.

## Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status; however, enforcement of these prohibitions was uneven.

### Women

The law prohibits using or threatening violence, taking advantage of a person who cannot act in self-defense, or resorting to trickery to have sexual intercourse with a person against that person's will. This criminalizes rape, spousal rape, and in some instances sexual harassment. In 2009 a man from the Phan Thiet Province was jailed for 18 months for raping his wife. Other rape cases were traditionally prosecuted to the full extent of the law. No reliable data were available on the extent of the problem.

Domestic violence against women was considered common. A landmark survey conducted jointly by the UN and the General Statistics Office in November found that 58 percent of married women had been victims of physical, sexual, or emotional domestic violence. Officials increasingly acknowledged it as a significant social concern, and it was discussed more openly in the media. The law prescribes punishment ranging from warnings to a maximum of two years' imprisonment for "those who cruelly treat persons dependent on them." The Law on Domestic Violence Prevention and Control specifies acts constituting domestic violence, assigns specific portfolio responsibilities to different government agencies and ministries, and stipulates punishments for perpetrators of domestic violence; however, NGO and victim advocates considered many of the provisions to be weak. While the police and legal system generally remained unequipped to deal with cases of domestic violence, the government, with the help of international and domestic NGOs, continued to train police, lawyers, and legal system officials in the law.

Several domestic and international NGOs worked to address domestic violence. Hotlines for victims operated by domestic NGOs existed in major cities. The Center for Women and Development, supported by the Vietnam Women's Union, also operated a nationwide hotline, although it was not widely advertised in rural areas. Another NGO, Hagar Vietnam, established a training program to reintegrate into society women who suffered domestic abuse. In September the first 13 girls graduated from the program. While rural areas often lacked the financial resources to provide crisis centers and hotlines, a 2007 law establishes "reliable residences" allowing women to turn to another family while local authorities and community

leaders attempt to confront the abuser and resolve complaints. Government statistics reported that approximately half of all divorces were due in part to domestic violence. The divorce rate continued to rise partly due to domestic violence and also to growing societal acceptance of divorce, 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 women and men about domestic violence and women's rights in general and also highlighted the problem through public awareness campaigns. Domestic NGOs were increasingly engaged in women's issues, particularly violence against women and trafficking of women and children.

The act of sexual harassment and its punishment is clearly defined in the law; however, in reality there was no legal requirement to prevent it. Publications and training on ethical regulations for government and other public servants do not mention the problem, although it existed.

Victims of sexual harassment may contact social associations such as the Women's Union to request their involvement. If the victim has access to a labor union representative, complaints can also be lodged with the labor officers. In serious cases victims may sue offenders under 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 denounce the offenders publicly.

The law restricts the number of children per couple to two. The government primarily implemented the policy through media campaigns that strongly encouraged individuals to practice family planning. The government also enforced the policy by denying promotions and salary increases to public-sector employees with more than two children, albeit in an inconsistent manner.

The law affirms an individual's right to choose contraceptive methods as well as access to gynecological diagnosis, treatment, and health check-ups during pregnancies. It also provides for medical services when giving birth at health facilities, and officials generally enforced the law. According to data gathered by the UN, the estimated maternal mortality ratio in 2008 was 56 deaths for every 100,000 live births. Unmarried women in reproductive ages had limited or no access to subsidized contraceptives, due to government policy and lack of access in

rural areas. Women were equally diagnosed and treated for sexually transmitted diseases, including HIV.

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.

Although legislation provides for equal inheritance rights for men and women, in practice women faced cultural discrimination. A son was more likely to inherit property than a daughter, unless specified by a legal document. Labor laws prohibit gender-based preferential hiring for jobs, and while NGOs assumed that such discrimination occurred, allegations were hard to prove.

The CPV-affiliated Women's Union and the government's 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 the advancement of women. The NCFAW continued implementing the government's national strategy on the advancement of women. Key areas of this strategy focused on placing more women in senior ministry positions and in the National Assembly. The strategy also focused on increasing literacy rates, access to education, and health care.

### Children

By law the government considers anyone born to at least one Vietnamese citizen parent to be a citizen, although persons born to non-Vietnamese parents can also acquire citizenship under certain circumstances. Not all births were registered immediately, but this was sometimes the result of an uneducated populace. A birth certificate is required for public services, such as education and health care, and the choice by some parents, especially ethnic minorities, to not register their children affected the ability to enroll them in school and receive government-sponsored care.

Education is compulsory, free, and universal through the age of 14; however, 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.

Anecdotal evidence suggested that child abuse and corporal punishment in schools was widespread. A study conducted by the UN and the General Statistics Office found that 25 percent of children were victims of child abuse as reported by their mothers during a study on domestic violence.

Child prostitution, particularly of girls but also of boys, existed in major cities. Many prostitutes in Ho Chi Minh City were under 18 years of age. Some minors entered into prostitution for economic reasons. The penal code, issued in 1999 and updated in 2009, criminalizes all acts of sale, fraudulent exchange, or control of children as well as all acts related to child prostitution and forced child labor. The 2009 penal code carries sentences ranging from three years' to life imprisonment and fines from VND five million to VND 50 million (\$256 to \$2,564). Articles 254, 255, and 256 describe acts related to child prostitution, including harboring prostitution (12 to 20 years' imprisonment), brokering prostitution (seven to 15 years' imprisonment), and buying sex with minors (three to 15 years' imprisonment). Similarly, the 1991 Law on Protection, Care, and Education of Children prohibits all acts of cruel treatment, humiliation, abduction, sale, and coercion of children into any activities harmful to their healthy development. The 2004 revised version has an additional chapter on protection and care of disadvantaged children.

The minimum age of consensual sex is 18. Statutory rape is illegal under article 111 of the criminal code. Statutory rape can result in life imprisonment or capital punishment. Penalties for sex with minors between the ages of 16 and 18, dependent upon the circumstances, vary from five to 10 years in prison. The production, distribution, dissemination, or selling of child pornography is illegal under article 253 of the criminal code and carries a sentence of three to 10 years' imprisonment.

The government's National Program of Action for Children for 2001-10 aimed to create the best conditions to meet demands and rights of every child, prevent and eliminate child abuse, and implement programs to prevent child trafficking, child prostitution, and child pornography. The government also promulgated the Program on Prevention and Resolution of the Problems of Street Children, Sex-abused Children, and Children Being Overworked and Working in Poisonous and Dangerous Conditions for 2004-10. The program had separate projects for prevention of sexual child abuse; communication, advocacy, and capacity enhancement for program management; prevention of and support for street children; and prevention of hazardous and dangerous working conditions for children. Initial assessments indicated that these measures provided an important

legal basis for children's matters and that most local governments, departments, and unions supported these efforts. A lack of funding and a clear understanding of responsibilities, along with unclear implementation guidance, hindered implementation in certain localities.

According to the Ministry of Labor, Invalids, and Social Affairs (MOLISA), there were an estimated 23,000 street children, who were sometimes abused or harassed by police. MOLISA managed two centers to provide support for children in needy situations. Youth unions also launched awareness campaigns.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### Anti-Semitism

There are small Jewish expatriate communities in Hanoi and Ho Chi Minh City, with a permanent Chabad-Lubavitch center in Ho Chi Minh City. There were no reports of anti-Semitic acts.

### Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

### Persons with Disabilities

Articles 59 and 67 of the constitution provide for the protection of persons with disabilities. The Law on Disabled Persons prohibits discrimination against or maltreatment of persons with disabilities. The law also encourages the employment of persons with disabilities. In June the National Assembly enacted a national law providing for the rights of people with physical, sensory, intellectual, and mental disabilities. The new law requires equality for people with disabilities through accommodation, access to education, employment, health care, rehabilitation, transportation, and vocational training.

The provision of services to persons with disabilities, although limited, improved during the year. The Ministry of Transportation continued to implement accessibility codes for public transportation facilities and trained transportation agency officials and students on use of the codes. Construction or major renovation of new government and large public buildings must include access for persons with

disabilities. The Ministry of Construction maintained enforcement units in Hanoi, Ho Chi Minh City, Danang, Quang Nam, and Ninh Binh to enforce the barrier-free codes.

Access to education for children with disabilities, including blindness, deafness, and mobility restrictions, was extremely limited. 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 respected the political and civil rights of persons with disabilities. Under the election law, ballot boxes may be brought to the homes of individuals unable to go to a polling station.

The government supported the establishment of organizations aiding persons with disabilities. Such persons were consulted in the development or review of national programs, such as the national poverty reduction program, vocational laws, and various educational policies. The National Coordination Committee 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 prohibits discrimination against ethnic minorities, longstanding societal discrimination against ethnic minorities persisted. Despite the country's significant economic growth, some ethnic minority communities benefited little from improved economic conditions. In certain areas, including the Northwest Highlands, Central Highlands, and portions of the Mekong Delta, ethnic minority groups made up the majority of the population.

Some members of ethnic minority groups continued to leave for 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,

where it continued to impose security measures because of concern that the religion they practiced 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 reports that ethnic minority individuals who telephoned the ethnic minority community abroad were a special target of police attention. Several individuals connected to overseas separatist organizations were arrested, convicted, and sentenced to lengthy prison terms. During the period around sensitive occasions and holidays, an increased security presence was reported throughout the region. There were a few reports that members of ethnic minorities seeking to enter Cambodia were returned by Vietnamese police operating on both sides of the border, sometimes followed by police beatings and detentions.

The government continued to address the causes of ethnic minority discontent through special programs to improve education and health facilities and expand road access and electrification of rural communities and villages. The government 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 in elementary and secondary schools. The government worked with local officials to develop local language curricula, but it appeared to implement this program more comprehensively in the Central Highlands and the Mekong Delta than in the mountainous northern and northwestern provinces. Ethnic minorities were not required to pay regular school fees, and the government operated special schools for ethnic minorities in many provinces, including subsidized boarding schools at the middle- and high-school levels. The government offered special admission and preparatory programs as well as scholarships and preferential admissions at the university level. There were also a few government-subsidized technical and vocational schools for ethnic minorities. Nonetheless, there were credible cases of discrimination against Christian ethnic minorities, although the law provides for universal education for children regardless of religion or ethnicity.

The government broadcast radio and television programs in ethnic minority languages in some areas. The government also instructed ethnic-majority Kinh officials to learn the language of the locality in which they worked. Provincial governments continued initiatives designed to increase employment, reduce the

income gap between ethnic minorities and ethnic Kinh, and make officials sensitive and receptive to ethnic minority culture and traditions.

The government granted preferential treatment to domestic and foreign companies that invested in highland areas, which are populated predominantly by ethnic minorities. The government also maintained infrastructure development programs that targeted poor, largely ethnic minority areas and established agricultural extension programs for remote rural areas. The July and August visits of the UN independent expert on minority issues and the independent expert on human rights and extreme poverty focused on the need to facilitate bilingual education to improve the economic situation of minorities. Both experts visited majority minority areas, including the Northwest Highlands, Central Highlands, and portions of the Mekong Delta.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

A homosexual community exists but was largely underground. There are no laws that criminalize homosexual practices. There was no official discrimination in employment, housing, statelessness, or access to education or health care based on sexual orientation, but social stigma and discrimination was pervasive. Most homosexual persons chose not to tell family of their sexual orientation for fear of being disowned.

There was growing public awareness of homosexuality and little evidence of direct official discrimination based on sexual orientation. In contradiction of the penal code, the chief judge of the Quang Binh Provincial People's Court in August refused to prosecute the gang rape of a transsexual, claiming the code did not address rape of transgendered individuals.

#### Other Societal Violence or Discrimination

There was no evidence of official discrimination against persons with HIV/AIDS, but societal discrimination against such persons existed. Individuals who tested positive for HIV reported latent social stigma and discrimination, although not in receiving medical treatment for their condition. The law states that employers cannot fire individuals for having HIV/AIDS and doctors cannot refuse to treat persons with HIV/AIDS. However, 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. The government reported approximately

5,100 school age children with HIV/AIDS. In several cases HIV/AIDS-infected children or HIV/AIDS orphans were barred from schools due to pressure from other parents. With the assistance of foreign donors, the national government and provincial authorities took steps to treat, assist, and accommodate persons with HIV/AIDS and thereby decrease societal stigma and discrimination, but these measures were not consistently applied. Faith-based charities were sometimes permitted to provide HIV prevention and home-based care services to persons with or affected by HIV/AIDS.

## Section 7 Worker Rights

### a. The Right of Association

The law does not allow workers to organize and join independent unions of their choice. While workers may choose whether or not to join a union and the level (local, provincial, or national) at which they wish to participate, every union must be affiliated with the country's only trade union, the Vietnam General Confederation of Labor (VGCL).

The VGCL, a union umbrella organization controlled by the CPV, approves and manages a range of subsidiary labor unions organized according to location and industry. 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.

According to VGCL statistics, in November its total membership was more than seven million, an estimated 15 percent of the total labor force. Of the VGCL members, 53 percent worked in the public sector and state-owned enterprises and 47 percent in the private sector. Approximately three million union members worked in the private sector, including in enterprises with foreign investment (nearly 1.4 million persons). The VGCL reported that more than 102,000 individual workplace unions existed, with approximately 75,000 unions in the public sector and state-owned enterprises and 31,000 unions in the private sector.

The law does not allow for independent unions; however, a 2007 revision 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. While the law allows for "union activities," especially during emergencies such as a strike, the VGCL is required to establish an official union within six months. There was little evidence that leaders or organizations

active during this six-month window continued to be active or recognized afterwards.

There are mandatory union dues for union members of 1 percent of salary, and employers must contribute 2 percent of payroll. In foreign direct investment companies, employers are required to contribute 1 percent of payroll. While these dues are intended to support workers and union activities, there was little transparency regarding their use. The vast majority of the workforce was not unionized and did not pay union dues, as almost 36 million of the country's 46.7 million total laborers worked in the informal sector and engaged in activities such as small-scale farming or worked in small private-sector companies.

Union leaders influenced key decisions, such as amending labor legislation; developing social safety nets; and setting health, safety, and minimum wage standards.

Strikes are illegal if they do not arise from a collective labor dispute or if they concern problems that are outside of labor relations. The law stipulates an extensive and cumbersome process of mediation and arbitration that must be followed before a strike may take place. Before a legal strike can be held, workers must take their claims through a process involving a conciliation council (or a district-level labor conciliator where no union is present); if no resolution is obtained, the claims must be submitted to a provincial arbitration council. Unions (or workers' representatives where no union is present) have the right either to appeal decisions of provincial 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 has failed. The amendment also stipulates that workers on strike will not be paid wages while they are not at work.

The labor code prohibits strikes in 54 occupational sectors and businesses that serve the public or that the government considers essential to the national economy and defense. A decree defines these enterprises as those involved in electricity production; post and telecommunications; railway, maritime, and air transportation; banking; public works; and the oil and gas industry. The "essential services" under this decree are defined much more broadly than in the International Labor Organization (ILO) criteria. The law also grants the prime minister the right to suspend a strike considered detrimental to the national economy or public safety.

The VGCL reported 424 strikes throughout the year, with more than 83 percent occurring in Ho Chi Minh City and surrounding provinces. This represented an increase compared with 310 strikes in 2009 but well below peak levels in 2008, when 762 strikes were recorded. The vast majority of strikes typically did not follow the authorized conciliation and arbitration process and thus were considered illegal "wildcat" strikes. During the year 85 percent of strikes occurred in foreign-invested companies, primarily those owned by Taiwanese or South Koreans.

While wildcat strikes are illegal, 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, especially with foreign-owned companies. By law individuals participating in strikes declared illegal by a people's court and found to have caused damage to their employer are liable for damages.

#### b. The Right to Organize and Bargain Collectively

The law provides VGCL-affiliated unions the right to bargain collectively on behalf of workers; the law was generally enforced, although VGCL-affiliated unions were not independent. Collective labor disputes over rights must be routed through a conciliation council and, if the council cannot resolve the matter, to the chairperson of the district-level people's committee. The law stipulates an extensive and cumbersome process of mediation and arbitration that must be followed before a strike may take place.

There are no special laws or exemptions from regular labor laws in export processing zones and industrial zones. A May 2009 government circular tasks zone boards with responsibility for monitoring labor law compliance within their zones. There was no evidence that labor inspection quality or frequency differed within the zones. However, there were credible reports that employers, both in and outside the zones, tended to use short-term or probationary contracts to avoid certain legally mandated worker benefits such as unemployment insurance or to inhibit workers from joining trade unions.

#### c. 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 under administrative and legislative regulations. They produced food and other goods used directly in prisons or sold on local markets,

reportedly to purchase items for their personal use. There was anecdotal evidence and press reports of forced labor by children in small privately owned garment factories and gold mines and by ethnic minority adults on coffee plantations in the Central Highlands.

Also see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits most child labor but allows exceptions for certain types of work. However, child labor remained a problem, particularly in rural areas, where two-thirds of the population resided. 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. A 2006 ILO analysis of the country's household surveys showed that 6.7 percent, or 930,000, of children between the ages of six and 17 participated in some economic activity, 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 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. A 2008 MOLISA survey reported that there were more than 25,000 children working in conditions considered hazardous, but some observers questioned the accuracy of this number.

In rural areas children worked primarily on family farms and in other agricultural activities and household responsibilities. 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. Especially during harvest and planting seasons, some parents did not permit children to attend school. Migration from rural to urban settings exacerbated the child labor problem, because unauthorized migrants were unable to register their households in urban areas. Consequently, 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."

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. One shelter reported that children as young as nine years were lured into Ho Chi Minh City to sell lottery tickets. Child labor was also increasingly common in small urban factories. Labor officials in Ho Chi Minh City declared that 62 of 173 production units they inspected in 2009 used illegal child labor. During the year city labor officials reported 558 documented child laborers, but international organizations estimated that there were between 2,500 and 5,000 child laborers under age 14. Most were employed in garment or mechanic workshops in Binh Tan, Tan Phu, and Binh Chanh districts. Government inspectors reported that more than 96 percent of child workers were employed without official documentation and that 75 percent were from the central coast and Mekong Delta provinces. A 2009 ILO study also found evidence of child labor in family or small informal businesses such as brick-making, stone and wood carvings, and rubber sap collection; however, the survey authors refrained from drawing nationwide conclusions based on these limited data.

MOLISA is responsible for enforcing child labor laws and policies. 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 exploitive situations, and fined the employers.

The government also continued programs to eliminate persistent child labor, with a particular focus on needy families and orphans, and in March launched a joint project with the ILO to eliminate the worst forms of child labor.

Also see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

e. Acceptable Conditions of Work

The law requires the government to set a minimum wage, which is adjusted for inflation and other economic changes. The official monthly minimum wage for unskilled laborers at foreign-investment joint ventures and foreign and international organizations was between VND 1.19 million (\$61) and 1.34 million VND (\$69) in urban areas and approximately VND 1 million (\$53) in rural areas. For employees working for the state sector or domestic-owned private-sector

companies, on farms, or in family households, the official minimum wage was between VND 730,000 (\$37) and VND 980,000 (\$50), based on the region. While this was above the poverty line set by the government, many considered this amount inadequate to provide a worker and family a decent standard of living.

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

The law sets normal working hours at eight hours per day, with a mandatory 24-hour break each week. Additional hours require overtime pay at one and one-half times the regular wage, two times the regular wage for weekdays off, and three times the regular wage for holidays and paid leave days. The law limits compulsory overtime to four hours per week and 200 hours per year but provides for an exception in special cases, where this maximum can be up to 300 overtime hours worked annually, subject to stipulation by the government after consulting with VGCL and employer representatives. The law also prescribes annual leave with full pay for various types of work. It was unclear how strictly the government enforced these provisions. There were credible reports that factories exceeded the legal overtime thresholds and did not meet legal requirements for rest days.

By law a female employee who is engaged to be married, pregnant, on maternity leave, or caring for 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. It was not clear how well the law was enforced.

The law requires the government to promulgate rules and regulations that provide for worker safety. MOLISA, in coordination with local people's committees and labor unions, is charged with enforcing the regulations, but enforcement was inadequate for many reasons, including low funding and a shortage of trained enforcement personnel. The VGCL asserted that authorities did not always prosecute violations. MOLISA acknowledged shortcomings in its labor inspection system, emphasizing that the country had an insufficient number of labor inspectors. The VGCL stated, and MOLISA acknowledged, that low fines on firms for labor violations failed to act as an effective deterrent against violations. During the year a government decree increased fines on employers who failed to pay

mandated social insurance premiums on behalf of employees. MOLISA stated these increased fines were still too low to deter violations. On-the-job injuries due to poor health and safety conditions and inadequate employee training in the workplace were a problem, but the number of reported workplace fatalities decreased from 550 in 2009 to 287 in the first 10 months of the year. Machinery, such as rolling mills and presses, caused the greatest number of occupational injuries.

According to a 2008 survey by MOLISA on working conditions in small and medium-sized enterprises, up to 80 percent did not meet minimal work safety requirements, 8 percent had working conditions described as considerably poor, and 90 percent used obsolete machines and equipment. Employees typically worked in hazardous working environments--31 percent worked in very hot conditions, 24 percent in excessively noisy conditions, and 17 percent in places with high levels of dust.

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