

## Vietnam

### Country Reports on Human Rights Practices - [2005](#)

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The Socialist Republic of Vietnam is an authoritarian state, ruled and controlled by the Communist Party of Vietnam (CPV). Its population is approximately 83.5 million. The CPV's constitutionally mandated primacy and the continued occupancy of all senior government positions by party members allowed it to set the broad parameters of national policy. However, the CPV continued to reduce its formal involvement in government operations and allowed the government to exercise significant discretion in implementing policy. The most recent elections to choose members of the National Assembly, held in 2002, were neither free nor fair, since all candidates were chosen and vetted by the CPV's Vietnam Fatherland Front (VFF), an umbrella group that monitors the country's popular organizations. The National Assembly remained subject to CPV direction; however, the government continued to strengthen the assembly's capacity. The civilian authorities generally maintained effective control of the security forces.

The government's human rights record remained unsatisfactory. Government officials, particularly at the local level, continued to commit serious abuses, despite improvement during the year. Economic developments remained a major influence on the human rights situation as the country carried on with its rapid transition from a centrally planned economy to a "socialist-oriented market economy." Economic reforms and the rising standard of living continued to reduce CPV and government control over, and intrusion into, daily life. However, many persons in isolated rural areas--including members of ethnic minority groups in the Northwest Highlands, Central Highlands, and the central coastal regions--continued to live in extreme poverty. The government continued to seek greater (primarily economic) links with the outside world, with some parallel change in attitude toward human rights. Thus the more urban areas of the country continued to show improvement in this respect, while the Central and Northwest Highlands remained areas of international concern. The following human rights problems were reported:

- inability of citizens to change their government
- police abuse of suspects during arrest, detention, and interrogation
- harsh prison conditions
- arbitrary detention or restriction of the movement of persons for peaceful expression of political and religious views
- denial of the right to fair and expeditious trials
- imprisonment of persons for political and religious activities
- limited privacy rights
- restrictions on freedoms of speech, press, assembly, and association
- restrictions on religious freedom
- restrictions on freedom of movement
- prohibition of the establishment and operation of human rights organizations
- violence and discrimination against women
- child prostitution
- trafficking in women and children
- societal discrimination against some ethnic minorities
- limitations on worker rights
- child labor

During the year the government took steps to improve respect for human rights, including worker rights. Unlike in previous years, there were no credible reports of killings or disappearances by security forces. The government amnestied more than 26 thousand prisoners, including several high-profile prisoners-of-conscience. The government implemented an agreement with Cambodia and the Office of the UN High Commissioner for Refugees (UNHCR) to facilitate the return of nearly 200 ethnic minority citizens to the Central Highlands from Cambodia, and it provided access and facilitated travel to the Central Highlands for UNHCR and foreign mission staffs to monitor the progress and treatment of returnees. The government created a new and relatively more open legal framework for religious freedom, which, for example, resulted in improved conditions for Protestant house churches in the southern and central areas of the country, eased restrictions on the training of Catholic and Buddhist clergy, and accepted

applications for some previously unrecognized ethnic minority Protestant congregations in the Northwest Highlands to register for worship, although by year's end none had received permission to do so.

## **RESPECT FOR HUMAN RIGHTS**

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

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

The government or its agents did not commit any politically motivated killings; in addition, unlike in previous years, there were no credible reports of extrajudicial killings by security forces.

In April 2004 ethnic minorities protested in numerous locations in the central highlands provinces of Dak Nong, Dak Lak, and Gia Lai. In a number of cases, police reportedly responded by beating and firing upon demonstrators. The government reported the deaths of three protesters, allegedly all at the hands of other demonstrators. Credible estimates put the number of protesters killed by police at 10 to 12; some international organizations alleged that the figures were much higher (see section 2.b.). Following the protests, the government increased efforts to provide development assistance to ethnic minority areas in the Central Highlands. In some jurisdictions it also eased restrictions on Protestant groups.

No action was taken against officials involved in the 2003 killings of Protestant devotee Vang Seo Giao or Tran Minh Duc. There also were no developments in the 2002 killings of Nguyen Ngoc Chau, Khong Van Thoi, and Pham Van Dung.

### **b. Disappearance**

Unlike in previous years, there were no credible reports of politically motivated disappearances.

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

The law prohibits physical abuse; however, police sometimes physically mistreated suspects while arresting them or holding them in custody. In mid-September local officials in the central highland province of Gia Lai reportedly beat two ethnic Dao Protestants, who were subsequently hospitalized for five days. Provincial government authorities reportedly were investigating the incident, but at year's end no official had been reprimanded. As in previous years, a small number of allegations were made that police, particularly in the Northwest Highlands, beat suspects, mainly ethnic minority Protestants, to the point of unconsciousness while also forcing them to perform acts against their religious beliefs such as consuming alcohol. However, other sources were not able to verify or confirm these allegations.

In October 2004 Dong Nai provincial police and prosecutors ordered the involuntary commitment of Protestant Than Van Truong to a mental institution. Officials stated that Truong demonstrated delusional behavior in his religious beliefs, although officials acknowledged that Truong did not pose a violent threat. The offense that called the attention of law enforcement authorities was Truong's letters to senior CPV and government officials urging them to abandon Marxism-Leninism and follow the Christian faith. Truong was released in September, apparently on the condition that he sign a document certifying his mental illness, making him subject to readmission to a mental institution should he "relapse."

There were no developments in the 2003 incident in which militia soldiers and local officials in the village of Nam Nga, Lai Chau Province, reportedly raped two girls, destroyed several houses, killed livestock, and destroyed fences, allowing animals to enter fields and trample crops, in an attempt to punish individuals in the village for practicing Protestantism.

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

Prison conditions reportedly often were harsh but generally did not threaten the lives of prisoners. Overcrowding, insufficient diet, and poor sanitation remained serious problems in many prisons. Most prisoners had access to basic health care. Prisoners generally were required to work but received no wages (see section 6.c.). In 2004 diplomatic

observers reported Spartan but generally acceptable conditions in two prisons. Prisoners, including those held for political reasons, reportedly were sometimes moved to solitary confinement, where they were deprived of reading and writing materials, for periods of up to several months.

Although political and religious prisoners often were confined under harsh conditions, there was no evidence to suggest their conditions were significantly different than those for the regular prison population. In some instances they received better treatment, including better rations and access to care packages from home, than those in the general prison population.

During the year the government did not permit the International Committee of the Red Cross, nongovernmental organizations (NGOs), or diplomatic observers to visit prisons.

#### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, the government continued to arrest and detain citizens for the peaceful expression of their views.

#### Role of the Police and Security Apparatus

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

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

#### Arrest and Detention

The Supreme People's Procuracy (the public prosecutor) issues arrest warrants, generally at the request of police; however, police may make an arrest without a warrant on the basis of a complaint filed by any person. In such cases the public prosecutor must issue retroactive arrest warrants.

After police detain a suspect, a judge must issue a decision to initiate a formal criminal investigation within nine days, or police must release the suspect. Under the criminal code, this investigative period may last from 3 months for "less serious" offenses (those that may result in less than 3 years' imprisonment) to 16 months for "exceptionally serious" offenses (those that may result in more than 15 years' imprisonment, life imprisonment, or capital punishment), and an additional 4 months for national security cases. The code further permits the public prosecutor an additional two months at the end of the investigation to consider whether to prosecute the detained person or return the case to the police for additional investigation. There is no legal limit on the time within which a judge's panel (a body consisting of at least one judge and two lay assessors) must rule on a case (see section 1.e.). Time spent in pretrial detention counts toward time served upon conviction and sentencing. Although the criminal code allows for the operation of a bail system, in practice no such system existed.

The criminal procedure code allows pretrial detainees access to their lawyers from the point of detention; however, bureaucratic delays frequently limited initial contact between detainees and their lawyers, and some detainees, particularly political activists, were not permitted regular access by lawyers until shortly before their trials. The code also provides that during the investigative period, defense lawyers be informed of interrogations and also be able to attend them, be given access to case files, and be permitted to make copies of documents in the files. Legal experts reported that defense attorneys were able to exercise these rights. However, a defendant first must request the presence of a lawyer, and it was not clear whether authorities always advised defendants of their new rights. In national security cases, defense lawyers were granted access to clients only after an investigation had ended.

Although the constitution provides for legal counsel for all persons accused of criminal offenses, a scarcity of trained lawyers made this provision difficult to implement. Counsel generally was provided only to those charged with crimes that could lead to life imprisonment or the death penalty. Prior to being formally charged, a detainee has a statutory right to notify family members, and police generally informed the family of the detainee's whereabouts. However, family members may visit a detainee only with the permission of the investigator.

Courts may sentence persons to administrative detention of up to five years after completion of a sentence. In addition police or mass organizations can propose that five "administrative measures" be imposed by people's committee chairpersons at district and provincial levels without a trial. The measures include terms ranging from six months to two years in either juvenile reformatories or adult detention centers and generally were applied to repeat offenders with a record of minor offenses such as committing petty theft or "humiliating other persons." Chairpersons may also impose terms of "administrative probation," which generally has been some form of restriction on movement and travel.

Following his February release from prison under the amnesty program, Catholic priest Nguyen Van Ly reported that he remained under administrative probation. However, he was able to travel within the country with the prior approval of Thua Thien Hue provincial officials. Senior leaders of the Unified Buddhist Church of Vietnam (UBCV) reported that they remained under effective "pagoda arrest," although government officials denied that such orders existed. In 2004 UBCV leaders and at least one Hoa Hao follower remained under formal administrative detention. A number of Buddhist, Catholic, and Protestant clerics, as well as some writers and political activists, were subject to varying degrees of informal detention in their residences (see sections 2.c. and 2.d.). In 2003 the people's committee chairman of Ho Chi Minh City reportedly sentenced four UBCV monks to two years' house arrest.

Authorities in the Central Highlands continued to prosecute ethnic minority members whom the government alleged were involved in separatist activities or in helping other individuals illegally cross into Cambodia. Government press reports indicated that at least 15 ethnic minority persons were convicted and sentenced to prison terms of 2 to 13 years. There were credible reports that in at least two instances during the year, one in Dak Lak and one in Gia Lai, some of these persons were held for lengthy periods without trial. One of the individuals reportedly was held and tried in secret.

Citizens seeking to exercise freedom of religion, assembly, and expression were at times detained by security forces for several days. In particular there were numerous reports that government officials in the Central and Northwest Highlands temporarily detained ethnic minority Protestant believers. During July and August 2004 in Sapa District, Lao Cai Province, authorities detained without charge numerous ethnic minority Hmong Protestants in at least eight different communes (see section 2.c.).

On occasion foreign citizens were detained and interrogated. In May two foreign citizens were detained by local authorities in Gia Lai Province, questioned for two days before being fined for having been in a restricted area, and released. In July 2004 foreign citizen Larry Linh Nguyen was held for seven days and interrogated about his alleged affiliation with Vietnamese-American political groups opposed to the CPV. Foreign citizen Hoang The Lan was detained by public security officers in August 2004 in Soc Trang and interrogated for four days about his involvement with groups that advocate democracy in Vietnam before being released.

The government held at least eight political detainees at year's end, according to international NGOs and diplomatic observers. In general the government refused to allow access to political detainees for international humanitarian organizations.

#### Amnesty

During the year the government amnestied 26,688 prisoners, in 3 groups, a significant increase from previous years' holiday amnesties. Several high-profile prisoners benefited from these amnesties, including political and religious activists such as Dr. Nguyen Dan Que, Father Ly, and the UBCV's Thich Thien Minh (see section 1.e.).

#### e. Denial of Fair Public Trial

The law provides for the independence of judges and lay assessors; however, in practice the CPV controls the courts at all levels by selecting judges at least in part for their political reliability. The CPV also influenced high-profile cases and others in which a person was charged with challenging or harming the CPV or the state. During the year CPV and government officials likely exerted control over court decisions by influencing lay assessors and judges.

The system of appointing judges and lay assessors contributed to executive control over the judiciary. The president presents a nomination for the presiding judge of the Supreme People's Court (SPC) to the National Assembly for approval. The president directly appoints the other members of the SPC upon the recommendation of a committee including the presiding judge of the SPC, members of the Ministries of the Interior and Defense, the VFF, and the Vietnam Lawyers Association. At the provincial and district levels the recommending panel is headed by the chairman of the provincial people's council (the provincial legislature) and includes members of the provincial people's court, provincial department of personnel, the VFF, and the provincial lawyers' association. Judges are appointed for five-year terms. Provincial and district governments disburse judges' salaries at their respective levels.

The judiciary consists of the SPC; the district and provincial people's courts; military tribunals; administrative, economic, and labor courts; and other tribunals established by law. Each district has a district people's court, which serves as the court of first instance for most domestic, civil, and criminal cases. Each province has a provincial people's court, which serves as the appellate forum for district court cases as well as court of first instance for other cases. The SPC is the highest court of appeal and review. It reports to the National Assembly. Administrative courts deal with complaints by citizens about official abuse and corruption.

There was a shortage of trained lawyers and judges, and there was no independent bar association. Low judicial salaries hindered efforts to develop a trained judiciary. The few judges who had formal legal training often had studied abroad in countries with communist legal traditions. In 2004 a newspaper affiliated with the Ministry of Justice reported that in some courts as many as 30 to 40 percent of verdicts were incorrect and as many as 50 persons had been wrongly imprisoned in the first quarter of the year. The newspaper also noted that, according to 2001 statistics, 31.2 percent of judgments in criminal cases made by local courts had to be reexamined and 46 percent of the verdicts in civil cases were wrong.

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

Courts of first instance at district and provincial levels include judges and lay assessors, but provincial appeals courts and the SPC are composed of judges only. People's councils appoint lay assessors from a pool of candidates suggested by the VFF. Lay assessors are required to have "high moral standards," but legal training is not necessary. Some international observers suggested that the short terms of appointment for judges and lay assessors and the strong representation of provincial officials on their nominating boards frequently made judges and lay assessors subject to political pressures.

The CPV and the government have established special committees to help resolve local disputes.

Corruption remained endemic within the judicial system. Phan Trung Ly, vice chairman of the National Assembly's law committee, noted in the MPS-affiliated *An Ninh The Gioi* (World Security) newspaper on August 28 that "giving of bribes to judicial workers, including judges, court clerks, procurators, and settlers of court decisions has increased and has become more complex as rings coordinating such acts have formed." On August 13, Phan Dang Dung, a court clerk of the Ho Chi Minh City People's Court, was caught taking a bribe of approximately \$7 thousand (VND 110 million). On June 16, Le Bao Quoc, a lawyer from the Ha Tinh Province Bar Association, was caught receiving \$126 thousand (VND 2 billion) and \$30 thousand (VND 465 million) from Tran Thi Ngoc, the winner of a civil law suit. Quoc reportedly asked for this money to "coordinate" the settlement of a court decision that declared Ngoc to be the legitimate owner of a \$392 thousand (VND 6.2 billion) orchard in Phu Giao District of Binh Duong Province (see section 3).

#### Trial Procedures

Trials generally were open to the public; however, judicial authorities closed trials or strictly limited attendance in sensitive cases. Defendants have the right to be present at their trials and to have a lawyer, although not necessarily the lawyer of their choice, and this right was generally upheld in practice. Defendants unable to afford a lawyer were generally provided one only in cases involving life imprisonment or capital punishment. The defendant or the defense lawyer has the right to cross-examine witnesses; however, there were credible reports that defendants were not allowed to access government evidence in advance of the trial, to cross-examine witnesses, or to challenge statements. Lawyers reported that they often had little time before trials to examine evidence to be presented against

their clients. There also were credible reports that defense lawyers were pressured not to take as clients religious or democracy activists facing trial. Convicted persons have the right to appeal. Courts did not publish their proceedings.

The public prosecutor brings charges against an accused and serves as prosecutor during trials. Under the July 2004 revisions to the criminal procedures code, courtroom procedures were to change from an "investigative" system, in which the judge leads the questioning, to an "adversarial" system, in which prosecutors and defense lawyers advocate for their respective sides. This was intended to provide more protections for defendants and prevent judges from coercing defendants into confessing guilt; however, the extent to which this change was implemented in practice remained unclear. Although the constitution provides that citizens are innocent until proven guilty, some lawyers complained that judges generally presumed guilt.

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

#### Political Prisoners

The government continued to pressure, harass, and imprison persons for the peaceful expression of dissenting religious and political views. In February democracy activist Dr. Nguyen Dan Que was amnestied after being convicted in July 2004 of "abusing democratic freedoms to infringe upon the interests of the state" and sentenced to 30 months' imprisonment. Journalists Nguyen Vu Binh and Dr. Pham Hong Son remained in prison for their 2003 conviction of "espionage" (see section 2.a.).

In June Hoa Hao activists conducted an anniversary ceremony marking the death of Hoa Haoism's founder that featured protests against government control over the Hoa Hao faith. In August police arrested 10 Hoa Hao activists at several locations on various obstruction of justice and inciting violence charges stemming from the June incident. Two Hoa Hao committed self-immolation, and one of them died (see section 2.c.).

The government claimed that it did not hold any political or religious prisoners; such persons were usually convicted of violating national security laws or general criminal laws. As with the general prison population, the government did not allow access by humanitarian organizations to political prisoners.

There were no reliable estimates of the number of political prisoners, because the government usually did not publicize such arrests and sometimes conducted closed trials and sentencing sessions. There were at least eight prisoners known to be held for political reasons and one prisoner reportedly held for religious reasons; however, some sources had much higher estimates. Among those imprisoned were political activists Pham Hong Son, Nguyen Vu Binh, Nguyen Khac Toan, scientist and writer Tran Van Luong, and religious persons Tran Van Hoang and Ma Van Bay.

As part of the government's amnesty program, the following prisoners were released during the year: Dr. Nguyen Dan Que; Nguyen Dinh Huy; human rights activist Tran Van Luong; Father Nguyen Van Ly; Brother Nguyen Thien Phung; Hmong Protestants Vang Chin Sang, Vang Mi Ly, Ly Xin Quang, and Ly Chin Seng; and Buddhist monk Thich Thien Minh. Nguyen Thi Minh Hoan was released after completing her eight-month sentence. Mennonite pastor Nguyen Hong Quang was amnestied in September, although co-defendant Pham Ngoc Thach remained imprisoned.

#### Property Restitution

By law citizens are to be compensated when they are resettled to make way for infrastructure projects, but there were widespread complaints, including from the National Assembly, that compensation was not fair or was delayed. There were several reports that officials forced ethnic minority Protestants to leave their homes without providing them with adequate compensation, particularly in the Sapa District of the northwest highlands area. Some ethnic minority individuals in the Central Highlands continued to complain that they had not received proper compensation for past seizures of their land, which was given to government-owned coffee and rubber plantations (see section 1.f.).

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

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

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

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

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

The government did not have a policy of forced resettlement. However, the government resettled some citizens to make way for infrastructure projects, and there were widespread reports that compensation was either not fair or was not paid in a timely manner (see section 1.e.).

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

The government continued to implement a family planning policy that urged families to have no more than two children; the policy emphasized exhortation rather than coercion. The government can deny promotions and salary increases to government employees with more than two children, but it was unclear if this policy was enforced. Government officials expressed growing concern that family planning efforts were failing. In June Deputy Prime Minister Pham Gia Khiem instructed population authorities to take "more drastic measures" to control the growing population and prevent families from having more than two children. However, this directive apparently was not enforced.

Local officials harassed some family members of political or religious activists. Authorities in Ho Chi Minh City reportedly cut the telephone lines at the home of Dr. Nguyen Dan Que and other political activists on a number of occasions throughout the year. The home of a lay Protestant preacher in a remote area of Quang Nam Province reportedly was burned down after he refused to renounce his religion in August. On March 30, police in the village of Plei Tao Ro in Chu Se District, Gia Lai Province, reportedly destroyed the home of a woman married to an ethnic minority man who had been resettled to a third country. In the same incident police also allegedly beat the family of a man who had been hiding from authorities since April 2004.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, the government significantly restricted these freedoms in practice, particularly with respect to political and religious speech. Both the constitution and the criminal code include broad national security and antidefamation provisions that the government used to restrict such freedoms. The criminal code defines the crimes of "sabotaging the infrastructure of Socialism," "sowing divisions between religious and nonreligious people," and "conducting propaganda against the Socialist Republic of Vietnam" as serious offenses against national security. The code also expressly forbids "taking advantage of democratic freedoms and rights to violate the interests of the state and social organizations."

In 2003 the NGO Reporters Without Borders claimed that the government severely restricted freedom of the press. In late 2004 reporter Lan Anh of *Tuoi Tre* newspaper reported on internal ministry of health deliberations of price fixing of pharmaceuticals. In January she was charged for revealing "state secrets" and placed under house arrest. The

threat of Anh's prosecution triggered unprecedented criticism from *Tuoi Tre* and other leading daily newspapers, including *Thanh Nien* and *Nguoi Lao Dong*. The Hanoi public prosecutor eventually announced Lan Anh would not be prosecuted, and in April charges against her were dropped.

A press law requires journalists to pay monetary damages to individuals or organizations harmed as a result of their reporting, even if the reports are true. Independent observers noted that this law limits investigative reporting. Several media outlets continued to test the limits of government press restrictions by publishing articles that criticized actions by CPV and government officials. During the year there were press reports about topics that generally were considered sensitive, such as the prosecution on corruption charges of high-ranking CPV and government officials. Nonetheless, the freedom to criticize the CPV and its senior leadership remained restricted. Occasional criticism of officials and official associations appeared in the local press. On August 20, *Civilization Magazine* expressed disapproval of a meeting of the Vietnam Journalists Congress and called the group a rubber stamp organization. At the meeting more than 300 media delegates were urged to implement state and party policies and not to publish articles that could adversely affect the party.

The government exercised oversight through the Ministry of Culture and Information, supplemented by pervasive party guidance and national security legislation sufficiently broad to ensure effective self-censorship by the domestic media. In August, when a religious activist tried to self-immolate in front of a diplomatic mission because of religious freedom concerns, several foreign media outlets reported on the occurrence, but no domestic press carried the story.

The law allows citizens to complain openly about inefficient government, administrative procedures, corruption, and economic policy. In general citizens freely exercised this right, but the government considered any overt political criticism stemming from such commentary a crime. Senior government and party leaders traveled to many provinces reportedly to try to resolve citizen complaints. In October 2004 the editor of the online news service *VNExpress* reportedly was dismissed because he published complaints from readers about the government's purchase of automobiles for an international conference in Hanoi. Corruption related to land use was a particular concern widely publicized in the press. In 2003 the Hanoi People's Court sentenced 4 persons to jail terms ranging from 24 to 44 months after they disseminated letters denouncing local land clearance policies. Also in 2003 a court in Dong Nai Province sentenced 4 persons to prison terms of 30 to 42 months for inciting fellow farmers to voice complaints over provincial land use policies.

The government continued to prohibit speech that questioned the role of the CPV, criticized individual government leaders, promoted pluralism or multiparty democracy, or questioned policies on sensitive matters such as human rights or the border agreement with China. The line between what constituted private speech and public speech in those areas continued to be arbitrary. In early January the head of the Haiphong Publishing House reportedly was dismissed from his position because of his role in writing the introduction of a book that criticized former Party General Secretary Do Muoi. In December 2004 scientists Tran Van Luong and Nguyen Thi Minh Hoan were sentenced to 21 and 8 months in prison respectively for having written essays critical of government economic policies. On October 19, police reportedly arrested Truong Quoc Huy, Truong Quoc Tuan, Truong Quoc Nghia, and a foreigner for participating in a Web-chat forum called "the voice of people in Vietnam and abroad." In July 2004 democracy activist Dr. Nguyen Dan Que was sentenced to 30 months' imprisonment for posting an essay on the Internet that called for less government censorship. Dr. Que was released in February but remained subject to government surveillance and low-level harassment. Also in July 2004 activists Tran Khue and Pham Que Duong were each sentenced to 19 months' imprisonment including time served (see section 2.b.).

In 2003 democracy activist and former revolutionary Tran Dung Tien was sentenced to 10 months' imprisonment including time served after signing a letter that criticized the arrest of Duong and Khue. Tran Khue, Pham Que Duong, and Tran Dung Tien completed their prison sentences and were released. Also in 2003 journalist Nguyen Vu Binh was convicted of "espionage" after he had criticized the border agreement with China and sent testimony on human rights issues in the country to a foreign government. Binh was sentenced to seven years' imprisonment and three years' house arrest. The sentence was upheld on appeal. Dr. Pham Hong Son also was convicted of "espionage" in 2003 and sentenced to 13 years' imprisonment and 3 years' house arrest, later reduced on appeal to 5 years' imprisonment, after translating an Internet article titled "What Is Democracy."

In June 2004 the government reduced by five years the prison sentence imposed on Catholic priest Thaddeus Nguyen Van Ly but kept in force a five-year administrative detention order to be served after his release in February. Father Ly originally was sentenced in 2001 to 15 years' imprisonment for "damaging national unity," but the sentence stood at 5 years after the June 2004 reduction and a similar reduction in 2003. In 2001 Father Ly had submitted written testimony critical of the government to a foreign agency and frequently spoke out for political pluralism and complete religious freedom. In 2003 the Ho Chi Minh City People's Court sentenced Father Ly's niece, Nguyen Thi

Hoa, and two nephews, Nguyen Truc Cuong and Nguyen Vu Viet, to sentences ranging from three to five years' imprisonment for communicating information on his activities to foreign journalists. In 2003 the Ho Chi Minh Court of Appeals reduced the sentences of the three to time served.

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

The CPV, the government, and the party-controlled mass organizations controlled all print, broadcast, and electronic media.

Published reports on high-level government corruption and mismanagement have become more frequent and prominent in recent years. For example, in 2004 domestic papers reported extensively on the corruption trial of former Ministry of Agriculture official La Thi Kim Oanh and the subsequent dismissal of Minister of Agriculture Le Huy Ngo. Also in 2004 Vice Minister of Trade Mai Van Dau and his son, Mai Thanh Hai, were arrested for allegedly taking tens of thousands of dollars in bribes in exchange for arranging quotas for companies exporting textile products. Prosecutors announced their indictment on charges of accepting bribes. All major newspapers carried detailed reports about their crimes and luxurious lifestyles.

Foreign journalists must be approved by the Foreign Ministry's press center and must be based in Hanoi. The number of foreign staff allowed was limited, and local staff who worked for foreign media were required to be registered with the Foreign Ministry. It also was difficult for foreign media outlets to hire local photographers and receive approval for their accreditation. The government can withhold or withdraw registration. The press center monitored journalists' activities and decided on a case-by-case basis whether to approve interview, photograph, film, or travel requests, all of which must be submitted five days in advance. In September the press center rejected foreign journalists' requests to travel to Cuc Phong National Park to report on avian influenza and also a request by the World Health Organization to visit the park to collect blood samples. In 2004 the press center refused requests by foreign journalists to travel to the Central Highlands in the immediate aftermath of the April 10 protests in the region. By law foreign journalists are required to address all questions to government agencies through the Foreign Ministry, although it appeared that this procedure often was ignored in practice. Foreign journalists generally received visas valid for six months. In 2004 at least two foreign journalists were threatened with nonrenewal of their visas as a result of their reporting.

The government generally required religious publishing to be done through one government-owned religious publishing house; however, some religious groups were able to print their own materials or import them, subject to government approval (see section 2.c.). In other cases unauthorized religious materials were confiscated and the owners either fined or arrested.

Foreign-language editions of some banned books, such as Duong Thu Huong's *Memories of a Pure Spring*, were sold openly by street peddlers, and Bao Ninh's previously banned book, *Sorrow of War*, was available in bookstores in Vietnamese-language editions.

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

The law limits access to satellite television to top officials, foreigners, luxury hotels, and the press; however, it was not enforced uniformly, and an increasing number of persons in urban and some rural areas had access to uncensored television programs via home satellite equipment or cable. Cable television, including foreign-origin channels, was available to subscribers living in urban areas, although the government periodically blocked many subscribers from receiving certain news channels, including CNN and the BBC. Satellite dishes picking up pirated satellite signals from Thailand and the Philippines were increasingly common. During the prime minister's June trip to the United States, CNN subscribers were unable to watch some CNN reports on the visit that featured antigovernment protests. In addition authorities blacked out with ink portions of articles reporting on the visit that were published in the *International Herald Tribune* edition delivered to foreigners.

The government controlled art exhibits, music, and other cultural activities; however, it generally allowed artists broader latitude than in past years to choose the themes for their works. Many artists received permission to exhibit their works abroad and received passports to attend the exhibits and export permits to send their works out of the

country. Additionally, a number of foreign embassies and consulates were able to conduct a wider variety of cultural activities than in the past.

The government allowed access to the Internet through a limited number of Internet Service Providers (ISPs), all of which were state-owned joint stock companies. In January 2004 the MPS issued a decision forbidding direct access to the Internet through foreign ISPs, requiring domestic ISPs to store information transmitted on the Internet for at least 15 days, and further requiring ISPs to provide technical assistance and workspace to public security agents to allow them to monitor Internet activities. The decision also requires Internet agents, such as cybercafes, to register the personal information of their customers, store records of Internet sites visited by customers for 30 days, and cooperate with public security officials. It was not clear how fully these provisions were being followed in practice, although many cybercafes did not register the personal details of their clients.

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

The government required all owners of domestic Web sites, including those operated by foreign entities, to register their sites with the government and submit their Web site content to the government for approval. In July a senior foreign diplomat held a live and uncensored Web chat with local citizens on bilateral and domestic issues, including international concerns on human rights and religious freedom.

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

## b. Freedom of Peaceful Assembly and Association

### Freedom of Assembly

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

As in previous years, there were reports from the Northwest Highlands and Central Highlands that officials prevented meetings of some Protestant believers or dispersed those meetings when they occurred (see section 2.c.). In mid-September a Protestant group's petition to gather for worship in the Chu Prong District of Gia Lai Province was refused. In June a Protestant congregation in Quang Ninh Province also was denied permission to register their group so that they could legally gather for worship.

Unlike in 2004, no ethnic minority protests were reported in the Central Highlands. In April 2004 ethnic minorities conducted unannounced demonstrations in numerous locations in the central highlands provinces of Dak Nong, Dak Lak, and Gia Lai to protest against lack of economic opportunity, loss of traditional lands, and restrictions on religion. Some protesters also reportedly called for the establishment of an independent, ethnic minority "Dega" state in the Central Highlands. In a number of cases, police reportedly responded to the demonstrations by beating and firing upon protesters (see sections 1.a. and 1.c.). The government claimed two persons died during the riots, although credible sources say at least one dozen were killed and many more were injured. In August 2004 a court in Buon Ma Thuot, Dak Lak Province, sentenced 9 persons to between 5 and 12 years' imprisonment for having taken part in the protests. In November 2004 a court in Dak Nong Province sentenced 17 ethnic Ede to between 3 and 10 years in prison for having taken part in the protests. Human rights groups counted at least 76 ethnic minority individuals sentenced to prison for participating in protests in 2001 and 2004, and some observers estimated the figure might have been considerably higher.

During the year peaceful small protests of farmers demanding redress for land rights issues frequently took place in front of government buildings in Hanoi. Police monitored these protests but did not disrupt them. Protesters in Ho Chi Minh City sought to block the demolition of a number of homes over which the state had exercised eminent domain. Additionally, Ho Chi Minh City authorities ordered the demolition of a portion of the home of Mennonite pastor Nguyen Hong Quang that was being used as a house church (see section 2.c.).

#### Freedom of Association

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

In May 2004 a court in Ho Chi Minh City sentenced Nguyen The Hanh to two years in prison for having been involved with Vietnamese-American political activist groups during the two years he spent outside the country.

Also in May 2004 a group of lawyers and journalists held a public ceremony in Hanoi to mark the establishment of "Lawyers for Justice," an advocacy group to aid victims of the police or legal injustice. The head of the Hanoi Bar Association declared their organization illegal and ordered them to disband or be disbarred. Subsequently, the group formally disbanded, although members maintained contact with each other and met as a group with foreign diplomats and others.

#### c. Freedom of Religion

The constitution and government decrees provide for freedom of worship; however, the government continued to restrict to a significant degree the organized activities of religious groups that it declared to be at variance with state laws and policies.

The government generally allowed persons to practice individual worship in the religion of their choice, but the legal framework governing religion requires that the government officially sanction the organization and activities of all religious denominations. In March an implementation decree for the 2004 ordinance on belief and religion established guidelines for religious denominations to register their activities and seek official recognition. This new legal framework, which supersedes the more restrictive 1999 decree on religion, relaxed controls on the promotion and transfer of clerics, the scheduling of religious activities, and the abilities of religious groups to carry out charitable functions. It also provided a clear mechanism for unregistered house churches to normalize their activities, which reinforced an earlier, special "Instruction on Protestantism" issued in February by the prime minister that directed officials to assist unrecognized religious denominations in registering their activities so that they could practice openly.

Despite restrictions on organized activity, participation in religious activities continued to grow significantly. Two house church organizations successfully registered in Ho Chi Minh City under the new framework. They and at least one other house church organization had applications pending in other provinces. Some congregations belonging to previously recognized faiths were able to legally register their activities and places of worship.

Nonetheless, the new framework maintained overall government control of religious organizations and kept in place significant limitations on education, medical, and charitable work by religious groups. The government continued to use the registration and recognition process to control and monitor church organizations. The government officially recognized Buddhist, Roman Catholic, Protestant, Hoa Hao, Cao Dai, and Muslim religious organizations. To obtain official recognition, a group must obtain government approval of its charter, its leadership, and the overall scope of its activities. Official approval is required for the opening of new places of worship, ordination of clerics, establishment of religious teaching institutions, and entry of students into those institutions.

The government's approval process was slow and nontransparent, although the law mandates that the government act in a time-bound and transparent fashion. Annual activities by congregations must be registered with authorities, and activities not on this annual calendar require explicit government approval. Officially recognized religious organizations were able to operate with varying degrees of freedom throughout the country, and followers of these religious bodies were usually able to worship without government harassment.

In addition to officially recognized religious denominations, numerous unrecognized denominations operated in the country, including independent Buddhists, Baptists, Mennonites, Jehovah's Witnesses, Mormons, the Baha'i Faith, independent Cao Dai and Hoa Hao groups, and ethnic Cham Hindus. Some unrecognized Protestant, Buddhist, and Hoa Hao religious bodies have unsuccessfully requested official recognition of their organizations in past years. Two Protestant denominations, one Baptist and the other Seventh-day Adventist, registered their activities in Ho Chi Minh City under the new legal framework. Their applications were pending in other provinces. Other groups such as the Mennonites and Jehovah's Witnesses attempted to register and normalize their activities under the new legal framework governing religion, but at year's end they had not received government approval.

Official oversight of recognized religions and problems of harassment or repression of followers of unrecognized religions varied from locality to locality, often as a result of ignorance of national policy or varying local interpretations of it. Activities of unregistered religious groups were technically considered illegal by the authorities, and these groups sometimes experienced harassment, although the level of harassment declined, particularly of Protestant house churches, in the central and southern regions. Many unregistered churches and temples, especially those in urban areas or belonging to traditional Hindu and Muslim groups, were allowed to operate without interference. The government actively discouraged contacts between the illegal UBCV and its foreign supporters, and between unofficial Protestant organizations and their foreign supporters, although such contacts continued. Police routinely questioned some persons who held alternative religious or political views, such as UBCV monks and Catholic priests. For example, throughout the year UBCV monks from Hue and Ho Chi Minh City were prevented from visiting their patriarch in Binh Dinh Province. According to credible reports, police also detained persons in the Central Highlands based upon a suspicion that the form of Protestant religion they were practicing encouraged ethnic minority separatism.

Police and local officials in some areas strove to prevent Protestants who belonged to unregistered or unrecognized groups from assembling to worship. This situation was particularly acute in some areas of the Central Highlands. The international NGO Human Rights Watch reported that security forces in Kon Tum Province demolished the chapel of Mennonite pastor Nguyen Cong Chinh twice during 2004. Authorities reportedly based their actions on the fact that Chinh had purchased under a false name the land on which the chapel was built. At least one other unregistered Protestant church operated a short distance away from Chinh's but suffered no harassment.

In Ho Chi Minh City, the house church of Mennonite pastor Nguyen Hong Quang was a target of particularly severe harassment. In June 2004, following a scuffle with police officers, Quang was detained and sentenced to three years' imprisonment, while five of his followers were sentenced to between nine months and two years in prison. Some observers connected Quang's arrest to his broader social activism. During Quang's detention his wife continued to operate their unauthorized church but repeatedly was harassed by police. Allegations that police tortured a number of Quang's followers in prison could not be corroborated. Quang was released in September in an amnesty. Since his release, harassment against his church has ebbed.

In October 2004 police in Ho Chi Minh City disrupted an unregistered private Bible study seminar and detained 2 unofficial Protestant pastors and 17 ethnic Hmong house church leaders from the Northwest Highlands. The 17 Hmong were held overnight and then returned to the Northwest Highlands. There were credible reports that Protestants in the Northwest Highlands were beaten for reasons connected to their faith (see section 1.a.). In March Thao A Long from the village of Ca Ngay in Sapa District, Lao Cai Province, reportedly was arrested and seriously beaten by police because of his membership in the Evangelical Church of Vietnam. In April in the same area, Vang A Lo from Lu Khau village, reportedly a CPV member since 1997, was forced to flee arrest to neighboring Lai Chau Province because he refused to renounce Protestantism. Local authorities subsequently seized his land illegally. Despite these sporadically reported problems, the overall number of reports of harassment of Protestant groups declined during the year (see section 2.b.). In 2003 officials reportedly raped two girls in Nam Nga village, Lai Chau Province, to punish their families for following Protestantism (see section 1.c.).

Government officials denied allegations that Protestant house churches were destroyed or closed because they were unregistered and therefore illegal. Ho Chi Minh City authorities instead claimed they ordered the demolition of a portion of the home of Mennonite pastor Nguyen Hong Quang apparently because it was built without the required permits. Although local authorities maintained that other constructions in the area had been destroyed because they were illegal, none of the houses in the immediate vicinity of Quang's home appeared to be affected by government action.

With the exception of Dak Lak Province, many of the Protestant house churches in the Central Highlands affiliated with the government-recognized Southern Evangelical Church of Vietnam (SECV) that had been ordered to shut down in 2001 were able to resume operations, and a small but growing number were officially registered. A number

of unregistered Protestant congregations among ethnic minority groups in the Northwest Highlands, the Hmong in particular, began to approach local authorities to begin registration proceedings. In several northwest highlands provinces, officials denied the existence of any Protestant religious believers, despite recognition by the central government that thousands of unregistered Protestants resided there. By year's end several hundred congregations in the northwest had applied for registration, but only one received any kind of response from local authorities despite a national mandate for prompt replies to such applications. Many congregations also reported that official harassment increased significantly after making their efforts to register legally.

In March the SECV held its second national convention. According to credible sources, the Church was able to elect a new leadership slate free from government interference. In December 2004 the officially recognized Evangelical Church of Vietnam: North (ECVN) held a national convention for the first time in 20 years. The convention initially had been delayed by government refusal to grant permission and also by the reluctance of ECVN leaders to hold the meeting until they could ensure it would be free from government interference. The convention allowed the ECVN to vote on a new leadership board, appoint new pastors, and begin a renovation and expansion program.

There were significantly fewer allegations of forced renunciations during the year. In August there were credible reports that local officials attempted to force an SECV lay preacher to renounce his faith and stop his ministry in the ethnic minority Hre village in Quang Ngai Province. His house reportedly was burned down in retaliation.

Pastors of a house church Ninh Thuan province reported that following the baptism of 7 new ethnic minority villagers in June, local police summoned all 33 members of the group to the village police station. Only five or six members of the group went to the village police station, where they were questioned for half a day and then sent home; the other members did not go but suffered no negative consequences for declining the police summons. Simultaneously police questioned the house church's two evangelists for three days; they were allowed to return home in the evenings. In October the chairman of the commune people's committee summoned the members of the Protestant community to the village chief's house. Five Protestants attended. In a public gathering, local officials threatened the five with the loss of government benefits and government-provided housing if they did not renounce Protestantism. Four renounced and one did not, but none suffered any negative consequences afterwards, nor did any other members of the house church community.

In July and August 2004 authorities reportedly detained without charge more than 100 Hmong Protestants, choosing a member from each Protestant family in at least 5 different communes in Sapa District, Lao Cai Province. The authorities attempted to force the detainees to renounce Protestantism, releasing them only when they promised to do so. In March 2004 police in Kon Tum Province reportedly harassed Protestant believers at a house church, seized Bibles, and fined the church organizer. Also in March 2004 in Kon Tum, police reportedly detained an unregistered ethnic Gia Rai Protestant pastor three different times, beat him, and attempted to force him to renounce his faith on each occasion.

In past years, under threat of physical abuse or confiscation of property, some ethnic minority Protestants allegedly were made to sign a formal, written renunciation or to undergo a symbolic ritual. However, only one credible report of such a case was reported during the year. In late November an ethnic minority pastor in Ha Giang Province was forced to sign a written renunciation of his faith after his congregation attempted to register with the local authorities per the national policy on religion.

Unlike in previous years, there were no reports that officials fabricated evidence. In some past cases, particularly involving Hmong Protestants, when authorities prosecuted persons who had organized unauthorized religious services, they used provisions of the penal code that allow for jail terms of up to three years for "abusing freedom of speech, press or religion," and terms of up to two years for "causing public disorder." The penal code establishes penalties ranging from 2 to 15 years' imprisonment for "attempting to undermine national unity" by promoting "division between religious believers and nonbelievers."

Buddhists practicing their religion under the Vietnam Buddhist Sangha Executive Council, the officially sanctioned Buddhist governing council, were generally free to practice their religion. While these constituted the majority of Buddhists, the government continued to harass members of the banned UBCV and prevented them from conducting independent religious activities outside their pagodas. In 2003 UBCV leaders met in Binh Dinh in what church members characterized as a de facto reestablishment of the UBCV structure and leadership. Security authorities intercepted several UBCV leaders leaving the meeting and returned them to their respective pagodas. From that point until year's end, senior UBCV leaders, including Patriarch Thich Huyen Quang and Thich Quang Do, remained confined to their pagodas and had restrictions on their ability to travel and meet with followers. In November 2004 Thich Quang Do attempted to travel to Quy Nhon Province to visit Thich Huyen Quang, who was hospitalized at that

time. Thich Quang Do was blocked from doing so and was returned to his pagoda in Ho Chi Minh City under police escort. Other UBCV monks also were prevented from visiting Thich Huyen Quang during the year. However, foreign ambassadors were able to meet with Patriarch Thich Huyen Quang in April and November 2004, and visiting foreign officials met with Thich Quang Do and other UBCV leaders on several occasions in 2004 and during the year. The government also declared illegal the UBCV's formation of provincial representative boards in at least nine provinces in central and southern regions of the country in mid-year.

The government eased restrictions over the Roman Catholic Church, although it maintained veto power over Vatican appointments of Catholic bishops. The Vatican and the government reached agreement on mutually acceptable candidates, and all bishoprics were filled. The government agreed to create a new bishopric by splitting the Xuan Loc diocese into two. The government restricted the number of Catholic seminaries and the size and frequency of entering classes, although in 2004 it allowed an 80 percent increase in the number of new students in at least 1 seminary. The Catholic Church reported the number of priests was insufficient to meet the needs of believers and was seeking to increase further the size and frequency of classes. In November, during the visit of a Vatican cardinal, 57 priests were ordained in Hanoi. According to church officials, the government was considering granting permission to open a new seminary in Dong Nai Province. Under the new framework on religion, the Church is free to appoint candidates to enter seminary and may then ordain them as priests. A number of Catholic clergy reported a continued easing of government control over activities in certain dioceses during the year. In many places local government officials allowed Catholic Church officials to conduct religious education classes (outside regular school hours) and some charitable activities; however, in other areas, particularly in some parts of the Central Highlands, local officials were more restrictive. The government continued discussions to normalize diplomatic relations with the Vatican and in November hosted the visit of the cardinal in charge of the Vatican's missionary works.

The government amnestied 3 Hoa Hao leaders in 2004; however, at least 10 Hoa Hao church followers remained in prison. Hoa Hao monks and believers following the government-approved Hoa Hao Administrative Council (HHAC) were allowed freedom to practice their faith. Between 100 and 200 visitors worshipped at the central Hoa Hao Pagoda in An Giang Province on a daily basis. Monks and followers who belonged to dissident groups or declined to recognize the authority of the HHAC suffered restrictions. In June Hoa Hao activists organized a ceremony to commemorate the 2004 death of founder Nguyen Hai Ha. Some activists reportedly clashed with police when they displayed banners protesting government control over the Hoa Hao faith. In August police arrested eight persons involved in the June event. Two other Hoa Hao activists committed self-immolation during the arrests, one of whom died. At year's end the other person remained in police custody.

In January Hong Thien Hanh, leader of the small To Dinh Tan Chieu Minh group in Tien Giang Province, was sentenced to eight years' imprisonment for engaging in illegal religious activities and defrauding his followers.

Muslim Association members were able to practice their faith, including daily prayer and fasting during the month of Ramadan.

Many persons, although not adherents of a particular faith, practiced a native form of ancestor worship.

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

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

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

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

The government allowed religious travel for some religious persons. Muslims were not prohibited from taking the Hajj, and more Buddhist, Catholic, and Protestant officials were able to travel and study abroad. The government allowed many bishops and priests to travel freely within their dioceses and allowed greater, but still restricted, freedom for travel outside these areas, particularly in ethnic areas. Many Protestant house church leaders traveled overseas and within the country during the year. In the past government officials discouraged officially recognized clergy from entering Son La Province, Lai Chau Province, and some other "sensitive" ethnic-minority highlands border provinces; however, some Protestant leaders reported that this policy eased significantly during the year.

Persons who were religious practitioners in an unrecognized group sometimes were not approved for foreign travel.

#### Societal Abuses and Discrimination

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

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

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

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

In September 2004 the Prime Minister's Office released a decision requiring citizens and resident foreigners to obtain a permit to visit border areas, defense facilities, industrial zones involved in national defense, areas of "national strategic storage," and "works of extreme importance for political, economic, cultural and social purposes."

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

By law citizens had to obtain permission to change their residence. However, in practice many persons continued to move without approval, especially migrant or itinerant laborers moving from rural areas to cities in search of work. Moving without permission hampered persons in obtaining legal residence permits. Foreign passport holders must register to stay in private homes, and local authorities at times refused to allow foreign visitors to stay with friends and family. Citizens are also required to register with local police when they stay overnight in any location outside of their own homes; the government appeared to have enforced these requirements more strictly in some districts of the Central and Northwest Highlands. In May two foreign citizens were detained by local authorities in Gia Lai Province for two days before being fined for being in a restricted area and released. Police in Hanoi and Ho Chi Minh City used the requirement described above on two occasions in 2004 to detain groups of ethnic Hmong house church leaders participating in private Bible-study seminars and return them to their home provinces (see section 2.c.).

Unlike in past years, the government allowed fact-finding visits by UNHCR and foreign mission staff to the Central Highlands. In general these trips were closely monitored but not hindered by local government authorities. The government granted UNHCR and foreign mission staff access to local citizens of interest.

Although the government no longer required citizens traveling abroad to obtain exit or reentry visas, the government sometimes refused to issue passports. In the past the government did not allow some persons who publicly or privately expressed critical opinions on religious or political issues to travel abroad; however, during the year dissident Hoang Minh Chinh traveled overseas for medical care, and dissident author Duong Thu Huong also traveled abroad. After Chinh returned to Hanoi in December, he was harassed and his property damaged by groups angry about his antigovernment comments while abroad. Authorities reportedly prevented political activist Tran Khue from traveling to Europe and the United States.

Citizens' access to passports sometimes was constrained by factors such as bribery and corruption. Refugee and immigrant visa applicants sometimes encountered local officials who arbitrarily delayed or denied passport issuance based on personal animosities, on the officials' perception that an applicant did not meet program criteria, or to extort a bribe. Some family members of ethnic minorities granted refugee status abroad were reissued household registration papers with the missing member removed, a step that allows the remaining family members to obtain passports. In other cases family members of refugees were unable to obtain passports to reunite abroad. Provinces in the Central Highlands other than Dak Lak generally made progress in resolving outstanding family reunification cases involving ethnic minorities.

The law does not provide for forced internal or external exile; however, cases amounting to de facto exile continued to occur. In 2003 several UBCV leaders were forcibly returned to their home pagodas and placed under official or unofficial administrative detention there (see section 2.c.). Protestant pastor Nguyen Lap Ma has been forced to reside in an isolated village in Can Tho Province since 1982, but authorities have allowed him to travel to Ho Chi Minh City for monthly medical examinations since he suffered a stroke in 1998. Another Protestant pastor, Nguyen Nhat Thong, has been forced to reside in a remote village in Binh Thuan Province since 1979. He has been allowed to travel outside the village since 1986, but he must ask for the permission of local authorities each time. In January 2004 Protestant pastor Tran Dinh Ai, a citizen and frequent critic of the government now living abroad, was refused entry into the country. When he attempted to return in December, he was denied entry and returned to Singapore, his point of embarkation.

The United States continued to process immigrants and refugee applicants for admission and resettlement, including Amerasians, former reeducation camp detainees, former US government employees, family reunification cases, and returnees from camps of first asylum elsewhere in the region (under the Resettlement Opportunity for Vietnamese Returnees program). Most of these programs were closed to new applicants nearly a decade ago, and the number of cases in some categories is now in the low double digits. (An exception was the Amerasian program, which remained open to new applicants; however, this program remained on hold pending new adjudication guidelines.)

The government generally permitted citizens who had emigrated abroad to return to visit. By law the government considers anyone born in the country to be a citizen, even if the person has acquired another country's citizenship, unless a formal renunciation of citizenship has been approved by the president. However, in practice the government usually treated overseas Vietnamese as citizens of their adopted country. Emigrants were not permitted to use Vietnamese passports after they acquired other citizenship. The government generally encouraged visitation by such persons but sometimes monitored them carefully.

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

On January 25, the government signed a tripartite Memorandum of Understanding on the Settlement of Issues Relating to the Vietnamese Central Highlands Ethnic Minority People in Cambodia with the government of Cambodia and the UNHCR to facilitate the return of all ethnic minority individuals in Cambodia who did not qualify for third-country resettlement. Subsequent to this agreement, more than 140 ethnic minorities returned to Vietnam. On July 20, 94 individuals who did not have refugee status were deported to Vietnam, which resulted in increased calls from the international community to allow monitoring access in the Central Highlands. The UNHCR and various foreign diplomats were permitted to visit returnees after their arrival in the Central Highlands. In September the UNHCR was permitted to accompany several individuals on their return trip from the border to the Central Highlands and conduct additional follow-up monitoring. Central government and provincial officials were emphatic that they were attempting to reintegrate the returnees peacefully. However, some provinces did not allow some international observers private access to the returnees to examine scattered reports of abuse or discrimination of returnees. An additional 400 ethnic minorities in Cambodia received third-country resettlement status.

#### Protection of Refugees

The country is not a signatory to the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. In July 2004 the government allowed more than 450 North Koreans illegally present in the country to travel to South Korea. Unconfirmed reports from international NGOs in August 2004 stated that as many as 100 North Korean

refugees had been returned to China. In incidents in December 2004 and July, a handful of North Korean asylum seekers entered foreign diplomatic missions in Hanoi. The government permitted the respective missions to facilitate the North Koreans' travel to a third country. Subsequent to the July incident, however, the government issued a circular to diplomatic missions and international organizations calling on them to hand over to local authorities any third-country intruders, whom the government considers to be immigration law violators. There were no reports at year's end that the government had invoked this new policy.

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

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

The government continued to restrict public debate and criticism to certain aspects of individual, state, or party performance determined by the CPV itself. No public challenge to the legitimacy of the one-party state was permitted; however, there were instances of unsanctioned letters critical of the government from private citizens, including some former senior party members, which circulated publicly.

#### Elections and Political Participation

The most recent elections to select members of the National Assembly were held in 2002. These elections were neither free nor fair, since all candidates were chosen and vetted by the CPV's VFF, an umbrella group that monitors all of the country's popular organizations. Consequently, 90 percent of the delegates were CPV members. Those that were not CPV members were only nominally independent.

Revisions to the Law on Election of Deputies to People's Councils, issued by the National Assembly in 2003, provided for higher numbers of female and minority candidates, more candidates per position, and fewer party members standing for seats in people's council elections at all levels. Nonetheless, for the 2004 people's councils elections, the party-controlled VFF approved all candidates, as it did for national and provincial assembly elections. Although voting is not compulsory, election officials applied many means to persuade citizens to vote, including using public address systems to ask late-voting citizens by name to come to the polls. The government claimed a 99.7 percent voter turnout at the district level for the April 2004 people's councils election. Proxy voting in that election, while illegal, appeared widespread. In addition, most voting was finished by 10 a.m., although polls were required to stay open until 7 p.m.

The National Assembly, although subject to the control of the CPV (all of its senior leaders and 90 percent of its members were party members), increasingly served as a forum for the expression of local and provincial concerns, as a critic of corruption and inefficiency, and as an arena for debating progress in improved transparency for the legal and regulatory systems. In the past it did not initiate legislation and did not pass legislation that the CPV opposed; however, for the first time, the National Assembly reportedly drafted independent legislation during the year. CPV officials occupied most senior government and national assembly positions and continued to have the final decision on key issues. Legislators continued to question and criticize ministers, including for the first time the prime minister, in biannual national assembly sessions that were broadcast live on television.

The law provides the opportunity for equal participation in politics by women and minority groups. Women held a number of important government positions, including the vice presidency. There were 136 women in the 498-seat National Assembly. There were three women at the ministerial level but no female members of the Politburo. There were only a few women in provincial-level leadership positions.

There were 87 ethnic minority members in the National Assembly and 2 ethnic minority members serving in cabinet-level positions. The CPV general secretary is a member of the Tay ethnic minority group; however, the number of minorities in the executive branch of government or within the party at a national-level did not accurately reflect their proportion (15 percent) of the population.

#### Government Corruption and Transparency

Corruption continued to be a major problem. The government showcased its efforts to fight corruption, including publicizing budgets at different levels of government and streamlining government inspection measures. Cases of government officials accused of corruption were publicized widely. For example, in July the media carried extensive accounts of the public prosecutor's decision to conduct a formal investigation against Deputy Trade Minister Mai Van Dau, arrested in November 2004 for allegedly receiving bribes to grant quotas to some garment companies. In October the MPS instructed the public prosecutor to publicly charge Nguyen Quang Thuong and five other former senior staff members of Petro Vietnam and Vietsopro with corruption, "deliberately acting against the state's regulations on economic management, causing serious consequences," and "lacking a spirit of responsibility, causing serious consequences" (see section 1.e.). Thuong, deputy director general of Vietnam Oil and Gas Corporation, was arrested in June 2004 for allegedly receiving a bribe of 400 thousand dollars to endorse a false 17-million-dollar equipment contract for an offshore oil well belonging to Vietsopetro, the country's leading Vietnamese-Russian joint venture on oil and gas.

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

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

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

The government generally prohibited private citizens from contacting international human rights organizations, although some activists did so. The government generally did not permit visits by international NGO human rights monitors; however, it allowed representatives from the press, UNHCR, foreign governments, and international development and relief NGOs to visit the Central Highlands in August, September, and November. The government criticized almost all public statements on human rights issues by international NGOs and foreign governments. However, on August 18, for the first time the government responded publicly to international criticism of its human rights record by publishing a white paper that outlined efforts to improve the overall human rights situation.

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

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on gender, ethnicity, religion, or social class; however, enforcement of these prohibitions was uneven. While many persons formerly interned in reeducation camps on the basis of association with the pre-1975 government were well integrated into society, some continued to report varying levels of discrimination as they and their families sought access to housing, education, and employment. Some military veterans of the pre-1975 government still faced economic hardship as a result of past employment restrictions and discrimination, but none were known still to be incarcerated for their activities before 1975. These veterans and their families generally were unable to obtain employment with the government. This prohibition was less restrictive than in previous years because of the growth of job opportunities in the private sector.

#### Women

The penal code prescribes punishment ranging from warnings to up to two years' imprisonment for "those who cruelly treat persons dependent on them"; however, the police and legal system were generally not equipped to deal with cases of domestic violence. Officials increasingly acknowledged domestic violence, which also was discussed more openly in the media. Domestic violence against women reportedly was common, although there are no firm statistics measuring the extent of the problem. Hot lines for victims of domestic violence run by domestic NGOs existed in some major cities. There were no reports of police or judicial reluctance to act on domestic abuse cases. The government did not take any special actions to combat rape during the year. Approximately two-thirds of divorces reportedly were due in part to domestic violence. The divorce rate has risen in the past few years, but many women

remained in abusive marriages rather than confront the social and family stigma as well as the economic uncertainty of divorce.

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

Prostitution is officially illegal but enforcement was uneven. Estimates varied widely, but some NGOs estimated that there were 300 thousand prostitutes in the country, including those who engaged in prostitution part-time or seasonally. As in past years, some women reportedly were coerced to work as prostitutes, often victimized by false promises of lucrative work (see section 5, Trafficking). Many more women felt compelled to work as prostitutes because of poverty and a lack of other employment opportunities. There were reports in 2003 that some persons in Ho Chi Minh City addicted young women to heroin and forced them to work as prostitutes to earn money for drugs (see section 5, Children). There were continued reports that some parents coerced daughters into prostitution or made extreme financial demands that compelled them to engage in prostitution, since parents often expected an eldest daughter to assume responsibility for a significant part of a family's finances. The Vietnam Women's Union as well as international NGOs engaged actively in education and rehabilitation programs to combat these abuses.

While there is no legal discrimination, women faced societal discrimination. Despite the large body of legislation and regulations devoted to the protection of women's rights in marriage as well as in the workplace and labor code provisions that call for preferential treatment of women, women did not always receive equal treatment. Nevertheless, women played an important role in the economy and were engaged widely in business and in social and educational institutions. Opportunities for young professional women have increased markedly in the past few years, with greater numbers of women entering and staying in the civil service, universities, and the private sector.

The VFF-controlled Women's Union has a broad agenda to promote women's rights, including political, economic, and legal equality, and protection from spousal abuse. The Women's Union operated micro-credit consumer finance programs and other programs to promote the advancement of women. International NGOs and other international organizations regarded the Women's Union as effective, but they and union representatives believed that more time is required to overcome societal attitudes that relegated women to lower status than men. The government also has a committee for the advancement of women, which coordinated interministerial programs that affected women.

## Children

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

The government continued a nationwide immunization campaign, and the government-controlled press regularly stressed the importance of health and education for all children. While reports from domestic sources indicated that responsible officials generally took these goals seriously, concrete actions were constrained by limited budgets. According to the United Nations Children's Fund (UNICEF), despite growth in incomes over the past decade, severe malnutrition remained a problem; approximately 39 percent of children under 5 years of age were underweight during the 1995-2000 period.

There was no information on occurrences of child abuse.

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

Some children were trafficked domestically, and others were trafficked to foreign destinations for the purpose of sexual exploitation (see section 5, Trafficking).

According to the Ministry of Labor, Invalids, and Social Affairs (MOLISA), there were 21,869 street children in the country as of February 2003. Street children were vulnerable to abuse and sometimes were abused or harassed by police. International NGOs documented numerous cases of Cambodian children trafficked to Ho Chi Minh City for short-term work in begging rings.

### Trafficking in Persons

The penal code prohibits trafficking in women and children; however, trafficking in women and children for the purpose of sexual exploitation remained a serious problem. There were no known cases of trafficking in adult persons for labor during the year. While reliable statistics on the number of citizens who were victims of sex-related trafficking were not available, there was evidence that the number has grown in recent years. The Social Evils Department of MOLISA and the Criminal Police Department of the MPS were the main government agencies involved in combating trafficking, in cooperation with the Ministry of Justice, the Women's Union, and the border guards. Police took an increasingly active role in investigating trafficking during the year, including training a dedicated antitrafficking force and building a conviction record.

Throughout the year the government increased efforts to prosecute traffickers. The law provides for prison sentences of 2 to 20 years for each offense for persons found guilty of trafficking women, and for between 3 years and life in prison for each offense for persons found guilty of trafficking children. Hundreds of traffickers have been convicted and imprisoned. The government worked with international NGOs to supplement law enforcement measures and cooperated with other national governments to prevent trafficking. It also cooperated closely with other countries within the framework of INTERPOL and its Asian counterpart.

The country was a source for trafficking in persons. Women were trafficked primarily to Cambodia and China for sexual exploitation and arranged marriages. According to one report, between 1990 and 2000 approximately 20 thousand young women and girls were sent to China to become brides, domestic workers, or prostitutes; however, it was not clear how many were victims of trafficking. Chinese police stated they had rescued more than 1,800 trafficking victims on the China-Vietnam border since 2001. Between 1995 and 2000, approximately five thousand women and children were trafficked to and escaped from Cambodia. Some women also were trafficked to Singapore, Hong Kong, Macau, Thailand, Taiwan, the United Kingdom, and the United States. There also were reports that some women going to Taiwan, Hong Kong, Macau, and China for arranged marriages were victims of trafficking. The government estimated that approximately 10 percent of women in arranged marriages with Chinese men may have become trafficking victims. Some women and children also were trafficked within the country, usually from rural to urban areas. There were no reported incidents of trafficking of adult males during the year.

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

Individuals also were convicted in cases in which parents received payments in exchange for giving up their infant children for adoption. In addition, there was anecdotal evidence that small children and infants were sometimes kidnapped and sold to traffickers in China. Children also were trafficked to other countries; in September the press reported that Vietnamese children arriving illegally in the United Kingdom had become the victims of crime and abuse, including being forced to work in brothels, as beggars, in crime rings, or as drug traffickers (see section 5, Children). Mass organizations and NGOs continued to operate limited programs to reintegrate trafficked children into society. During the year programs designed to provide protection and reintegration assistance for trafficking victims through psychosocial support and vocational training, as well as to supplement regional and national prevention efforts by targeting at-risk populations for similar services, continued operation in the north of the country.

There were reports that some women from Ho Chi Minh City and the Mekong Delta who married men from Taiwan were forced into prostitution after their arrival in Taiwan. There was reported trafficking in women to the Macau Special Administrative Region of China with the assistance of organizations in China that were ostensibly marriage

service bureaus, international labor organizations, and travel agencies. After arrival, women were forced into conditions similar to indentured servitude; some were forced into prostitution. In 2002 the government suspended the licenses of marriage mediation services and transferred their function to the Women's Union. The services had helped to arrange marriages between women and foreigners, primarily Taiwanese men. Government officials noted that it continued to be difficult to obtain information from Taiwanese officials on cases of alleged trafficking in Taiwan.

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

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

There were no cases indicating that governmental authorities or security forces facilitated or condoned trafficking in persons. However, the government continued to have a persistent problem with corruption, which is particularly severe among street-level police and border agents.

Official institutions, including MOLISA, the Women's Union, the Youth Union, and the Committee for Population, Family, and Children, had active programs aimed at prevention and victims' protection. These programs included warning women and girls of these dangers, repatriation programs, and vocational training for teenage girls in communities considered vulnerable to trafficking. Government agencies worked closely with the International Organization for Migration and other international NGOs to provide temporary shelter, medical services, education, credit, counseling, and rehabilitation to returned trafficking victims. Throughout the year security agencies with border control responsibility received training in investigative techniques to prevent trafficking.

#### Persons with Disabilities

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

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

The law provides for preferential treatment for firms that recruit persons with disabilities and for fines on firms that do not meet minimum quotas that reserve 2 to 3 percent of their workforce for workers with disabilities; however, the government enforced these provisions unevenly. Firms with 51 percent employees with disabilities can qualify for special government-subsidized loans. During the year the government provided \$750 thousand (12 billion VND) for vocational training for persons with disabilities. In 2002 the Ministry of Construction enacted the "Barrier-Free Design and Construction Code" and "Standards for Access for People with Disabilities," which requires that the construction or major renovation of new government and large public buildings include access for persons with disabilities. The Ministry of Construction trained architects and engineers in the new requirements. During the year the government established two provincial enforcement units to work on an enforcement and compliant process to support the new codes.

International groups also assisted the government in implementing programs to increase access by persons with disabilities to education and employment.

#### National/Racial/Ethnic Minorities

Although the government officially was opposed to discrimination against ethnic minorities, longstanding societal discrimination against ethnic minorities remained a widespread problem. The government continued to implement policies to narrow the gap in the standard of living by granting preferential treatment to domestic and foreign companies that invested in highland areas. The government also had infrastructure development programs that targeted poor, largely ethnic minority areas and established agricultural extension programs for remote rural areas. The government ran special schools for ethnic minorities in many provinces, including subsidized boarding schools at the high-school and middle-school levels, and it offered special admission and preparatory programs as well as scholarships and preferential admissions at the university level.

The government resettled some ethnic minorities from inaccessible areas to locations where basic services were easier to provide; however, the resettlement sometimes diluted political and social solidarity of these groups. The government acknowledged that one of the goals of resettlement was to persuade the minorities to change from traditional slash-and-burn agricultural methods to sedentary agriculture. This also had the effect of making more land available to ethnic majority Kinh migrants and state-owned plantations the mountainous areas. In August 2004 the government announced a suspension of state-sponsored migration programs to bring settlers to the Central Highlands and vowed to discourage spontaneous migration into the area. Large-scale migration of ethnic Kinh to the Central Highlands in past years led to numerous land disputes between ethnic minority households and ethnic Kinh migrants. The loss (often through sales) of traditional ethnic minority lands to Kinh migrants was an important factor behind the ethnic unrest in the Central Highlands in 2001 and again in 2004.

Some members of ethnic minority groups continued to flee to Cambodia, reportedly to seek greater economic opportunity as well as to escape ethnic and religious pressures in the Central Highlands. Government officials continued to monitor some highland minorities closely, particularly several ethnic groups in the Central Highlands, because of concern that the form of Protestant religion they were practicing encouraged ethnic minority separatism. Hmong Protestants in the northwest provinces were also subject to special attention and occasional harassment for practicing their religion without official approval (see section 2.c.).

The government continued to impose extra security measures in the Central Highlands, especially after the April 2004 demonstrations. There were numerous reports that ethnic minorities seeking to cross into Cambodia were returned to the country by Vietnamese police operating on both sides of the border, sometimes followed by beatings and detentions; however, the government also continued to implement measures to address the causes of ethnic minority discontent and initiate new measures as well. These included special programs to improve education and health facilities and expand road access and electrification of rural communities and villages. The government allocated land to ethnic minorities in the Central Highlands through a special program; however, there were complaints that implementation of these special programs was uneven.

The government continued a program to begin conducting classes in some local ethnic minority languages up to the fifth grade. The government worked with local officials to develop a local language curriculum. The government appeared to implement this program more comprehensively in the Central Highlands than in the mountainous northern and northwestern provinces. The government broadcast radio and television programming in ethnic minority languages in some areas. The government also instructed ethnic Kinh officials to learn the language of the locality in which they worked; however, implementation was not widespread. Provincial governments continued initiatives designed to increase employment, reduce the income gap between ethnic minorities and ethnic Kinh, and make officials sensitive and receptive to ethnic minority culture and traditions.

#### Other Societal Abuses and Discrimination

There was no evidence of official discrimination against persons with HIV/AIDS, but there was substantial widespread societal discrimination against persons with HIV/AIDS. There were multiple credible reports that persons with HIV/AIDS lost jobs or suffered from discrimination in the workplace or in finding housing. In a few cases children of persons with HIV/AIDS were barred from schools.

### Section 6 Worker Rights

#### a. The Right of Association

Workers are not free to join or form unions of their choosing. Trade unions are controlled by the CPV. All unions must be approved by and affiliated with the party-controlled Vietnam General Confederation of Labor (VGCL). In June VGCL claimed a total of approximately 5.2 million members, with 71.9 percent working in the public sector, 34.9

percent working for state-owned enterprises, and 28.1 percent working in the private sector. The VGCL claimed that its membership represented 95 percent of public sector workers and 90 percent of workers in state-owned enterprises. Approximately 1.5 million union members worked in the private sector, including enterprises with foreign investment (more than 600 thousand persons). The vast majority of the workforce lived in rural areas, engaged in small-scale farming, and was not unionized. The overall level of unionization of the workforce was 12 percent.

Union leaders influenced key decisions, such as amending labor legislation, developing social safety nets, and setting health, safety, and minimum wage standards. However, the VGCL asserted that authorities did not prosecute some violations of the labor law. For example, on March 14, United Motor Vietnam Company Ltd. (UMV) in Hanoi fired 80 workers who took part in a strike. MOLISA and the Hanoi people's committee instructed the Hanoi Department of Labor, Invalids, and Social Affairs (DOLISA) to pay an inspection visit to the UMV. The inspector concluded that the company had violated many provisions of the labor law, such as labor contract signing, social insurance, working regulations, labor safety, illegal salary reductions, and firing the 80 workers. In addition UMV had hired 103 foreign workers, approximately 8 percent of total employees, which is 5 percent higher than the legal limit. None of the foreign workers had work permits. Because of these labor violations, the Hanoi DOLISA recommended imposing an administrative fine on UMV and withdrawing its investment license. However, the Hanoi people's committee vice chairman imposed only an administrative penalty of \$1,930 (30 million VND), ignoring the illegal recruitment of the foreign workers and the illegal layoffs.

While the labor law states that all enterprise-level and professional trade unions are affiliated with the VGCL, in practice hundreds of unaffiliated "labor associations" were organized at many individual enterprises and in occupations such as cooks, market porters, and taxi, motorcycle, and cyclo drivers. The International Labor Organization (ILO) and the UNDP continued to cooperate on a large multiyear technical assistance program to strengthen labor law implementation. This involved projects that encouraged job promotion for young women and improvements in occupational safety and health, among other objectives. The ILO also continued to implement two projects to eliminate child labor and improving industrial relations, including collective bargaining and dispute settlement. In September MOLISA, VGCL, and the Vietnam Chamber of Commerce and Industry (VCCI) held their first tripartite industrial relations dialogue. At year's end the VCCI issued its first report on industrial relations in the country. The report was widely shared with its members and the government. Parts of the report were to be used as materials for educating employers in industrial relations and making proposals to policy-making agencies. VCCI announced plans to make the report on an annual basis in the future.

Individual unions legally are not free to affiliate with, join, or participate in international labor bodies; however, the VGCL had relations with 140 labor organizations in 91 countries and 20 international and regional occupational trade unions.

The labor law prohibits antiunion discrimination on the part of employers against employees who seek to organize. Enterprises are required to facilitate employee efforts to join a trade union.

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

By law the provincial or metropolitan branch of the VGCL is responsible for organizing a union within six months of the establishment of any new enterprise, and management is required to cooperate with the union. The labor law provides VGCL-affiliated unions the right to bargain collectively on behalf of workers.

The labor law provides for the right to strike if workers follow the stipulated process of conciliation and arbitration. The law requires that management and labor first attempt to resolve labor disputes through the enterprise's own labor conciliation council. However, many enterprises did not have labor conciliation councils. In the absence of such a council or if a council fails to resolve a labor dispute, the dispute is referred to labor arbitration successively at the district and provincial levels. Individual workers may take cases directly to the people's court system, but in most cases they may do so only after conciliation has been attempted and failed. Unions have the right to appeal decisions of provincial labor arbitration councils to provincial people's courts or to strike. Because this process was lengthy and the necessary dispute resolution bodies in many provinces and localities have never been established, nearly every strike was de jure illegal. According to MOLISA, between early 1995 and December, nearly one thousand strikes took place in the country. Most of the strikes were considered illegal by the government under the industrial action law.

According to the Ministry of Labor, 147 strikes occurred, an increase of 22 compared with 2004. Of these, 100 were against foreign-invested enterprises, 39 involved domestic private enterprises, and 8 affected state-owned firms. In May nearly 10 thousand workers staged a 2-day strike at Keyhing Toys Company to protest 12-hour days without

overtime. They also complained that they had no water to drink, they were given only 45 minutes for lunch, and their pay was reduced if they visited the restroom more than twice a day or spent more than 2 hours in a health clinic. In November 2004 hundreds of workers of King Ken Garment Factory in Ho Chi Minh City went on strike because the foreign employer changed its method of salary payment. According to VGCL's 2004 year-end report, as many as 95 percent of that year's strikes were due to employers' labor regulation violations.

Strikes typically did not follow the authorized conciliation and arbitration process and thus were of questionable legality; however, the government tolerated them and took no action against the strikers. Although the VGCL or its affiliate unions did not sanction these strikes officially, the local and provincial levels of the VGCL unofficially supported many of them. The labor law prohibits retribution against strikers, and there were no reports of retribution. In some cases the government disciplined employers for the illegal practices that led to strikes. For example, on May 3 local authorities in Binh Duong Province imposed an administrative punishment on a foreign-owned business of \$4,400 (70 million VND) because it owed \$63 thousand (1 billion VND) in social insurance contributions for the firms' workers and also was late in paying them.

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

The same labor laws in effect for the rest of the country govern the growing number of export processing zones and industrial zones. There was anecdotal evidence that the government enforced labor laws more actively in the zones than outside them.

#### c. Prohibition of Forced or Compulsory Labor

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

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

A government ordinance requires all male citizens between 18 and 45 years of age and women between 18 and 35 years of age to perform 10 days of annual public labor; however, this ordinance was rarely enforced. The ordinance also allows citizens to find a substitute or pay a marginal fee instead of working.

In December a government taskforce finished a year-long survey of forced labor and was reviewing all legal regulations related to forced labor.

#### d. Prohibition of Child Labor and Minimum Age for Employment

Child labor was a problem. The labor law prohibits most child labor but allows exceptions for certain types of work. The law sets the minimum age for employment at 18, but enterprises may hire children between the ages of 15 and 18 if the firm obtains permission from parents and MOLISA. The government reported in March that approximately 23 thousand children between the ages of 8 and 14 worked part-time or full-time in violation of the labor law. That estimate may be low, since many more children worked in the informal sector, usually on family farms or in family businesses not within the scope of the labor law. According to a 2002-03 living standard survey, approximately 18 percent of children participated in economic activities, and of these, 63 percent did not go to school. This same study found that 20.4 percent of rural children worked versus 7.3 percent of those living in urban areas.

By law an employer must ensure that workers under 18 years of age do not undertake hazardous work or work that would harm their physical or mental development. Prohibited occupations are specified in the labor law. The law permits children to register at trade training centers, a form of vocational training, from 13 years of age. Children may work a maximum of 7 hours per day and 42 hours per week and must receive special health care.

In rural areas children worked primarily on family farms and in other agricultural activities. In some cases they began work as young as 6 years of age and were expected to do the work of adults by the time they were 15. In urban areas children also work in family-owned small businesses. According to the 2002-03 living standard survey, the percentage of children working in household businesses and family-owned small businesses was 88.5, while the rate of children in wage-earning work was 11.5 percent. Migration from rural to urban settings exacerbated the child labor problem, because unauthorized migrants were unable to register their households in urban areas. This meant that their children could not attend public schools and families had less access to credit. Officials stated that juveniles in education and nourishment centers, which functioned much as reform schools or juvenile detention centers do elsewhere, were commonly assigned work for "educational purposes."

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

Government officials have the power to fine and, in cases of criminal code violations, prosecute employers who violate child labor laws. While the government committed insufficient resources to enforce effectively laws providing for children's safety, especially for children working in mines and as domestic servants, it detected some cases of child exploitation, removed the children from the exploitative situations, and fined the employers. International donor assistance targeted the problem of child labor. The government also continued programs to eliminate persistent child labor, with a particular focus on needy families and orphans.

#### e. Acceptable Conditions of Work

The labor law requires the government to set a minimum wage, which is adjusted for inflation and other economic changes. Since 1999 the official monthly minimum wage for foreign-investment joint ventures has been \$40 (626 thousand VND) in urban districts of Hanoi and Ho Chi Minh City; \$35.90 (556 thousand VND) in rural districts of Hanoi, Ho Chi Minh City, and districts of Hai Phong, Bien Hoa City, and Vung Tau City; and \$31.40 (487 thousand VND) elsewhere. The government may temporarily exempt certain joint ventures from paying the minimum wage during the first months of an enterprise's operations or if the enterprise is located in a very remote area, but the minimum wage in these cases can be no lower than \$29.90 (417 thousand VND). On October 1, the official monthly minimum wage of the state sector was increased to \$22.15 (350 thousand VND). This amount remained inadequate to provide a worker and family a decent standard of living. The new salary policy benefited more than 6 million persons, including more than 300 thousand public servants working in administrative organizations, CPV bodies, and unions. However, state-owned enterprises consistently paid more than the state sector minimum wage. The number of workers who received government-subsidized housing decreased. Many workers received bonuses and supplemented their incomes by engaging in entrepreneurial activities. Households frequently included more than one wage earner.

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

The labor law sets normal working hours at 8 hours per day, with a mandatory 24-hour break each week. Additional hours require overtime pay at one and one-half times the regular wage, two times the regular wage on weekdays off, and three times the regular wage on holidays and paid leave days. The law limits compulsory overtime to 4 hours per week and 200 hours per year. Amendments to the labor law in 2002 provide for an exception in special cases where this maximum can be up to 300 overtime hours worked annually, subject to stipulation by the government after consulting with the VGCL and employer representatives. The law also prescribes annual leave with full pay for various types of work. It was unclear how well the government enforced these provisions.

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

The labor law requires the government to promulgate rules and regulations that ensure worker safety. MOLISA, in coordination with local people's committees and labor unions, is charged with enforcing the regulations. In practice

enforcement was inadequate because of low funding and a shortage of trained enforcement personnel. The VGCL reported that there were 300 labor inspectors in the country but that at least 600 were needed. On-the-job injuries due to poor health and safety conditions in the workplace were a problem. The greatest number of occupational injuries was caused by machinery, such as rolling mills and presses. In addition 10 percent of occupational injuries were caused by mining accidents. According to MOLISA statistics, in the first half of the year there were 2,670 injuries and 252 fatalities resulting from 2,596 work-related accidents. In 2004 there were 6,186 injuries and 575 fatalities resulting from 6,026 work-related accidents (some involving multiple workers), approximately 55 percent more than in 2003; however, there was evidence that workers, through labor unions, were effective in improving working conditions. Some foreign companies with operations in the country have established independent monitoring of problems at their factories. Companies reported that MOLISA or provincial labor agencies performed labor and occupational safety and health inspections at enterprises when they learned of serious accidents or when there were reports of hazardous conditions.

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