

30th Anniversary of the End of the Vietnam War

Human Rights in Cambodia, Laos & Vietnam

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Report prepared by
Forum Asia Democracy

for the
Hearing on Cambodia, Laos & Vietnam
European Parliament
Subcommittee on Human Rights
Brussels, 12 September 2005

FORUM ASIA



DEMOCRACY

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*Forum Asia Democracy is an independent movement of non-governmental organizations and individuals founded in July 2001 to promote freedom, democracy and the rule of law in Asia. **Wei Jing-sheng** (China) is Honorary President, **Vo Van Ai** (Vietnam) is President, **Vanida Thephsouvanh** (Laos) is Vice-President. Other founder members include **Aung Ko Sayagyi** (Burma), **Olivier Dupuis** (Belgium), **Cai Chongguo** (China), **Kunsang Chopel** (Tibet), **Erkin Aptekin** (Uyghuristan) and **Penelope Faulkner** (UK).*



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COMMITTEE ON FOREIGN AFFAIRS

SUBCOMMITTEE ON HUMAN RIGHTS

Monday, 12 September 2005, 15.00 – 18.30, Brussels

Programme on the Hearing on Cambodia, Laos and Vietnam

Objectives of this hearing:

30 years after the end of the war in Vietnam with its terrible consequences also in Laos and Cambodia, the human rights situation in these three countries remains a matter of profound concern to the European Parliament.

This hearing on Cambodia, Laos and Vietnam is designed to take a closer look at human rights questions in these countries of Southeast Asia. All of these countries have in the past undergone difficult periods of internal strife and fundamental, brutal bloodshed. Their colonial past has been a heavy burden in the development of modern, democratic societies but also their geopolitical position at the hinge of the confrontation of East and West has been a major course for its lack of development.

As could be expected, all three countries exhibit problems in the guarantee of basic human rights standards. The whole panoply of human rights needs to be discussed including the right to life, the right to freedom from torture, the right to free expression and freedom of opinion, as well as the right to cultural and religious self-determination.

For this purpose the subcommittee has invited prominent human rights defenders from these countries in order to hear their experience and their recommendations for the EU human rights policy vis-à-vis this region of the world.

Introduction

Mrs Hélène Flautre

Chair of the Subcommittee on Human Rights

Laos

Mrs Vanida Thepsouvanh

President, Lao Movement for Human Rights, Paris

Mrs Ruhi Hamid

BBC Journalist (documentary on the Hmong situation)

Cambodia

Mr Sam Rainsy

Cambodian opposition party leader

Dr. Kek Galabru, President, Cambodian League for the Protection and Defence of Human Rights.

Vietnam

Mr Vo Van Ai

President of the Vietnam Committee on Human Rights,
FIDH Vice-President, President of Forum Democracy Asia

Mr Pham Van Tuong, aka Thich Tri Luc

former Vietnamese Buddhist monk now in political asylum in Sweden

Concluding remarks

Mr Marc Tarabella

Vice-chairman of the Delegation for relations with the countries of Southeast Asia.

AMNESTY INTERNATIONAL

Public Statement

AI Index: ASA 23/005/2005 (Public)

News Service No: 218

10 August 2005

Cambodia: Sentencing of parliamentarian reflects continuing flaws in the judicial system

Amnesty International strongly condemns the seven-year prison sentence imposed on Cheam Channy by the Military Court on 9 August as yet another indicator of Cambodia's failure to respect and protect human rights and to live up to international fair trial standards.

Cheam Channy, a parliamentarian for the opposition Sam Rainsy Party (SRP), was arrested on 3 February 2005 immediately following the removal of his parliamentary immunity. He was charged with "organized crime" and "fraud" under articles of the 1992 Provisions Relating to the Judiciary and Criminal Law and Procedure Applicable in Cambodia during the Transitional Period (UNTAC Law) currently in force, and with violation of the 1997 Political Parties Law.

"This travesty of justice is a clear attempt to stifle political opposition in Cambodia and to curtail freedom of expression and association. Cheam Channy should be immediately and unconditionally released", Amnesty International said.

Despite the fact that he is a civilian charged with non-military offenses, he was detained in a military prison and brought before the Military Court some five days beyond the six month pre-trial detention period allowed under Cambodian law. There is no provision for civilians to be tried by a military court in Cambodian law. Amnesty International has previously raised concerns with the authorities about the use of the Military Court to judge cases over which it has no jurisdiction.

According to reports of the trial proceedings no credible evidence to substantiate the charges was presented. Basic international fair trial standards were also flouted, including lack of credible evidence, no defense witnesses were allowed to testify and defense counsel was not allowed to question all prosecution witnesses.

Cheam Channy's arrest was linked to allegations made in July 2004 regarding activities of the SRP's Committee No 14, of which he was the Chair, and the alleged establishment of a militant armed force or "shadow army". This is not the first time that government opponents have been accused of posing a military threat seemingly without basis.

The SRP has always been open about Committee No 14, which was set up to monitor the performance of government ministries covering national defense, veterans' affairs, demobilization and public security, modelled after opposition party "shadow ministries" around the world. To Amnesty International's knowledge, there is no credible evidence supporting the official charges against Cheam Channy, and he is now facing a long term in prison for being in opposition to and critical of the government.

Khom Piseth, a former SRP member, was sentenced in absentia to five years' imprisonment at the same trial. He was accused of being involved in the "shadow army" and fled Cambodia in August 2004. He was granted refugee status and was resettled to a third country in

May 2005. Two other SRP parliamentarians, Sam Rainsy and Chea Poch, whose parliamentary immunities were lifted at the same time as Cheam Channy, subsequently left the country under threat of arrest. Amnesty International is concerned that they may also be subject to politically motivated criminal charges should they return to Cambodia.

Background

The sentencing of Cheam Channy comes just one week after another emblematic trial of suspects charged with the killing of prominent trade unionist and human rights activist Chea Vichea in January 2004. Born Samnang and Sok Sam Oeun were both sentenced to 20 years' imprisonment after an investigation marred by failures at every level of the justice system, and a trial which failed to meet international fair trial standards. Police reportedly tortured and intimidated suspects and witnesses and there has been blatant political interference with the judiciary. Amnesty International is deeply concerned that serious flaws remain in the Cambodian judicial system whereby, as this case illustrates, innocent people may be wrongly accused and imprisoned for crimes they did not commit, while the perpetrators of crimes continue to enjoy impunity.

As Cambodia's judiciary comes under the spotlight again, Amnesty International reasserts its assessment that the judicial system is so weak and subject to political pressures especially in high profile cases, that it is incapable of ensuring that investigations and trials are conducted in a manner that would conform to international law and fair trial standards.



Situation in Lao People's Democratic Republic

Report by the Lao Movement for Human Rights (LMHR), July 2005

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Lao Movement for Human Rights (LMHR)

Situation in Lao People's Democratic Republic

I – Introduction - Generalities

The Lao People's Democratic Republic (LPDR) -- one of the last five bastions of Communism (with China, Vietnam, North Korea and Cuba) -- has been governed by a One Party system for nearly 30 years, after the end of the Vietnam War and the communist victory in South-East Asia. On December 2, 1975, the Lao PDR – one of the world's 30 poorest countries today, despite substantial assistance from the international community - succeeded to the Kingdom of the Million Elephants, a constitutional monarchy, which, during 600 years, had allowed the Lao people to live in harmony along the Mekong, and which had deeply marked the History of the country.

Landlocked between Thailand, Cambodia, Vietnam, China and Burma, Laos saw its territory gradually reduced during the French presence, in the 19th and 20th century, to the profit of its powerful Vietnamese and Thai neighbours. The absence of access to the sea and the non-navigability of the Mekong made Laos a State dependent on its neighbours, politically as well as economically.

Nearly 30 years after the seizure of power by the Communist Party (Lao People's Revolutionary Party, LPRP), the Lao PDR enters the 21st century in a disturbed context: rigid, ageing and obviously divided political leadership; far from brilliant economic and social situation, mainly due to ideological blockages and serious management errors; growing protest, both peaceful and armed, inside the country. Not to mention an increasing pressure from the international community on freedom and humans rights.

Today, Laos is at a crossroad. The future of the country and of the Lao people entirely depends on the capacity, the will and the political courage of the regime's leaders to engage necessary and urgent reforms to pull the country out of dictatorship, poverty and underdevelopment.

1 - Main data on the Lao PDR

- Name : Lao People's Democratic Republic (LPDR)
- Surface : 236,800 km², landlocked between Cambodia, China, Burma, Thailand and Vietnam. Only country of the region without access to the sea.
- Administratively, apart from Vientiane, the capital city, which enjoys the status of a prefecture, the LPDR is divided in 16 provinces and a special zone (military zone), 141 districts and 11.640 villages.
- Population : 5,7 million inhabitants (source World Bank - WB 2003)
- Life expectancy : 55 years (as opposed to an average of 69 years in average in the Asia-Pacific Zone, WB)
- Child mortality rate : 87/1000 (WB, 2003)

- Illiteracy rate : 34% for people over 15 years old (around 45% for women, WB)
- Index of world development (IWD): 135th/175 countries (source UNDP Report 2003), which makes Laos one of the poorest States of the Asia-Pacific zone. The IWD is the ratio representing three elements of human development: longevity (life expectancy from the birth), knowledge (literacy of adults and average level of education) and income.
- Rank in the Indicator of disparities between genders (IDG) : 109th/144 countries (source UNDP 2003). The IDG bases itself on the same variables as the IWD, and also takes into account sociological inequalities between men and women, especially the gaps between men and women in terms of income and education.
- Annual GDP per capita: 320 US dollars in 2003, around 340 (WB)
- On July 8, 2005, "Vientiane Times", an official newspaper of the Lao government, published the results of the " 2005 census", "conducted from March 1st to 7th 2005" in the whole country. This census announced a "total population of 5,609,997 people, including 2,813,589 women (50,2%) and 2,796,408 men" (49,8%).

It comes out from this census, carried out under the only control of the One Party State, that the province of Savannakhet (South) "is the most populous province of the country with 824,662 inhabitants, followed by the Vientiane prefecture, 695,473 inhabitants, and Champassak province which counts 603.880 inhabitants". The average Lao family "is made up of six people", according to this census "conducted in 10,553 Lao villages".

Among these villages, "7,012 are accessible by roads, 3,716 have electricity supplies and 675 have running water". "789 villages have a dispensary, 8,461 have a primary school, but only 4,704 have all the classes of the primary school".

2 - Composition of the population: principal ethnic groups

The data provided by the LPDR diverge with those of the international organizations on the composition of the Lao population, in particular on the number of ethnic groups residing in this country.

Indeed, in a recent report transmitted to the United Nations (CEDAW, August 2003), the LPDR stated that there are "48 ethnic groups, classified in four main groups" in Laos. The Lao Tai (53%), the Khmu (11%), the Phou Tai (10%), the Hmong (7%), the Lü (2,88%), the Katang (2,03%), the Makong (1,97%) and the Akha (1,64%) were mentioned among others. "The rest of the population can be divided between forty other ethnic groups", as emphasized by the LPDR report.

The data dating from before 1975, year of the communist party's seizure of power, established the number of ethnic groups in Laos to 68. International organizations simply presented the Lao population as being divided **in three main ethnic groups**. In the "background Notes" on Laos, the American Department of State estimated the LPDR population to 6,06 million people in July 2004, and that it could be divided between the "Lao Loum" (Laotians from lowlands) 68%, the "Lao Theung" (Laotians from the plateaus) 22%, and the "Lao Soung" (Laotians from the mountains, including the Hmong and the Yao) 9%. The remaining 1% is composed of foreign residents.

II - A rigid and opaque political system

More than 14 years after the fall of the Berlin Wall, Laos, a landlocked country of some 5,6 million inhabitants, politically remains a communist State. In spite of the "economic program of reform", launched at the end of 1986, the opening, politically, is far from being a reality. Thus, the Constitution of 1991 explicitly proclaims the "socialist"

character of the regime and the prominent role of the unique Party, prohibiting, de facto, any other political party, or political opponents in the country.

1 - An omnipresent single Party

The State-Party is directed by a Politburo of 11 men -- seven generals, a colonel and three "civilians" -- and a central committee of 53 members, including only three women... The members of the government are all members of the single Party, like the 109 "deputies" of the country, making the National Assembly a simple "room of recording" under the supervision of the Party.

In addition to the Lao People's Revolutionary Party, other satellite organizations direct all the sectors of the life of the country: mainly the "Lao Front for National Construction", the "Lao Women Union", the "Lao Youth Revolutionary", the "Federation of the Lao Trade Unions". This diagram of administration is reproduced on every level, from the central State to the smallest village, where nothing occurs without the knowledge of the single Party.

The role of "the central core" of the LPRP, as well as the functions of the various satellites organizations, are detailed in the 1991 Constitution of the LPDR, in order to specify that no other political movement and no other "mass organization" are tolerated in the LPDR.

The 7th Party Congress (March 2001) was a new occasion of self-satisfaction for the régime. This last Congress reaffirmed the single Party system and the "central" role of the LPRP "in leading the way of the Marxism-Leninism".

Anticipated "elections" took place on February 24, 2002. In spite of the promises "of opening", the 109 "deputies" are all members of the unique Party. Like those of 1997, **these elections were organized by and for the Party and under the strict control of the Party, according to the formula "the Party chooses the men, the people chooses the Party"**. For some, the only objective of this "electoral" operation was for "international convenience" to allow the leaders to be maintained in power for five more years, with a pretence of democracy.

The Laos-Vietnam Special Co-operation Treaty, discretely signed on July 18th, 1977 for 25 years, and prolonged by tacit agreement for 10 years on July 18th, 2002 (supplemented by a frontier treaty signed on July 18th, 1977 in Vientiane), also contributes, according to observers, to block the political situation. To most Lao people -- inside Laos as well as the Lao diaspora, now strengthened by almost a million people (more than 200,000 of which live in Europe) -- the influence and the strategic support of the "big Vietnamese brother" prevent Vientiane from any room for manoeuvre.

However, the official visit (11-13 November 2000) in Vientiane by former Chinese president Jiang ZEHMIN, somewhat upset the "political scene". The year 2000 thus saw the birth of an apparent "cleavage" within the unique Party, between "the pro-Vietnamese clan", "the pro-Chinese clan" and the "Lao patriots clan". The defection of the Minister for Finance Khamsay SOUPHANOUVONG, the "Red" Prince's son, is perceived by many as a sign of a fierce struggle for influence to obtain the most lucrative functions within the central comity.

2 – 8th Congress: a continuity?

With the approach of the 8th Party Congress, announced for "the beginning of 2006", the "war of currents" started in the Lao PDR. As usual, rumours already started to circulate in Vientiane, announcing "changes" within the leading authority of the Lao PRP, but according to observers, this next congress should only result in the "symbolic retirement" of some octogenarian leaders, and the usual game of "musical chairs" within the same small group of people, sharing power and wealth between themselves since three decades.

During this congress, whose exact date is never announced in advance but which should

intervene around March 2006, the strong man of the régime, General Khamtay SIPHANDONE, known for being faithful to the "Vietnamese protectors", should try to place his close relations at the key positions. More than 81 years old today, General Khamtay cumulates the functions of Head of the State and president of the Lao PRP, while firmly holding the control of the Lao people's army.

According to observers, this 8th Party Congress should not bring deep changes and would only be a new occasion to reaffirm the role of the unique Party and the satellites organizations, and to reaffirm the control of the all-powerful Party on the executive, legislative and legal powers of the country.

III – A subsidized economy

According to experts, this political rigidity and opacity, as well as this "apparent stability" boasted by the State Party leaders, continue to have harmful effects on the country's economy. During the first ten years of the "doï moi-Chintanakane mai" program (New Economic Mechanism - end of 1986 to mid-1997), the march towards the market economy was marked by "not very advisable" decisions. In spite of some 8,000 million dollars from international aid in 15 years, the economy remains stagnant and the country can only survive thanks to subsidies of some 400 to 500 million dollars per year granted by foreign donators, including approximately 22% by the European Union (within the framework of the EU-LPDR Cooperation agreement of April 1997).

1 – Controversial projects: the case of the Nam Theun 2 dam

In the beginning of the nineties, the LPDR scheduled the constructions of 58 hydroelectric projects (strongly re-examined for much less) to exploit rivers of the country, in order to make Laos the "Kuwait of Southeast Asia" or "the battery of the Peninsula", according to official slogans. The projects are generally treated in the form of BOT (Build-Operate-Transfer), a financing which places them de facto under the control of international consortia for 25 to 30 years. The energy sector, then, drained about two thirds of the 7.6 billion dollars of promises of foreign investments, to the detriment of other sectors like services, tourism or the rural development, in a country where more than 80% of the population still live of rice growing.

After having been delayed for ten years, the mega-dam of Nam Theun-2 was approved at the end of March 2005 by the World Bank, which brought its guarantee to this controversial project of almost 1.3 billion dollars, whose unique customer will be Thailand. Many doubt the economic viability of this (too) big dam and call for the cancelling of this project, considered "too risky" for the environment and economy of a country governed by a regime corroded by corruption from the highest to the lowest level.

Only the support of Paris (through its public company EDF, whose participation represented 35%) allowed the continuation of this project. **The Lao Diaspora, like many organizations for the protection of environment (TERRA, International Rivers Network, "Les Amis de la Terre"... etc), continues to fight this project, believing that there could be no "benefits" for the country and the people, as long as the LPDR does not adopt the road to freedom and democracy, and as long as there would be no multi-party elections and a guarantee of a good governance in the Lao PDR.**

Recently, "Les Amis de la Terre" accused EDF "for violation of the Guiding principles of OECD on the responsibility for the multinational corporations". On May 11, 2005, "Les Amis de la terre", announced that "62 NGOs from 35 countries" had asked OECD to check the compliance with the rules of OECD by the French Point of National Contact (PCN), wondering about "the impartiality of the procedure carried out by the French PCN".

For International Rivers Network (IRN), the Nam Theun 2 project will have a serious impact on the life of hundreds of thousands of Laotian villagers. According to IRN, some 6,200 villagers from the Plateau of Nakai will be driven out of their living space because of the 450 km² of artificial lake created in the reservoir zone, and between 120,000 and 150,000 people subsisting of fishing and cultivation, along the Xe Fai Bang river and of Nam Theun river, will undergo serious and durable consequences.

This project - located in a zone of primary forest of the Nakai Plateau, which has always been a refuge for many faunas and rare flora species -, along with other hydroelectric projects to which the Lao government had given its agreement, would only worsen the environmental situation in Laos, according to experts.

Indeed, during the last 25 years, the country has already been the prey to a great scale deforestation, carried out mainly by "Bolisat Phatthana Phoudoi", a company which is under the control of the Lao people's army.

For several years already, laws have prohibited to cut trees and to destroy forests. But using preferential treatment, the high leaders and their families continue to destroy the Lao forests. In addition to Total Witness, Environmental Investigation Agency (USA), the International Tropical Timber Organization (Japan) and Earth Policy Institute (USA) denounce the "deliberated" persistence on the deforestation and the "illegal traffic" of wood by the Lao PDR authorities.

This practice resulted in the reduction of the country's forest surface to "less than 40%" against 70% 30 years ago, just before the arrival of the communists Party to power, according to these sources.

2 – A blocked situation

The economic situation is at a standstill and has worsened through the years, for lack of daring reforms, as shown by the Nam Theun 2 project- whose real gain to the Lao public Treasury will be hardly 20 million US dollars per year, during the first 10 years of exploitation, according to the World Bank. We are witnessing "blockages" from the leaders, who are undertaking two options not easily reconcilable: "to continue the economic opening, while maintaining the monopoly of the Party in every field".

The 7th Party Congress (2001) announced an ambitious program, aiming at "tripling" the GDP from now to 2020 and "to reduce the number of poor families by half" from now to 2010. On March 20th, 2001, nearly 24 years after its seizure of power, the Lao PDR presented a "Plan for the reduction of poverty", aiming at "taking the country out of" the list of the least advanced Countries (LDC) from now to 2020. Many sees this late Plan simply like a "Trojan horse" to improve the image of the regime and to attract international aid. For many experts, development can be made only if the economic opening is accompanied by true democratic reforms and the installation of the Rule of Law in Laos.

3 - International assistances and generalized corruption

According to an data reported by the Lao regime itself, the Lao PDR needs each year approximately 450 million US dollars of assistances to "complete" its budget Since the proclamation of "the economic opening" (New Economic Mechanism, NEM) at the end of the Eighties, some 8 billion US dollars were given to the LPDR leaders, and the results were far from satisfactory.

If sumptuous villas and luxury cars are multiplying in Vientiane, the capital, some villages still do not have a school and about half of the population still lives under the poverty line. Testimonies of the overseas Lao people who visited the country are unanimous: State-Party leaders and their entourage "live in an ostentatious way, well above the means of the country",

whereas in villages, misery gains ground, in spite of international assistance and the Lao Diaspora's support.

Convincing donators in continuing to pour dollars or euros to the regime became the "principal goal" and sometimes "the only" policy of the leaders, who became absolute experts in the art to persuade donators: broad smiles, welcoming ceremonies, mobilization of mass organizations under control of the Party to offer a "democratic face"... Every "catching topics" like women's rights, the campaign against drugs, the environmental protection, the fight against poverty, in particular, are proposed "to touch the sensitive cord" of the Westerners.

Obtaining foreign aids, whose ceremonies of signature are widely advertised in the official press, is also used as political arms for internal use, showing to those who long for reforms that *"the regime profits from the international support"*.

As soon as they arrive in the Lao PDR, any visitor will notice that corruption is everywhere, from the base to the top of the State. How can the way of life of the Party-State leaders be explained, when the salary of a senior official hardly reaches 40 to 50 euros per month?

The country's riches and resources have been squandered. By means of "commissions", "kick-backs" and other "gifts for signatures", some not very scrupulous foreign companies have obtained contracts or concessions for the exploitation of wood, of the gold mines, the invaluable stone mines, or for public markets. Contracts and concessions which are often obtained at the expenses of the country and of the Lao people.

"Anti-corruption decrees" and other similar measures were announced these last months to try to convince the donators, but beyond the advertisement effects, no real effort was made in the country. And the few arrests and sanctions only touched civil servants who do not have the support of the Party. The ones who are truly responsible for corruption remain untouchable.

IV - A frustrated and hopeless society

A rigid and opaque political system, a broken down economy which first benefits to the leaders' circle, the Lao people have become a frustrated society, without hope, anxious for the future of its youth. In private, the very large majority of Laotians wish for a "great change", but in public the "Lao smile" prevails. The human assessment for the last 30 last years is edifying. Between 1975 to 1978, more than 500,000 Laotians (approximately 15%) chose exile, and some 100,000 were sent in "gulags", where 30,000 people died, assassinated, or under tortures and deprivations. Among the victims were the King Sri SAVANG Vatthana, the Queen KHAMPHOUI, the Crown prince Vong SAVANG, members of the royal government, intellectuals, representatives of the ethnic minorities (in particular Hmongs), and of the thousands of ordinary citizens.

1 – People without rights and without voice

Since 1975, the Lao people has become a people "without rights and without voice". Freedom of expression and freedom of peaceful demonstration remain prohibited, in spite of article 31 of the Constitution providing that: *"Lao citizens enjoy the freedoms of oral and written expression, meeting, association and demonstration..."* The freedoms of thought and expression are severely limited by the criminal laws for "national safety" reason, largely used to justify the arbitrary arrests.

It is prohibited by the Penal code to criticize the government, the State and the policy of the unique Party or to make propaganda aiming at weakening the State. It is forbidden to be in possession or to read documents criticizing the government.

The government exerts a total control on the written, audio-visual and electronic press.

Thus, in 2000, the State set up the "Internet Committee of Laos" to control the Net surfers narrowly. The published daily newspapers, weekly magazines or monthly magazines belong to the government or to the "satellites" organizations of the unique Party, and are the "mouthpiece" of the Unique Party. Foreign journalists must have a special visa.

In its index on the freedom of the press made public in October 2004, "Reporters Sans Frontières" ranked the LPDR 153rd country out of 167.

2 - Ethnic and religious repression

In August 2003, during the periodic re-examination procedure of the Lao PDR, the rapporteur of the CERD Committee of the UN had launched a wake-up call on the **"particularly concerning situation of the Hmongs"**, underlining that **"20,000 of them were hidden in the jungle"**. **"Hmongs suffer from a social discrimination and are the object of policy of systematic displacement which contributes to their extinction"**, according to the rapporteur (Press Release - CERD-63rd session- August 11, 2003).

The plight of the Hmong – who have been victims of violent acts of aggression from the Lao government for almost 30 years, because of their parents' or grandparents' military engagement with the United States during the Vietnam war – has only been brought to light these last two years, thanks to the initiative of the international media.

These initiatives include a report by Andrew PERRIN and Philip BLENKINSOP on the situation of a Hmong group in the Xaysomboun jungle in the Spring of 2003, the testimonies of the European journalists Thierry FALISE from Belgium, and Vincent REYNAUD from France, the report by the journalist Nelson RAND in April 2004, and the BBC documentary made by the journalists Ruhi AMID and Misha MALTSEV, which was broadcasted on 27 May 2004 by the British television channel.

The "Envoyé Spécial" report, broadcasted on June 16, 2005 by the French public television, France 2, on "the secret war in Laos", again revealed the repression - or even extermination - campaign carried out in all impunity against thousands of Lao-Hmongs in the jungle of Xaysomboune. The images of these men, women, children and babies tracked and hunted down by soldiers, living amongst fear, disease, total destitution and despair, caused a vast movement of protest in France and Europe.

Another form of action against the minorities: some Hmong refugees in Thailand who were later repatriated to Laos, were given national identity cards whose edges were different from regular ones. A discrete sign, but a distinctive and discriminatory mark, forbidding its holders to circulate, to make trade, to be a civil servant, etc., without the authorization of local authorities

Christian minorities, often composed of ethnic minorities, are threatened, harassed, arrested, imprisoned, forced to give up their faith or are driven out of their village. However, according to article 30 of the Constitution of the LPDR, *"Lao citizens have the right and freedom to believe or not to believe in a religion"*. But in practice, the Ministry of the Interior, through the Lao Front for National Construction, monitors and conducts the religious activities and affairs.

In 2005, arrests of Christians went on, especially at the end of March in Muong Phine district, Savannakhet province (South). It should be noted that when the international press or western governments are informed of these arrests of Christians, the Lao PDR authorities release some of them after they accepted to sign the renunciation of their faith...but only to arrest others, or the same people some time, later. These detentions can last for days, weeks, months or years, depending on the case and based on the good will of the authorities.

3 – A growing protest

Given this situation, dissatisfaction is growing in the country and is beginning to show some signs. After the protest carried out by the founders of the "Social Democrat Party" at the end of the Eighties, an attempt to a peaceful march took place on October 26th, 1999 in Vientiane, on the initiative of students, teachers and civil servants, the first of its kind since 1975. In a "Manifesto", the movement's leaders denounced the violations of basic rights, the corruption and the abuses of power, the growing social injustice, and urged for free elections as well as the introduction of a multi-party system.

According to reliable sources (including Amnesty International), more than one hundred demonstrators were arrested in the wake of the "Movement of October 26". The names of five prisoners were published by Amnesty: Thongpaseuth KEUAKOUN, Seng-aloun PHENGPANH, Khamphouvieng SISA-AT, Bouavanh CHANHMANIVONG and KEOCHAY. In May 2004, the media stated the death of one of them (Khamphouvieng) in prison.

In addition to these peaceful actions, armed confrontations were signalled until Spring 2005 in the area of Xiengkhouang (North), Bolikhamsay and the "Special Zone" of Xaysomboun (Center), opposing the guerrilla Lao-Hmong to the governmental forces, pushing Vientiane to call upon the Vietnamese troops, according to diplomatic sources. Other armed actions were reported in the South, where other ethnic minorities, similar to the Vietnamese Montagnards, live.

Another action took place on July 3, 2000, when an armed group had briefly taken the control of the Lao-Thai border post of VangTao-ChongMek (Champassak, South). This action, which ended up with the death of six combatants and the arrest by the Thai authorities of 29 others, was placed, by the authors of the action themselves, under the banner of the former Lao Monarchy. In July 2004, 16 Laotians implicated in this symbolic action were secretly extradited to the LPDR, against the decision of the Appellate court of Bangkok.

Another sign of dissatisfaction: a mysterious bombing campaign shook the country from the end of March 2000 to January 2001, injuring about sixty persons. The first semester of 2003 was marked by two bloody bus attacks on the National Route 13 in the North of Vientiane. Several bombings were still signalled in the Spring 2004 in Savannakhet and Vientiane. The international media reported other similar actions in these two cities in spring 2005, with several deaths.

4 - A more reactive international community

These last years have seen an increased vigilance from the international community regarding Human Rights. The United States Congress thus adopted several resolutions, condemning the Lao leaders for non-observance of the basic Human Rights. The last resolution (HR475) was voted at the end of November 2004, when the Lao PDR was granted the statute of NTR (normalization of the trade), which was blocked since 1997 by the Congress.

On its side, the European Parliament adopted on July 3rd, 2003 a resolution condemning the Human Rights violations in Lao PDR, calling clearly and for the first time, for the respect of political opposition, democratic reforms and national reconciliation between every Lao, from inside and outside. Two other resolutions, adopted on February 15th and on November 15th, 2001, condemned the attitude of the Laotian authorities and denounced the violations by Vientiane of the EU-Lao PDR Cooperation Agreement of April 29, 1997.

More recently, on Thursday 28 April 2005 in Strasbourg, the European Parliament approved its 2004 report on the Human Rights situation in the world, in which the EP Members denounced the violations of freedoms in Laos. In this annual report, the European Parliament declared being *"worried by the fact that Laos and Vietnam remain States with*

single parties which continue to repress the ethnic and religious minorities, as well as democracy and the Human Rights defenders". It invited the governments of both countries, tied together since 1977 by a "treaty of special friendship", to guaranty "the freedom of expression, meeting and religion".

V - Conclusion and recommendations

Given this situation, the Lao Movement for Human Rights calls on international deciders to better take into account the defence and the promotion of freedom, within the framework of their relationships with the regime of Vientiane.

It wishes that the international community could act, in these fields, in a more concerted and determined way with the Lao PDR, a "Francophonie" State Member, **linked to the European Union by a cooperation agreement in which respect of Humans Right is a prevailing condition.**

The Lao Movement or Human Rights also invites the donator countries to re-examine their assistance policy and, in exchange of their assistance, to require tangible, measurable and verifiable results regarding Humans Rights, democracy, good governance and in the fight against corruption.

Many exiled Lao, in particular among the younger generation, wish to be able to bring an active contribution to the development of Laos, within a framework of freedom and democracy. They worry about a possible resumption of violent actions in this situation of the political dead end, the socio-economic injustice, the gap between the living conditions of the leading class and the people, the despair of young people deprived of freedom and future, the growing influence of some neighbouring countries, and the refusal of the leaders to engage themselves towards democracy and a multi-party system.

In this context, increasing voices are being heard --inside Laos as well as within the Lao Diaspora-- to urge a stronger implication of the international community so that religious and ethnic repression campaigns could immediately end, that basic rights of the Laotian people are respected, and that deep reforms are undertaken without delay.

For the Lao Movement for Humans Right, the end of violence, the respect of the basic rights of the people, the return to a multi-party system and to freedom remain the primary conditions in reaching development and the national conciliation in Laos.

The European Union and its 25 Member States, as well as the European Parliament, can help Laotian people "get things moving" in Laos.

Human Rights in the Socialist Republic of Vietnam

**Report by the Vietnam Committee on Human Rights
August, 2005**

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Human Rights in the Socialist Republic of Vietnam

Introduction

Thirty years after the end of the Vietnam War, the Socialist Republic of Vietnam remains a one-Party state under strict control of the Communist Party of Vietnam (CPV). The power of the CPV, which counts some 2.6 million members, pervades all dimensions of life and maintains Vietnam's 82-million population under tight political control.

In 1986, in order to avoid economic bankruptcy following the fall of Communism and the end of Soviet aid, Vietnam opened its economy to the free market system under the policy of "*Doi Moi*" (Renovation). At the same time, Vietnam signed and ratified the United Nations' two key human rights instruments, the International Covenant on Civil and Political Rights and the International Covenant on Social, Economic and Cultural Rights (in 1982). In 1992, Vietnam adopted a new Constitution, which incorporated human rights provisions for the very first time.

Vietnam's adhesion to human rights principles, however, was purely formal, and this economic opening was not followed by political reform. Fearing that increased freedoms would threaten the regime's survival, Vietnam's Communist leadership chose to follow the Chinese path (economic liberalization without political reform) rather than the Soviet "*perestroika*" (political and economic liberalization). Vietnam's 1992 Constitution maintained the political monopoly of the CPV: "*The Communist Party (...) acting upon Marxist-Leninist doctrine and Ho Chi Minh thought is the leading force of society and the State* (Article 4). Opposition parties and independent movements such as free trade unions, NGOs, independent religions and civil society movements are banned. All advocacy of political pluralism is strictly forbidden.

At the ASEM 5 People's Forum in Hanoi in September 2004, Ms Ton Nu Thi Ninh, Vice-Director of the National Assembly's External Relations Department and former Vietnamese Ambassador to the EU cynically explained Vietnam's political vision. "*We must defend the rights of minorities*", she said – meaning the right of the 2.6 million minority of Communist Party members to rule over 82 million Vietnamese - and to "*to build democracy within a one-Party system*".

The totalitarian control of the CPV is a serious impediment to sustainable development in Vietnam. The country's vast human potential is stifled, corruption and power abuse are rampant, and the people's riches and resources are routinely confiscated by the State to benefit an elite minority of some 2,000 families of high-ranking CPV cadres, known by people in Vietnam as the "*red capitalists*".

Indeed, whilst "*doi moi*" has significantly enhanced Vietnam's economic development and led to a considerable rise in the standard of living in the big cities, the poorest sections of the population remain excluded from the renovation process. As Vietnam pursues its policy of accelerated economic liberalization, millions of farmers and peasants in the rural areas, where 80% of the population live, are becoming increasingly vulnerable and poor.

Under Vietnam's current political system, with its pervasive mechanisms of control, there is little hope for change. Only a true process of democratization can bring Vietnam out of the impasse it is in today.

Rule of Law or Rule by Law ?

Since the early 1990s, pressured by the international community to establish a legal framework to safeguard foreign investment and trade, Vietnam has embarked on a frenzy of law making, promulgating over 13,000 laws and regulations over the past decade. Since 2002, with

substantial funding from the EU, Sweden, Denmark, Japan, the World Bank, UNDP and other financial institutions, Vietnam has embarked on a 10-year “**Legal System Development Strategy**” (LSDS).

Instead of using these funds to build the “*rule of law*” as it claims to the international community¹, however, Vietnam is employing them to impose the “*rule by law*” - using the law as a tool to reinforce CPV control and suppress all criticism and dissent. Since LSDS was launched, Vietnam has passed extensive legislation that codifies political repression and restricts the exercise of human rights. Under these laws, religious and political dissidents are convicted as common criminals, enabling Hanoi to claim in international fora that “*there are no prisoners of conscience in Vietnam, only people who violate the law*”.

Today, as the UN Working Group on Arbitrary Detention² and the UN Special Rapporteur on Freedom of Religion and Belief³ have both observed, thousands of Vietnamese are detained under these restrictive laws simply for expressing peaceful opposition views. The most pernicious of all are the “*national security*” laws in the Vietnamese Criminal Code.

National Security Legislation

Previously classed as “*anti-revolutionary*” crimes, the broadly defined “national security” offences have changed only in name and number over the past decades. Despite strong recommendations by the United Nations, Vietnam has made no attempt to revise these laws, which remain the principle tool of political repression against dissent.

There are at least 29 national security offences in the Vietnamese Criminal Code which carry heavy prison terms, the life sentence, or even the death penalty. They include ambiguous crimes such as: “*sabotaging the infrastructure of Socialism*” (Article 86), “*undermining the policy of national unity*”, “*sowing divisions between religious and non-religious people*” (Article 87), “*conducting propaganda against the Socialist Republic of Vietnam*” (Article 88), “*taking advantage of democratic freedoms and rights to violate the interests of the State and social organizations*” (Article 258). As the UN Human Rights Committee observed in their “Conclusions” on Vietnam in July 2002, these laws are incompatible with human rights provisions enshrined in the International Covenant on Civil and Political Rights to which Vietnam is a State party⁴.

In recent years, Vietnam has routinely invoked provisions of “*espionage*” (Article 80) to arrest and detain “cyber-dissidents” simply for peacefully circulating their views overseas via the Internet.

The Vietnamese legal system - safeguarding “socialist legality”

Although the right to a fair trial is enshrined in the Vietnamese Constitution, it is undermined by the lack of independence of the judiciary and the role of the judicial system in Vietnam’s one-party state. There is no separation of powers in Vietnam, and the United Nations has expressed grave concern on the lack of independence of the courts and judiciary⁵. According to the Constitution, the judicial system’s duty is to “*safeguard socialist legality, the socialist regime and the people’s mastery, the property of the State and the collectives*”. The National Assembly is empowered to overturn court judgements.

¹ *Observations by the Vietnamese government on the UN Human Rights Committee’s final observations, Geneva, 5 August 2002, ref. CCPR/CO/75.VNM/Add.1.*

² *Visit to Vietnam : UN Working Group on Arbitrary Detention, Report to the 51st session of the UN Commission on Human Rights, E/CN.4/1995/31, Add. 4, par. 58).*

³ *Report to the 55th Session of the UN Commission on Human Rights (doc. E/CN.4/1999/58.Add.2) and (10).*

⁴ *Concluding Observations of the UN Human Rights Committee : Vietnam. Geneva, 26.7.2002, Ref. CCPR/CO/75/VNM*

⁵ “*The Constitution provides for a political system based on the one-party principle, the question of independence, although no longer relevant with regard to the Executive, is still relevant with regard to the Party in power*”. *Visit to Vietnam, UN Working Group on Arbitrary Detention, Ref. E/CN.4/1995/3/31/Add 4, Par. 57a.*

The right to defence is not guaranteed. Trials are presided by judges and “people’s assessors” who have hardly any training in domestic law, and certainly no formal training in international law. Although they are required to be nominally independent “*during trials*” (SRV Constitution, Article 30), they are closely supervised by the CVP, the National Assembly and the Fatherland Front (a CPV-controlled “mass organisation”). The Procuracy (or prosecution judges) are appointed for their “*loyalty to the fatherland and socialism*” and if they are “*politically and legally capable*”. They are under the direct orders of the Communist Party regarding arrests, prosecution and pre-trial detention, which they are entitled to prolong almost indefinitely.

Defendants do not have access to legal counsel of their choice. Lawyers belong to the “Association of Jurists” and their function is “*assisting in the protection of the Socialist legal system*”.⁶ Most lawyers in Vietnam are prosecution lawyers, and even they are allowed only a limited role in court proceedings.

Defence lawyers are extremely scarce. “*We have training schools for judges, but the number of trainees is still small. We also have schools to train prosecutors. But we have no schools to train court-judgement enforcers and no schools to train defence lawyers*”.⁷ The Head of the Justice Ministry’s Department of Legal Assistance declared there are only 1,700 active lawyers for 61 provincial courts and 500 district-level People’s Courts, and that 30% of cases are conducted without defence counsel. He said that people had little trust in defence lawyers, and could not afford their services⁸. A recent decree banning foreign lawyers from pleading cases in Vietnam (Decree 87/2003/ND-CP, 22 July 2003) places further restrictions on the right of prisoners to choose their own defence counsel.

In trials concerning “national security offences”, the right to presumption of innocence (Article 72, SRV Constitution) is routinely undermined by vilification campaigns in the State-controlled media. Relatives and legal representatives are often not notified in advance of the hearing’s opening date. Trials are often held *in camera*, without access to the public and media, and in many cases, diplomatic observers have asked to attend trials, but have been refused.

During 2002-2004, former Buddhist monk Thich Tri Luc (Pham Van Tuong), was detained in secret for over a year by the Vietnamese authorities without any notification to his family. He had fled to Cambodia, where he obtained refugee status from the UNHCR, then was kidnapped by Vietnamese security agents in Phnom Penh and forcibly repatriated. Before he stood trial on 12 March 2004, Security Police warned him to keep silent about his abduction, otherwise he would receive a very heavy sentence. He was sentenced to 20 months in prison at a closed trial at the People’s Court in Ho Chi Minh City charged with “*distort[ing] the government’s policies on national unity and contact[ing] hostile groups to undermine the government’s internal security and foreign affairs*”. The hearing lasted less than one hour, and no lawyer was present for his defence.

“Legalizing” arbitrary detention to suppress dissent

In order to avoid the adverse publicity brought by mass arrests of dissidents, Police crack-downs and highly-publicized political trials, Vietnam has created a whole arsenal of “legal” mechanisms to detain citizens without due process of law. House arrest without trial, Police surveillance, isolation (telephones and fax lines cut, cell-phones jammed, Internet accounts closed, visits prohibited) are among the methods used to silence dissidents and cut them off from the outside world.

Administrative Detention: Decree 31/CP on “administrative detention” (adopted on 14.4.1997) empowers village-level Security Police to detain citizens suspected of “*breaching*

⁶ Amnesty International, *Renovation, the Law and Human Rights*, London, Feb. 1990.

⁷ *Ibid.*

⁸ *No defence lawyers for most Vietnam trials*, Reuters, 27.12.2001.

national security” for 6 months to two years without trial. It is widely enforced to detain religious and political dissidents. Detention conditions range from restrictions on travel to effective imprisonment, depending on the local police.

Unlimited Pre-trial Detention for “national security” offenders: The Vietnamese Criminal Procedures Code (Article 70), provides that prisoners may be held in custody pending investigation for a maximum of two to four months depending on the gravity of the offence. However, the Procurator General may extend this time limit indefinitely *“in case of necessity, regarding especially dangerous offences against national security”*.

Probationary Detention: *Quan che*, or “probationary detention” (Article 30 of the SRV Criminal Code) is a “second punishment” inflicted on former political prisoners. It enables the State to place *“national security”* offenders *“under the supervision and re-education of the local authority”* for a period of 1-5 years’ probation after their release. During this time, they are forbidden to leave their homes, deprived of their civic rights and maintained under constant Police surveillance. In theory, *quan che* cannot be applied without a Court decision, but in practice it is automatically applied to political and religious prisoners after their release.

Detention conditions in prisons and re-education camps

Detention conditions in Vietnam’s prison and re-education camps are extremely harsh. The Vietnamese government repeatedly claims that its prisoners are treated humanely, and has made no effort to implement the recommendations made by the UN Working Group on Arbitrary Detention after their visit to Vietnam in October 1994.

The case of Mr. Randy Sachs, a Canadian prisoner sentenced to 16 years for drug smuggling offers a rare glimpse into the horrific conditions endured by prisoners in Vietnam⁹. Mr. Sachs, 26, who was in good health when he entered the Vietnamese prison system in 2003, now suffers from kidney problems, malnutrition and rotting teeth. In a letter smuggled past the prison censors in 2005, Mr. Sachs described the widespread practice of extorting money from prisoners and their families – especially foreigners - by withholding medical treatment. The prison doctors are fellow inmates with no medical experience who had purchased their titles by paying the guards. Prisoners have to pay for any medical treatment, and even pay to receive medicines sent by their own families. Inmates are obliged to perform forced labour in the sun and rain. If they paid the guards 300,000 dong (approx. 16 Euros), they can be exempted from work or be given lighter duties.

Mr. Sachs said that in Chi Hoa Detention Centre in Ho Chi Minh City, he was forced to share a four-by-seven metre cell with seven other inmates and troops of cockroaches and rats. He received only two bowls of rice per day and 18 litres of filthy water for drinking, bathing and washing his clothes and dishes. Conditions were no better in Thu Duc prison where he was later transferred and remains today. He has lost eight teeth, and desperately needs dental treatment on ten others. He also suffers from grave malnutrition, dehydration and severe skin rashes.

The numbers of prisoners of conscience in Vietnam: The Vietnamese government never publishes statistics on prisoners of conscience, considering them a matter of state secrecy. However, taking into account the number of camps, testimonies of former prisoners and information gleaned from the official press, we estimate that several thousand prisoners of conscience are currently detained in Vietnam. There are at least 150 prisons and detention centres (re-education camps). Camps are divided into sub-sections, which are often several miles apart, and located deep in the jungle. Detention centres with 500-1000 inmates come under the jurisdiction of the Ministry of Public Security (formerly Ministry of the Interior), and those with 100-500 inmates are controlled by the Ministry of Defence. There are also at least 62 preventive

⁹ *Desperate Canadian inmate pleads for mercy in Vietnam – Malnutrition, illness run wild in corrupt prison, letter claims*, Ottawa Citizen, June 6 2005.

detention centres which are controlled by the local authorities. In November 1998, Vietnam adopted Directive 89/ND-CP ordering the construction of 650 new pre-trial detention centres (i.e. one new centre *per district* in addition to the previous quota of one centre *per province and city*).

Buddhist monk Thich Thien Minh, who was released in a government amnesty in February 2005 after 26 years in re-education camp, reports that many prisoners of conscience are detained in inhumane conditions in Vietnam's prisons and camps. He gave the Vietnam Committee on Human Rights with a list of 62 prisoners of conscience detained in Z30A re-education camp in Xuan Loc, Dong Nai province where he was incarcerated. Many of these prisoners are 70-80 years old. Even the sick and elderly must perform hard labour.

Rehabilitation centres: Faced with an explosion of drug trafficking and abuse, Vietnam has adopted an extremely harsh policy towards drug addicts, whom they treat as delinquents rather than people in need of treatment and help. Each province has "*rehabilitation centre*" for drug addicts or a "*reform camp for bad social elements*" in which common criminals, prostitutes, drug addicts, women and children are incarcerated in the most arbitrary manner. Detention conditions are deplorable, and the treatment of drug addicts seems to be the very last concern of the camp authorities.

The Death Penalty

In 2004, the Vietnamese government suggested it might consider abolishing the death penalty. These hopes were dashed, however, during a seminar with the European Union (24 November 2004) when the Vice-Minister of Foreign Affairs Le Van Bang announced that "*the death penalty is indispensable in Vietnam's current situation (...) it is aimed at ensuring a peaceful life for all Vietnamese citizens and protecting society's common interests*".

The use of the death penalty is escalating alarmingly despite recent revisions in the Criminal Code approved by the National Assembly in 2000, which reduced the number of offences punishable by death from 44 to 29. Significantly, no reforms were made to articles in the Criminal Code relative to "*national security*" crimes, which are used to incriminate dissidents and government critics. The use of the death penalty is particularly dangerous in a one-Party State such as Vietnam, where trials are routinely unfair and where citizens may be condemned to death on "*national security*" charges simply for the peaceful advocacy of democracy or human rights. As Amnesty International commented in a report on Vietnam, "*People can be killed by the State in a country where the due process of law is not upheld*"¹⁰.

To defuse criticism by Western governments and international human rights organizations on its use of the death penalty, in 2003 Vietnam classified death penalty statistics as "state secrets". We estimate that there are more than 100 executions per year, mainly for drug-related offences.

Conditions on death row are particularly inhumane. 4-5 prisoners are detained in each cell. The cells are extremely unhygienic, with one latrine bucket and no ventilation. Prisoners are not allowed to leave their cells except to receive visits, which are extremely rare. Their legs are chained to a long pole, and they are generally lined up in order of execution – the first to be executed being nearest the door... Occasionally, for "humanitarian reasons", prisoners are allowed to change places in the line. Execution is by firing squad. Prisoners' families are not informed until after the execution has taken place. Photos in the official press show graves dug alongside execution fields, which suggest that the bodies of executed prisoners, are not returned to their families.

Mechanisms of control

The Vietnamese government has perfected numerous mechanisms to suppress opposition activities and maintain the whole population under surveillance and control. The most pervasive

¹⁰ *Socialist Republic of Vietnam : death penalty*, Amnesty International, Asa 41/02/96, London.

and efficient control mechanism is the two-fold system of the **precinct security warden** (*cong an khu vuc*) and the obligatory **residency permit** (*ho khau*), which are the backbone of Vietnam's vast and ubiquitous security apparatus.

The precinct security warden is a kind of plain-clothes local policeman, but his powers extend far beyond that of an ordinary peace officer. He is in charge of about 30 extended families or "ho" (roughly 300 people). He is entitled to enter and search anyone's home without warning or permission. If he finds more than three people from another district in anyone's home, he may detain them for "illegal association". If foreigners visit a Vietnamese friend's home or stay overnight without the warden's permission, he may accuse their hosts of harbouring foreigners illegally. Since such acts constitute breaches of "national security" in Vietnam, the warden is authorised to detain offenders without further consultation under the provisions of Decree 31/CP.

The family residency permit or *ho khau* is an obligatory residence card which is essential for all administrative procedures, to obtain employment, admission to school or hospital, to travel, vote etc. People without residency permits are illegal citizens and may be arrested at any moment. The precinct security warden is responsible for delivering - or confiscating - the *ho khau*, which contains details of every person in one's family, their religion, political background etc. Vietnam is one of the only countries in the world to demand this registration permit. "*Citizens can be troubled to death in Vietnam*" said Trang A Pao, Chairman of the National Assembly's Ethnic Affairs Committee, who himself was a victim of this Kafkaesque system last year.

The authorities routinely refuse to deliver residency permits to Buddhists from the Unified Buddhist Church of Vietnam (UBCV) and other religious and political prisoners after their release from prison, and they live in a state of permanent insecurity.

The General Curriculum Vitae (for Buddhists): Religious discrimination in Vietnam is reinforced by the system of the "Curriculum Vitae" which all Buddhists wishing to be ordained must submit to the government's Board of Religious Affairs. Apart from the usual details of their family and background, future monks and nuns are required by the Communist authorities to fill in a whole section on their "*past activities and contributions to the Revolution*", and give precise details of the "*political opinions... before and after the Revolution* (i.e. before the Communist government took power in 1975) of their family members and friends, and details of their current whereabouts.

Violations of freedom of conscience, religion and belief

Vietnam claims to respect and promote religious freedom, and Prime Minister Phan Van Khai recently declared that there are no religion prisoners and no religious persecution in Vietnam. In fact, violations of religious freedom are widespread, and they stem from a deliberate policy of repression orchestrated at the highest echelons of the Communist Party and the state. Only six "State-sanctioned" religions are authorized in Vietnam, and all independent movements are banned. In September 2004, the United States' Department of State designated Vietnam as one of the world's worst violators of religious freedom and placed it on a blacklist of eight "Countries of Particular Concern" (CPCs). In order to avoid eventual sanctions, Vietnam has made certain gestures and promises of religious reform, but in practice it continues a policy of ruthless persecution against all "non-recognized" religious movements.

A new "*Ordinance on Beliefs and Religions*" (21/2004/PL-UBTVQH11) came into effect on 15th November 2004, which Vietnam claimed was a sign of progress in the protection of religious rights. In fact, this Ordinance is incompatible with international human rights standards and it places tighter controls on religious freedom. Under the Ordinance, religious education must be subordinated to the "*patriotic*" dictates of the Communist Party; worship may only be carried out in approved religious establishments; it is forbidden to "*abuse*" religious freedom to contravene prevailing Communist Party policies (article 8§2). Religious activities deemed to "*violate national security... negatively affect the unity of the people or the nation's fine cultural traditions*" are banned (article 15).

Members of the Mennonite Church suffered increased government repression in 2004. Reverend Nguyen Hong Quang and several of his co-workers received sentences of up to 3 years for resisting arrest after undercover Police agents surrounded their church in Ho Chi Minh City. One of the group, Ms Le Hong Lien was amnestied in April 2005 because of international pressure, but she was taken into mental hospital after suffering physical and mental abuse in prison.

Ethnic Christian communities such as the Montagnards in the Central Highlands and the Hmongs in the Northern Highlands have also been subjected to intense abuse including arrest, torture and beatings by Security forces attempting to force them to renounce their Protestant faith on the grounds that Christianity is a “foreign” belief which is alien to Vietnamese spiritual traditions (*see section on “Repression on Demonstrations of the Montagnards*). This “strike-hard” policy is aimed to curb the spread of Protestantism in Vietnam, but in fact, it is having a completely converse effect. As a Top Secret internal VCP document recently warned: *“Fighting the contagion of Christianity in the minority areas has the opposite effect... Actually, the numbers grow slowly if we have a relaxed policy, and if we crack down hard, Christianity grows faster”*.

The “State-sanctioned” religious bodies, all strictly controlled by the CPV, are simply a facade for the State’s repressive policies. They are distrusted by religious followers, who prefer to adhere to the independent movements in spite of the State’s ban.

Buddhism, Vietnam’s majority religion, and the independent Unified Buddhist Church of Vietnam (UBCV) is the most typical example. Outlawed by the government since 1981, the UBCV is adhered to by 80% of the population in Vietnam.

The CPV perceives the UBCV as a challenge to its authority because of its wide popular following and the tradition of independence and social activism deeply entrenched in Vietnamese Buddhist traditions. Since 1975, the authorities have systematically repressed the UBCV, but they have failed to suppress the movement, and UBCV leaders and members continue to challenge the authorities on issues of religious freedom, democracy and human rights. UBCV pagodas are held under surveillance, its activities – even humanitarian and educational - are banned, its leaders detained. In 2003, the government launched an unprecedented crack-down on the UBCV following the appointment of its new leadership. Hundreds of UBCV Pagodas were placed under round-the-clock surveillance, monks, nuns and lay-followers were harassed, and all monks in the newly-elected leadership were arrested, including the UBCV Patriarch Thich Huyen Quang and his Deputy Thich Quang Do.

The UBCV Patriarch Thich Huyen Quang and Thich Quang Do, both former Nobel Peace Prize nominees, have spent more than two decades in prison, internal exile and house arrest for their peaceful advocacy of democracy and human rights. Although the government claims that both monks are “completely free”, they remain under effective house arrest in their monasteries without any justification or charge. In June 2005, a delegation of UBCV monks from Hue was physically impeded from visiting the Patriarch Thich Huyen Quang. In April 2005, Security Police prohibited a journalist from the German press agency DPA from interviewing Thich Quang Do during the 30th Anniversary of the End of the Vietnam War on the grounds on the grounds that the monk was *“under Police investigation*.

In 2001, Thich Quang Do was placed under “administrative detention” for two years simply for launching an “Appeal for Democracy in Vietnam”. The appeal had received overwhelming support, over 300,000 signatures from Members of the European Parliament, the US Congress, international personalities and Vietnamese from all over the world. Then MEP Olivier Dupuis staged a protest outside Thich Quang Do’s monastery, and was subsequently expelled from Vietnam. In 2004, Thich Quang Do was again placed under restrictions after he launched a “New Year’s Letter” calling for democracy and pluralism. Today, he is detained *incommunicado* at the Thanh Minh Zen Monastery. Police are posted all around the building, his phone is cut, and Police have set up a jamming device to prevent the use of mobile phones.

In July 2001, the European Parliament passed an Urgent Resolution on Religious Freedom in Vietnam that mandated an EP delegation to “visit Vietnam to meet with religious leaders of all confessions, especially those who have been imprisoned”. In September 2002, a delegation of MEPs led by Mr. Hartmut Nassauer visited Vietnam and requested to meet with UBCV Patriarch Thich Huyen Quang, Thich Quang Do and Roman catholic priest Nguyen Van Ly. Vietnam denied all three requests.

Violations of Press Freedom

“Press freedom is dangerous (...) It is a destructive freedom that is unacceptable” (*Quan Doi Nhan Dan*, the People’s Army official mouthpiece). The article also stressed that Vietnam would never have Western-style press freedom, and attacked Western journalists for “supporting and praising” dissidents who criticised Vietnam.¹¹

There is no press freedom in Vietnam. All of Vietnam’s over 600 newspapers and periodicals are published by Party-controlled or government organizations, and nine tenths of these publications are financially subsidised by the State. There are no independent publications. The CPV official daily *Nhan Dan* (The People) declared in June 2002 that the Party would never allow any privately owned newspapers. The late CVP dissident General Tran Do and Buddhist monk Thich Quang Do filed applications to set up independent newspapers in 1999, but their requests were refused. Thich Quang Do repeated this request in an audio message made public at the 61st session of the UN Commission on Human Rights in Geneva in 2005.

Article 22 of the Publishing Law states that it is “strictly prohibited” to publish books which “oppose the State of the Socialist Republic of Vietnam or destroy the people’s solidarity block; ...disseminate reactionary ideas and culture...; destroy fine customs and habits; divulge secrets of the Party, State, and security...; distort history, deny revolutionary achievements, hurt our great men and national heroes, slander or hurt the prestige of organisations, honour and dignity of citizens ».

Censorship is extremely severe. In order to protect the impunity of Party cadres involved in affairs of corruption and graft, Vietnam adopted a law in May 1999 obliging journalists to pay compensation or publish retractions to persons damaged by their reports, even if their information is correct. This measure forces journalists to exercise self-censorship and totally undermines investigative reporting.

On January 6 2005, journalist Le Thi Anh, a reporter for *Tuoi Tre* (Youth magazine) was charged with “divulging State secrets” and placed under house arrest for writing an article in May 2004 on the Ministry of Health’s decision to control the firm Zuellig Pharma Vietnam which was charging exorbitant prices for its medicines. She had obtained her information from the Ministry of Health, and a previous report on the decision in the CPV’s official daily “*Nhan Dan*” (The People) was not sanctioned. Le Thi Anh risked a sentence of 2-15 years in prison. The charges against her were finally dropped following international protests. But her case illustrates the pressures to which Vietnamese journalists are subjected, and the risks they face in their every-day reporting. The definition of “State secret” is extremely vague, and can be broadly interpreted by the CPV censors.

Foreign journalists are also subjected to restrictions. They must submit written requests to the Foreign Ministry’s Press Department for permission to travel outside Hanoi five days in advance. A 1997 Directive prohibits Vietnamese journalists from passing any information, photographs or other documents to foreign journalists without an authorization from the Ministry of Culture and Information. This directive jeopardizes any Vietnamese journalists who enter into even informal contacts with foreign correspondents. The government frequently imposes “media black-outs” in “sensitive areas” where protests have broken out. Foreign media correspondents

¹¹ *Quan Doi Nhan Dan*, The People’s Army Daily, 30.10.2001.

were forbidden from travelling to the Central Highlands during the violent repression of Montagnards in February 2001. Journalists who attempt to visit “off-limits” areas, escape their government “minders” or interview dissidents risk arrest or expulsion, and the government may refuse to renew their work visas. Hanoi-based correspondents from Associated Press, Agence France Press and other agencies complained that their mobile phones were cut repeatedly during interviews in 2004-2005, and they could not call certain numbers overseas.

Even when it hosts international gatherings, Vietnam tries to muzzle the media. In September 2004, Vietnam banned the international media from attending the **ASEM 5 People’s Forum** in Hanoi. Foreign journalists who had come specifically to cover the event were stopped at the airport or simply refused entry to the Forum. Ten Southeast Asian journalists invited by the German-based Friedrich Ebert Stiftung, as well as Hanoi-based correspondents from Associated Press and other international news agencies were banned, and a number of NGOs were also intercepted at the airport. After strong international protests, some journalists were allowed to attend the Forum as “participants”, but were forbidden to report on it. Ironically, one of the Forum’s workshops was entitled “*democracy and the media*”.

Foreign radio stations broadcasting in Vietnamese such as Radio Free Asia, Buddhist Radio Vietnam etc. are routinely jammed by the communist authorities.

Censorship on the Internet

Vietnam has adopted extensive legislation to curb and control the flow of information via the Internet. Originally, the government only granted access to State officials, Universities, hotels, companies and foreigners, but after Vietnam opened to the free-market economy, these restrictions became impossible to apply. The use of the Internet has grown massively in recent years. Vietnam has over 5,000 Internet cafés and an increasing number of subscribers and Internet users (some 6.5 million according to a recent survey). The government is stepping up controls to restrict communications with overseas organizations and ban “subversive” material. In March 2004, Decision 71 was introduced which strictly prohibits “*taking advantage of the web to disrupt social order and safety*”, or breach Vietnam’s “*fine customs and traditions*”. In August 2004, the Ministry of Public Security set up a unit of “cyber-cops” to track down the posting of banned material, and “firewalls” have been set up to block access to overseas sites advocating human rights, religious freedom and human rights. Three news websites in Vietnam (*Tuoi Tre*, *Tintucvietnam.com* and *Vnexpress.net*) were banned or called to order in late 2004.

Internet users are held responsible for any E-mail messages they receive. The owners of Internet cafés are also responsible for their customers’ on-line activities. Under Decision 71, customers of Internet cafés must provide a photo ID, a copy of which is kept on file for 30 days, along with a record of the date and connection. Internet café owners risk fines of up to 50 million dong (2,800 Euros) if they fail to monitor their customers’ activities and prevent them from bypassing government firewalls to banned sites.

Given the difficulties of enforcing Article 71, in July 2005 an inter-ministerial directive was adopted by the Ministry of Public Security and the Ministry of Culture and Information that virtually turns Internet café owners into Police auxiliaries. The Decree forces Internet café owners to take a six-month course in order to learn how to “monitor” their customers better. They must also ban their customers from accessing “subversive” sites. Also, Internet cafés are obliged to close between midnight and 6.00 am.

At the same time, Vietnam has cracked down heavily on “cyber-dissidents”. Under “national security” provisions in the Criminal Code such as “*espionage*” (Article 80, which carries the death penalty as maximum sentence) and “*taking advantage of democratic freedoms and rights to abuse the interests of the State*” (Article 258), cyber-dissidents such as Nguyen Dan Que, Pham Hong Son, Nguyen Khac Toan and Nguyen Vu Binh have been sentenced to severe prison sentences simply for circulating their views overseas.

Violations of the Right to Peaceful Assembly

Confronted by a rising wave of demonstrations staged by farmers outside government buildings in Hanoi protesting against official corruption and State confiscation of their lands, CPV Secretary-general Nong Duc Manh exclaimed: ***“It is abnormal for people to demonstrate with banners. In many cases, our democracy is excessive”***.

In order to curb these public protests, on 18 March 2005, Vietnam adopted Decree 38/2005/ND-CP which imposes strict controls on peaceful demonstrations. The Decree prohibits demonstrations outside State agencies and public buildings, and bans all protests deemed to *“interfere with the activities”* of CPV leaders and State organs. Public gatherings must be approved by the State, and the organisers must apply for permission at the People’s Committee (local Communist Party authorities) 7 days in advance, stating the reason, time, date, venue and number of demonstrators.

Violations of Ethnic Rights - Repression against the Montagnards

In February-March 2001, thousands of ethnic Christian Montagnard tribes people in the Central Highlands staged a 6-week demonstration in the provinces of Gia Lai, Dak Lak et Kontum to protest official confiscation of land and a government ban on conversion to Protestantism. The authorities reacted by deploying troops, helicopters and riot police to brutally quell the protests. Many Montagnards were killed and hundreds wounded. Martial law was installed in the Central Highlands and a media blackout was imposed. In Easter 2004, a new wave of demonstrations broke out which were also violently repressed. Since 2001, at least 180 Montagnards have been condemned to harsh prison sentences for their peaceful advocacy of religious freedom and indigenous rights.

The repression stems from Vietnam’s policy of discrimination against the Montagnards, who fought alongside American troops during the Vietnam War. A major source of conflict is the State’s confiscation of the Montagnards’ ancestral lands to set up coffee plantations and the settlement of Vietnamese to oversee the plantations: *“Between 1995 and 2001, coffee plantations spread from 155,000 hectares to 550,000. One million Kinh (ethnic Vietnamese) were officially displaced to the Central Highlands the contain the opposition of the ethnic minorities”*¹². This “cash crop” policy has made Vietnam the world’s second largest coffee producer, but it has also caused an overproduction and coffee prices have plummeted. The government is now forced to pull up the coffee plantations.

Montagnards are also the victims of fierce religious persecution because they have converted to Protestantism and Police attempt to force them renounce their faith.

In order to escape military repression, hundreds of Montagnards have fled the Central Highlands to seek asylum in Cambodia. Over 1,000 were taken into refugee camps by the UN High Commissioner on Refugees (UNHCR). According to many NGO sources, Vietnamese Security forces operating in Cambodia offered “bounties” to anyone who captured Montagnards and even entered HCR camps to kidnap and forcibly repatriate them with the connivance of Cambodian Police¹³. In January 2005, Vietnam signed a “Memorandum of Understanding” with the UNHCR and Cambodia to repatriate Montagnards, but the text does not provide for effective monitoring of returnees. On 20 July 2005, 101 Montagnards who failed to obtain refugee status were repatriated. A coalition of 18 Cambodian NGOs said that Police used electric batons to forcibly repatriate returnees who tried to passively resist repatriation ¹⁴.

¹² *Le Vietnam producteur de café*, TransRural Initiatives du n° 230 - 4 February 2003.

¹³ *Repression of Montagnards : Conflicts over Land and Religion in Vietnam's Central Highlands*, Human Rights Watch, April 2002.

¹⁴ Human Rights Action Committee condemns forced and violent repatriation of 100 Montagnards, Phnom Penh, 20.7.2005.

Grave crisis within the CPV : the “GD2” Affair

As preparations for the CPV’s 10th National Party Congress scheduled for 2006 are under way, many high-ranking military and CPV veterans are expressing increasingly vocal criticisms of the Party’s policies and leadership. Most significant is a letter by General Vo Nguyen Giap, 94, hero of the battle of Dien Bien Phu, a veritable “living legend” in Vietnam. In a letter to the government and CPV leadership, General Giap forcefully denounced the excessive powers and power abuse of the military’s secret services, the “General Department No 2”, or GD2, which he described as a “state within the state”. The DG2 uses slander, disinformation, torture and even political assassination to overthrow factions within the CVP and maintain the orthodox line. Its destructive influence has wreaked havoc within the CPV for decades :

“The most serious case is the “General Department No. 2” (GD2) belonging to the Ministry of Defence.. For decades, GD2 has planted wiretaps and microphones to eavesdrop on Party leaders and high-ranking cadres, used disinformation to undermine and divide the Party, deliberately created factions and internal splits, fabricated false evidence to slander and vilify virtuous Party cadres, grossly violated the law and overridden military discipline.”¹⁵

“Doi Moi” : a Breeding Ground for Corruption and Graft

“There is a popular saying in Vietnam: if we arrest all the corrupt officials, who will be left to rule the country ?” Ms Nguyen Thi Hong Minh, Member of the National Assembly.

Under “*doi moi*”, endemic corruption and graft has reached massive proportions and permeated all the echelons of the CPV and State. In an interview with *Tuoi Tre* (Youth magazine) last year, Inspector-general Ta Huu Thanh said that 40% of public funds “disappear” each year due to corruption and graft.

The official press reports that corruption has reached the proportions of a “national catastrophe” and the government is powerless to stem its growth. *“Corruption in all its forms, bribery, greasing palms, baksheesh, prevarication, malpractice... is a virtually incurable ill.”¹⁶* In his letter to the Party leadership, General Vo Nguyen Giap denounced the CPV’s failure to stem endemic corruption within its ranks: *“The Party’s campaigns to clean up party cadres and combat corruption and waste have been ineffective. We have failed to stamp out corruption and waste, or even to stem their growth”.*

General Giap stressed that a climate of impunity reigns, wherein cadres and Party officials use power and bribery to obtain whatever they want: *“they “buy” positions, power, diplomas and degrees, the winning tender for their commercial ventures, they even “buy” their way out of punishment and prison..”.*

Torn between the real need to stamp out corruption and the obligation to protect high-ranking cadres, the CPV has taken half-measures such as creating a “State-sponsored anti-corruption agency”, and jailed citizens who applied to set up independent anti-corruption associations (Pham Que Duong or Tran Khue).

Between 2000 and 2004, 8,808 corruption cases were brought to court, involving losses of some 150.6 million US dollars. 9,662 people were sanctioned, 2,100 of whom were local State cadres and 150 of whom were cadres at provincial or ministerial levels. Moreover, 10,041 members of the Communist party were disciplined on corruption charges between 2001 and June 2003. But this is only the tip of the iceberg, and the authorities fear that corruption is increasing at the highest levels of State: *“There are more and more corruption scandals and they are increasingly high-level. In some cases, they cover losses of several billions of dong. Especially, they involve cadres who have higher social position than in the past: director, director-general,*

¹⁵ Open Letter to the CVP leadership, 3.1.2004, Vo Nguyen Giap.

¹⁶ Lutte contre la corruption, *Le Courier du Vietnam*, website 13.7.2003.

even vice-ministers"...¹⁷ In 2004, Transparency International rated Vietnam 102nd on a list of 146 countries for its high corruption level – two places lower than last year.

“Doi Moi” : Wealth Polarization and growing Social Inequity

Vietnam’s attempt to build a “socialist orientated market economy” is a failure. General Vo Nguyen Giap condemned the growing poverty in Vietnam resulting from the slow pace of economic reforms: “*Economic growth over the past 3 years (2001-1003) is below the target fixed by the 9th Congress. I believe we can easily reach this target if we mobilize our internal strength more efficiently. But even if we do, we should realize that by 2020, Vietnam will still be one of ASEAN’s most under-developed nations. Our per capita GDP will still be 20 years behind Thailand, and light years behind that of OCDE countries. (Today, Vietnam’s average GDP per capita is US\$400, just 1/3rd of that in Thailand, 1/50 of that in Singapore, 1/70 of that in the USA)*”.

Economic development is particularly weak “in the highland areas, where many indigenous people live”. Although these regions “are vital strategic areas for our national security and defense”, the government neglects all aspects of the population’s welfare, such as “economic development, culture, education, health care and the people’s general living conditions”¹⁸.

Paradoxically, if Vietnam has avoided bankruptcy over the past decades it is not so much thanks to the CPV’s economic policies, but also to the influx of capital from over 3 million “Viet Kieu” (overseas Vietnamese) who have poured over 40 billion US dollars into the domestic economy in remittances to their families since they left Vietnam as “Boat People”¹⁹. In 2002, through the banks and official channels alone, the Vietnamese Diaspora sent 20.6 billion dollars in remittances. The overall total is doubtlessly much higher, estimated at US\$4 billion, representing 11% of the total GNP.²⁰

Moreover, whilst the proportion of Vietnamese living under the poverty line has diminished from 70% in 1990 to 32% in 2001²¹, the World Bank observes that a great majority of the Vietnamese population live barely above this line, and remain extremely vulnerable. Most of Vietnam’s poor people are in the countryside, where development projects have had little impact. The UK-based charity Oxfam has also expressed concern that millions of farmers risk falling into poverty if Vietnam joins the World Trade Organization in 2006. Vietnam is pursuing accelerated policies of economic liberalization to meet WTO requirements and may have to make harmful concessions to the rich countries to gain membership.²²

The Rural Poor : a population excluded from the “renovation” process

The poor farmers and peasants in Vietnam’s rural are the principal victims of Vietnam’s policies of economic liberalization, which combine the worst aspects of wild-cat capitalism with political authoritarianism. Lack of social safeguards, rampant official corruption, power abuse, exorbitant taxes have created profound popular unrest. Social and financial inequities, marked by a gaping contrast between the flaunted riches of corrupt local party cadres and the stark poverty of the peasants and farmers, led to massive demonstrations in the province of Thai Binh, Northern Vietnam, and in Dong Nai, southern Vietnam in 1997. Since then, farmers and peasants

¹⁷ Anti-corruption: a powerful and necessary organism, Huong Linh, *Le Courier du Vietnam*, 10.6.2005.

¹⁸ Vo Nguyen Giap, letter to the CPV leadership, 30.1.2004.

¹⁹ Since 1990, overseas Vietnamese have sent an estimated US\$2 billion per year into the SRV economy. According to Hanoi’s Committee for Overseas Vietnamese, in 1999, expatriates’ bank transfers to Vietnam amounted to US\$1.1 billion and what they sent home via other channels might be twice as much, putting the Diaspora’s financial contribution to the Communist regime’s foreign exchange reserves in that one year only at US\$3.3 billion (*Sleeping Dragon, It’s Time to Wake up! Vietnam’s Economy on the threshold of the Twenty-First Century*, edited by Pham Do Chi and Tran Binh Nam, page 471).

²⁰ “Growing remittances from overseas Vietnamese are making huge impact on the domestic economy”, Margot Cohen, *Far eastern Economic Review*, 16.1.2003.

²¹ Pas plus de 19% de pauvres à l’horizon, *Le Courier du Vietnam*, website, 4.12.2002.

²² “Extortion at the Gate: Will Vietnam join the WTO on pro-development terms”, Oxfam, UK, November 2004.

from all over the country have marched regularly to Hanoi to protest corruption, power abuse, and especially the State appropriation of their lands for development projects.

The government has tried to dismiss the peasants' protests as the work of "*extremists slandering the Party*" or "*negative elements taking advantage of the democratic process*", but a Report published by the Hanoi Institute of Social Science on the Thai Binh uprising concluded that the peasants were expressing legitimate grievances, and had suffered grave violations of their democratic rights: "*This is a deep-seated social movement. It cannot be brushed off as an internal conflict, or an uprising against the government*".²³

The issue of State appropriation of lands remains a source of deep popular discontent. A revised "Land Law" which came into effect in July 2004 has sparked off widespread protests. On 19 August 2005 a man tried to self-immolate outside the United States' Consulate in Ho Chi Minh City to protest confiscation of his lands.

Nguyen Khac Toan, 50, a Hanoi-based businessman, was arrested and sentenced to 12 years in prison and 3 years house arrest at an unfair trial on 20 December 2002 simply because he helped farmers to draft petitions to the government and the National Assembly. He had also imparted information on these demonstrations via the Internet to human rights groups overseas.

Lack of access to medical care

Economic liberalization has seriously penalized Vietnam's poor people, yet Vietnam has not increased social measures to support them, as might be expected in a socialist State. On the contrary, State subsidies have been abolished in many domains, and people have to pay for medicines and doctors fees. Under "*doi moi*", the right to health has become a paying commodity. As a result, large sections of the population have no access to medical care.

Vietnam spends just US\$5 per person on medical care each year, according to the Vietnamese Ministry of Health. This is less than Malaysia (US\$63) and even less than Laos (US\$8). State spending on medical services is in serious decline.²⁴ Vietnam does not train enough doctors to care for its rapidly-growing population. In 2000, there was just one doctor for 1,982 people. A report published in 2005 by the National Assembly's Commission on Social Affairs denounced the increase in regional disparities and "*inequality in health care*", citing provinces which have only 85 doctors to treat millions of people.²⁵

Doctors' fees and the price of medicines are rocketing. According to the World Bank ²⁶, public hospital fees increased by 1,000% between 1993 and 1998. Moreover, hospitals have to buy medicines at "*20-30% more than their price on the open market*". Only 20% of health care costs are financed by the State. The sick people and their families must pay for the remaining 80%. Many poor people, especially in the rural areas, simply cannot afford medical treatment.

HIV/AIDS – an explosive epidemic

The inequalities in health care are especially disturbing in view of the HIV/AIDS epidemic which is about to explode in Vietnam. Officially, there are 250,000 people infected with HIV, but many observers fear that the real figures are much higher. Today, Vietnam is facing a serious HIV/AIDS pandemic, and the government gravely under-estimates the scale of the infection rate. There are some 40,000 people infected per year (more than 100 per day!) and HIV is increasingly prevalent among children. (400 children under 5 years old in 2004 against 7 in 1997, and 500

²³ "*La Democratie Etouffee : voix de la dissidence vietnamienne*", published by Quê Me, Paris, 2003 : "*Sociological Investigation on the Events in Thai Binh*", Professor Tuong Lai, Hanoi Institute of Social Science, Hanoi.

²⁴ *Health & Environment: Vietnam spends little on healthcare, Tuoi Tre* (Youth), 2.8.200

²⁵ Report by the President of the National Assembly Commission on Social Affairs, Ms Nguyen Thi Hoai Thu, Hanoi 8.6.2005.

²⁶ ²⁶ *Catastrophe and Impoverishment in Paying for Health Care : With Applications to Vietnam 1993-98*, Adam Wagstaff and Eddy van Doorslaer, February 2002.

new-born babies infected in 2005)²⁷. Since 1999, over 40% of newly-reported cases have been in the 15-24 year age group.

State efforts on HIV/AIDS prevention and protection are insufficient, with a total spending of 3.3 million Euros (US\$4 million), three-quarters of which is funded by donor countries. In comparison, Cambodia, which has a population six times smaller than Vietnam (13.5 millions, against 82 million in Vietnam), spends US\$1.5 to combat AIDS. Policies on AIDS prevention and education are insufficiently implemented. Although Vietnam has anti-discrimination laws against HIV-infected people, they are not enforced, and provide for no sanctions against those who contravene them. Discrimination against HIV-AIDS carriers is widespread, and it is one of the root causes of the growing epidemic in Vietnam. The Communist authorities portray AIDS as a “social evil” linked to prostitution and drugs. Infected people are stigmatized, and many are ashamed to declare their illness, thus accelerating its spread.

In regions where AIDS is most prevalent, only 1% of companies employ infected people. Others simply dismiss them or try to force them to resign, as illustrated by the following cases cited in the official press : *“Thanh Huyen, 24, was offered a job in the packing department of Ho Chi Minh City import-export company. When they read on her health certificate that she was a HIV/AIDS carrier, the personnel manager moved her from the packing department and gave her another job – cleaning the toilets. She tried to discuss this with her employers, but they refused to listen. She finally resigned – just as the company had hoped”.*

*“Le Thanh Hai, 27, graduate of an Advanced School of Finance, worked in a bank as a specialist in credit and loans. When his employer found that he was HIV-positive, they moved him to the administrative department. His colleagues avoided him. “They treated me like a leper”. He eventually resigned. “I left and cut off my telephone. I don’t see anyone now. I just stay at home and wait to die”.*²⁸

The State and its official trade union, the Vietnam General Confederation of Labour (there are no free trade unions in Vietnam) make no efforts to protect HIV-infected workers who suffer discrimination in the workplace. *“There is no civil organization to protect workers who get infected”* said Ms Le Thi Tram, Deputy Director of the Ministry of Health’s legal department.

Violations of Children’s and Women’s Rights

Child labour has increased with economic liberalization, and the trafficking of children for child labour has become an increasingly lucrative market. According to reports in *Tuoi Tre Chu Nhat*²⁹ (Sunday Youth Magazine), trafficking rings take children from poor families, especially from the northern rural provinces of Thai Binh, Bac Ninh, Bac Giang and central Vietnam and sell them as “apprentices” in Ho Chi Minh City, mostly to workshops in the textile, garment-manufacturing and silk-printing trade where free market competition is fierce. Traffickers sell the children for up to US\$40 per head.

The children are forced to work under appalling conditions for up to 18 hours per day, seven days a week. They are not allowed to leave the factory in case they run away, and not even allowed to write to their parents. Children who complain are abused. If they ask to leave, they are told they must first pay the factory owner his \$40, plus their food, lodging and travel expenses (traffickers deliberately choose children from remote Northern provinces so they will be unable to afford the expensive journey back home). The children are promised a wage of 2 million dong per year (approx. US\$ 130), but they receive only a fraction of this sum.

Trafficking of women and children for prostitution is a growing concern in Vietnam. The Coalition Against Trafficking in Women – Asia-Pacific reports *“between 60,000 and 200,000*

²⁷ *Under 13 children make up 0.8% of Vietnamese HIV carriers*, Thai Press Reports, 3 August 2005.

²⁸ Seropositive workers forced to leave their jobs, Nguyen Hanh and Thi Huong, *Syfia Vietnam*, 19.1.2005.

²⁹ *Exploitation and Child Labour, Tuoi Tre Chu Nhat*, Youth Magazine, Sunday edition, 21.4.2002.

women and girls in prostitution [in Vietnam], with 6.3% under the age of 16. Trafficking happens through kidnapping for brothels, deceptive offers for jobs or tourist trips and marriage matchmaking with foreigners who sell and resell the women abroad. Organized tours of Taiwanese men come to buy brides for US\$3,000". This is especially alarming in the context of the rapid spread of the AIDS virus in Vietnam. A government survey in March 2002 revealed that in Hanoi alone, more than half of registered prostitutes carry the AIDS virus³⁰. The percentage is believed to be higher in the underground sex rings.

Child prostitution is widespread. A UN report on child prostitution in Asia states that Vietnam, China, Cambodia, Laos and Burma all foster child-kidnapping rings for the sex trade, often involving corrupt policemen. The UN investigator estimated that one million children are involved in the Asian sex-trade, working under conditions "*indistinguishable from slavery*".³¹

Specialist NGOs such as AFESIP International observe that grave problems of trafficking and prostitution are exacerbated by the Vietnamese government's refusal to take action: "*The situation of sexual exploitation and prostitution in Vietnam is catastrophic because of the lack of government intervention. For the Vietnamese government, no form of slavery exists in their country, and thus there is no prostitution. The wealth gap between social classes is growing : many families sell their children because they are poor or because they lack information on the trafficking of women and young girls*".³²

AFESIP International reports that thousands of Vietnamese girls are sold for prostitution in Cambodia, channeled into the country by vice rings that often work with the connivance of corrupt officials and police. The young girls are subjected to grievous bodily harm, including electrical shocks, cigarette burns, beating, flogging, rape, until "*their spirit is broken by torture*". "*This is sex slavery, as indeed exists in many parts of the world, but with an additional dose of violence... Often, girls who arrive here tell us their pimps used to feed their dogs or pigs better than they fed them*".³³

Gender Equality

Although gender discrimination is prohibited in the Vietnamese Constitution (Article 63), women remain the target of discrimination and social injustice. A report issued by the Swedish-Danish Fund for the Promotion of Gender Equality in Vietnam observed: "*Vietnam has progressive laws to protect equal rights between men and women in all fields. But in reality there is a big gap between men and women in terms of implementation and empowerment*".³⁴

The lack of political rights has led to inadequate protection of economic rights. Whilst women play a major role in the national economy - they shoulder from 60%-70% of the workload in national development - "*they have received insufficient compensation*". Economic liberalisation has exacerbated gender-based rights abuses. In the rural areas, "*the abolition of State subsidies in education and health services has negatively and seriously affected peasant women. Increasingly, the number of school dropouts is higher for girls than for boys. 40% of the rural women in childbearing age now suffer from malnutrition, anaemia and underweight due to prolonged work, no rest and insufficient food.*" In the towns, where women account for 80% of the workforce in manufacturing employment, free market competition has led to "sweat-shop" industrialisation, particularly in the textile and garment-manufacturing industry, one of Vietnam's major export areas.

³⁰ *Half of Hanoi Prostitutes have AIDS*, New Straits Times, 26.3.2002.

³¹ Ofelia Calcetas-Santos, *Report on Child Prostitution*, UN Doc. E/CN4/1996/100.

³² Agir pour les Femmes en Situation Précaire, Programme Regionale en Asie, 2001 Web-site www.afesip.org.

³³ *A haven for Vice Rings*, Samuel Grumiau, 10.11.2000, International Confederation of Free Trade Unions, www.icftu.org.

³⁴ Swedish-Danish Fund for the Promotion of Gender Equality in Vietnam, Sida Evaluation, July 2001, Stockholm, Sweden.

Vietnam implements a draconian **family planning programme** which dictates mandatory contraception and prescribes “*punitive measures for compliance failures*”. This policy has succeeded in curbing the rocketing birth rate and earned Vietnam the “United Nations Population Award” in 1999. Although it is not clear to what extent coercive measures are used to implement this policy, abortion is increasingly practised as a means of enforcing birth control. Vietnam has the world’s highest abortion rate, with half of all pregnancies ending in abortions.³⁵ 20% of adolescent girls in Vietnam have had abortions. Hanoi-based diplomats confirm that there have been forced abortions and forced birth control programmes in Vietnam since the 1980s.³⁶ The UN Committee on the Elimination of Racial Discrimination (CERD) also expressed concern that Vietnam is enforcing a policy of forced sterilization on indigenous peoples, especially the Montagnards in the Central Highlands³⁷.

The European Parliament and Vietnam

The European Parliament has a very special connection with human rights in Vietnam. Twenty years ago, on the 10th Anniversary of the End of the Vietnam War in April 1985, the Vietnam Committee on Human Rights filed a 500-page “Complaint” at the United Nations against Vietnam for gross and consistent violations of human rights (Ecosoc 1503 Procedure). In response, the European Parliament immediately adopted an “Urgent Resolution” calling for an EP delegation to visit Vietnam to investigate human rights abuses. It followed up the Resolution by appointing a “Special Rapporteur on Vietnam” – an unprecedented measure that even the United Nations has not yet taken up. Thus, the EP was the very first international institution to draw attention to Vietnam’s abysmal human rights situation, at a time when the “Vietnam syndrome” had cast a veil of silence on the plight of the people of Vietnam.

Since 1985, the EP has adopted **eleven Resolutions** on Vietnam on a wide range of issues such as religious freedom and repression against the Unified Buddhist Church, the Montagnards and other religious communities, freedom of expression, the press, immigrant workers, the death penalty, with appeals for fair elections, democratic reforms and the release of prisoners of conscience. In October 2004, at the ASEM 5 Summit in Hanoi, 112 MEPs from all the different political groups signed a letter calling for the release of Thich Huyen Quang and Thich Quang Do, and the EU handed a list of over 30 prisoners of conscience to the Vietnamese government.

As a result of the ASEM appeal, 4 long-term prisoners from the EU’s list were released in a government amnesty in February 2005. One of these men, Buddhist monk Thich Thien Minh, had spent over 26 years in labour camp simply for advocating religious freedom and human rights.

Recommendations

The EU is one of Vietnam’s largest aid donors and a major trading partner, with a budget allocated by the European Commission of some 162 million Euros for 2002-2006. The 1995 EU-Vietnam Cooperation Agreement has a “human rights clause”, which declares that bilateral cooperation is founded on the respect of democratic principles and human rights. The EU has a duty to its citizens and taxpayers to ensure that this agreement is respected. If Vietnam persists in suppressing basic rights despite its international commitments, the EU and member states should seriously review funding programmes to Vietnam.

³⁵ Allan Guttmacher Institute, New York, 2000.

³⁶ *Repression of Montagnards: Conflicts over Land and Religion in Vietnam’s Central Highlands*, Human Rights Watch, 2002.

³⁷ Concluding observations of the Committee on the Elimination of Racial Discrimination: Viet Nam, 15 August 2001, Geneva, ref. A/56/18, paras.408-428.

International pressure is crucial, and experience shows that it does bring positive results. The European Parliament has a vital role to play in pressing for a peaceful process of democratization in Vietnam.

The Vietnam Committee on Human Rights urges the EU to :

- call on the Vietnamese government, on the occasion of the 30th Anniversary of the End of the Vietnam War, to open a new era of dialogue and reconciliation, and enable all sectors of the population to participate in the process of economic, social, intellectual and political development in Vietnam ;
- urge Vietnam to abolish Article 4 of the Constitution on the mastery of the Communist Party of Vietnam so that citizens with alternative opinions and views may not be excluded from this process ;
- call on Vietnam to re-establish the legitimate status of the banned Unified Buddhist Church of Vietnam (UBCV) and all other non-recognized religions which constitute essential elements of civil society, and allow them full freedom of activity ;
- urge Vietnam to modify the Press Law and authorize the publication of private newspapers and media to provide a forum for dialogue and democratic debate ;
- press the government and the National Assembly to ensure that all laws adopted under the Legal System Development Strategy comply with international human rights standards, and ensure that LSIDS donor countries, particularly the EU and its member states, do not fund the adoption of restrictive human rights legislation ;
- press the government to authorize the creation of independent associations such as free trade unions and non-governmental organizations and foster the emergence of a vibrant and dynamic civil society in Vietnam ;
- call upon the Vietnamese government to immediately and unconditionally release all those in prison or under house arrest for their non-violent religious and political convictions, e.g. UBCV Patriarch Thich Huyen Quang, Venerable Thich Quang Do, cyber-dissidents Pham Hong Son, Nguyen Khac Toan and Nguyen Vu Binh.