Human Rights in Vietnam: A Debatable Issue

A thesis presented to
the faculty of
the Center for International Studies of Ohio University

In partial fulfillment
of the requirements for the degree
Master of Arts

Tam Thi Hong Mai
June 2008
This thesis titled
Human Rights in Vietnam: A Debatable Issue

by
TAM THI HONG MAI

has been approved for
the Center for International Studies by

________________________________________
Elizabeth F. Collins
Associate Professor of Classics and World Religions

________________________________________
Gene Ammarell
Director, Southeast Asian Studies

________________________________________
Drew McDaniel
Director, Center for International Studies
Abstract

MAI, TAM THI HONG, M.A., June 2008, Southeast Asian Studies

Human Rights in Vietnam: A Debatable Issue (108 pp.)

Director of Thesis: Elizabeth F. Collins

“Human rights,” the common value of human beings, are based on human wants—on those things necessary. The scopes of dialogue over human rights have become global, and the challenge of understanding human rights from these perspectives has never been greater. For human rights in Vietnam, many scholars and activists had different approaches, ideas, and conceptions. However, their approaches used to be one-sided; one side could support human rights in Vietnam, the other side could criticize human rights in Vietnam. From Vietnam’s case, by using a historical, comparative method and my personal experiences in international relations, I want to prove that human rights have been used as a political tool and contend it is wrong to use human rights as a means to oppose each other. I call for all sides to carry out constructive dialogues to narrow differences in human rights.

Approved: _____________________________________________________________

Elizabeth F. Collins

Associate Professor of Classics and World Religions
Table of Contents

ABSTRACT ...................................................................................................................................................3
LIST OF TABLES ...........................................................................................................................5
LIST OF FIGURES ...........................................................................................................................6
INTRODUCTION ........................................................................................................................................7
CHAPTER I ..............................................................................................................................................13
HISTORY OF HUMAN RIGHTS ..................................................................................................................13
  Human Rights ......................................................................................................................................13
  1. Declaration of the United States Independence (1776) ..................................................................13
  2. The Declaration of the Rights of Man and Citizen (1789) ............................................................14
  3. Rights of Women (1792) ..................................................................................................................14
  5. International Covenant on Economic, Social, and Cultural Rights (1966) .................................17
  7. International NGOs of Human Rights .........................................................................................18
  8. Human Rights Conventions Signed by Vietnam ..............................................................................20
CHAPTER II ...........................................................................................................................................21
VIETNAM’S POSITION ON HUMAN RIGHTS ..........................................................................................21
  1. Freedom of Religion and Belief .......................................................................................................27
  2. Ensuring equal rights among Ethnic Groups (Montagnard) ...........................................................35
  3. The rights of the child ......................................................................................................................45
  4. Freedoms of speech and the press and the right to information .....................................................49
  5. Women’s rights and elimination of all forms of discrimination against women ..............................52
CHAPTER III ..........................................................................................................................................56
THE POLITICS OF HUMAN RIGHTS .....................................................................................................56
  1. Lobby Groups Protesting the Violation of Human Rights by the Vietnamese Government ..........56
  2. Criticism of the Vietnamese Government for Violations of Human Rights .................................59
CHAPTER IV ......................................................................................................................................92
ANALYSIS ...........................................................................................................................................92
  1. Economic Rights and Common Good vs. Political and Social Rights and Individualism ...............92
  2. Asian Values ....................................................................................................................................94
  3. Politics of Human Rights with Reference to Vietnam ......................................................................95
CONCLUSION ......................................................................................................................................99
BIBLIOGRAPHY ...................................................................................................................................105
List of Tables

Table 1. Ratio of Ethnic Minority Members at National Assembly and People’s Councils ........................................................................................................................................................................36

Table 2. Education Features .........................................................................................................................................................................................43

Table 3. The Number of Street Children in Some Southeast Asian Countries .......... 49

Table 4. Female Percentage in Administration Agencies ...............................................................................................................................................54

Table 5. Number of Religious Followers in Vietnam (2003 Census) .....................61

Table 6. Comparison in Terms of Educational Attainment and Position ..............88
List of Figures

Figure 1. Access to television on Ethnic Minority Areas................................................38
Figure 2: Female percentage in People’s Council Elections...........................................55
Figure 3. Pictures of religions in Vietnam.......................................................................62
Figure 4. Thich Quang Duc.............................................................................................65
Figure 5. UBCV Leaders.................................................................................................68
Figure 6. Father Ly.........................................................................................................73
Introduction

Before I came to Ohio University to pursue a Master in International Studies provided by the Fulbright Fellowship, I worked as a researcher for the International Relations and External Affairs Commission of the Communist Party in Vietnam. I graduated from the Institute for International Relations specializing in international relations and human rights and continued my Master in International Relations at this institute. Every Thursday the Ministry of Foreign Affairs of Vietnam holds a press conference in which a spokesperson answers questions from the press. Whenever there were accusations that the Vietnamese government had violated human rights, the spokesperson defended the government’s policies. Through my work, I had a chance to understand Vietnam’s position on human rights. I decided on the title “Human Rights in Vietnam: A Debatable Issue” for my thesis because of the different perspectives on human rights of my government, lobby groups, human rights organizations and the United States government. Vietnamese people are grouped as “insiders” and lobby groups, human rights organizations and the United States government are grouped as “outsiders.” My purpose is to understand why my country is accused of human rights violations and why today human rights exert an increasingly powerful impact on world politics. More importantly, given the contradiction between insiders and lobby groups called outsiders of Vietnam in human rights, I want to first understand their contradictions and then make a small contribution to harmonizing their relationship in order to avoid old hostilities as the result of many years of war.
The concept of “human rights” has a political history. According to Richard A. Wilson (1997), human rights are the product of the rise of modern nation-states and are embedded in a chequered history of nationalism, colonialism and post-colonialism. That means throughout history, people must struggle period by period to achieve human dignity. The Universal Declaration of Human Rights states that human rights are “a common standard of achievement of all peoples and all nations.” Many countries in the world signed the 1948 Universal Declaration of Human Rights. It is expected that all countries will fulfill every principle of human rights. However, how to interpret the declaration and uphold human rights is a controversial issue. Viewpoints on human rights are very diverse and governments have very different understandings, although they may agree that human dignity is inviolable and to respect and to protect human dignity is the duty of all state authority.

This thesis describes the politics of human rights with reference to Vietnam. There are three chapters plus an Introduction and Conclusion. Chapter I sketches the history of human rights concepts. I begin with the United States Declaration of Independence (1776) which announced “all men are created equal, that they are endowed by their Creator with inalienable rights, that among these are life, liberty and the pursuit of happiness.” The French Declaration of Rights of Man and Citizen (1789) served as another milestone in the crusade in human rights. The Declaration of the Rights of Woman (1792) affirms that women have natural rights as equal to the rights of male citizens. The 1949 Universal Declaration of Human Rights is considered a “turning point” in the campaign for recognition of human rights. International human rights NGOs
such as Amnesty International (1961) and Human rights Watch (Helsinki Watch 1978) have become the watchdogs for protection of human rights.

Chapter II describes Vietnam’s position on the protection of human rights including freedom of religion and belief, equal rights for ethnic groups, the rights of the child, freedom of speech and the press, the right to information and the elimination of all forms of discrimination against women.

Chapter III describes the politics of human rights. The first part of this chapter describes lobby groups formed by Vietnamese who fled Vietnam in 1975. They include the Vietnam Committee on Human Rights Que me (Homeland): Action for Democracy in Vietnam; International Buddhist Information Bureau (IBIB); Boat People S.O.S; and the Committee for Religious Freedom in Vietnam. These groups use the issues of human rights as a means to mobilize opposition to the Vietnamese Government in the hope that someday they might return to Vietnam under a government they could support. The second part discusses the accusations that the Vietnamese government violates human rights made by these groups and international human rights organizations.

In the Conclusion, I show that human rights are an essentially contested concept by describing how human rights were viewed during the Cold War and the different view of human rights presented by Lee Kwan Yew and Mohamad Mahathir, which is known as “Asian Values.” I point out that in 1975 after thirty years of war Vietnam was a divided society. This fact should be taken into account in assessing Vietnam’s policies regarding human rights. I agree that human rights have been used as a political tool and the
accusations of lobby groups should be treated with suspicion when assessing Vietnam’s human rights record.

In the summer of 2007, I had a chance to conduct interviews with staff members of Human Rights Watch, Amnesty International, and the U.S State Department Bureau of Human Rights. My goal was to better understand how they document human rights abuses, how they choose which countries to focus on, where they get their funding, what criteria they use to assess when a country is no longer violating a group’s rights, and why human rights are today paid more attention than ever before. I wanted to know if there is a political agenda behind all parties concerned with human rights.

At the Bureau of Democracy, Human Rights and Labor, U.S Department of State, I was not allowed to record interviews and could only take notes. They allowed me to take only one picture. They did not give the reason why. However, I understand that this is a government office and they do not want to say anything that has not been approved by the U.S government in an official way, especially if I am recording the conversation. Six people attended my interview. Only Sarah M. Buckley, Foreign Affairs Officer, and Susan Williams O’ Sullivan, Senior Advisor answered my questions. They were cautious and careful in their replies to my questions.

At the Human Rights Watch, I interviewed Sophia Richardson, the Advocacy Director, Asia Division. She oversees the organization’s work in Asian countries, including Vietnam. She gave me many articles that criticize Vietnam’s government for violations of human rights. For example: Vietnam, Where “Big Brother” is All Too Real

---

(November 16, 2006) *Vietnam: Street Children at Risk before APEC Summit* 


(April 6, 2007) The interview lasted for nearly one hour. I was allowed to record the interview. Although I do not completely agree with all of Sophie’s opinions, I learned a great deal from this interview, which is discussed in my conclusion.

At Ohio University I interviewed the president and treasurer of Amnesty International. They provided me with useful information about human rights’ campaigns and openings discussed their concerns about the use of human rights as a political tool. I also discuss this interview in the conclusion.

Before I went to the U.S to study, and especially to conduct the interviews, I was told that, although Human Rights Watch and U.S State Department are the two different organizations, one a non-governmental organizations and the other governmental organization, they had many common ideas. The Human Rights Watch was another “branch” of the U.S State Department. However, through the interview, I learned that they have different points of view that are really independent of one another.

During the interviews, there were some limitations for me. I tried to reach the staff of Human Rights Watch in New York and Amnesty International of the United States in Washington by sending an email to them, but I did not receive a reply. I think it

---


would have been more interesting if I had chance to go to the headquarters of Amnesty International in United Kingdom, but I could not because of limited funding. I hope in the future I will have a chance to go to the United Kingdom and conduct interviews with Amnesty International.
Chapter I
History of Human Rights

Human Rights

In the 18th century an intellectual movement appeared called the Enlightenment (or the Age of Reason). The Enlightenment advocated reason as the primary basis of authority. The ideas of the Enlightenment–era influenced the whole of Europe including Russia and Scandinavia, and the founding fathers of the United States. The concept of human rights emerged in this era which greatly influenced the Declaration of Independence in America, the Bill of Rights, Declaration of the Rights of Man and the Citizen. Critical ideas of human rights such as: freedom, democracy and reason are primary values of this era which laid the foundation for the birth of human rights in the following period.

1. Declaration of the United States Independence (1776)

The concept of “human rights” is a historical development, “the product of the rise of modern nation-states and a chequered history of nationalism, colonialism and post colonialism.” Human Rights can be said to emerge with the Declaration of Independence by the thirteen colonies that were to become the United States, which was adopted on July 4, 1776. “We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness.” The Declaration refers to inalienable rights, that

---

is, fundamental rights, which cannot be awarded by human power and cannot be surrendered. And it covers specifically the three basic rights: life, liberty, and the pursuit of happiness. The Declaration was a proclamation of values designed to unite the members of the Continental Congress. The word “men” in the Declaration refers to human being. However, critics have pointed out that in fact these rights did not actually apply to women or to black slaves.

2. The Declaration of the Rights of Man and Citizen (1789)

The Declaration of the Rights of Man and Citizen (1789) that was adopted by the National Constituent Assembly of France (Assemblee Nationale Constituante) on August 26, 1789, set forth fundamental rights of all citizens, not only men (but women were not yet citizens) The Declaration stresses the free and equal in rights. Like the Declaration of Independence, the Declaration of the Rights of Man and Citizen did not explicitly mention slavery. As in the Declaration of the Independence, the right of liberty is mentioned, but the Declaration of Man and Citizen added the rights of property, security, and resistance to oppression.

3. Rights of Women (1792)

Three years after the Declaration of the Rights of Man and Citizen was proclaimed, Mary Wollstonecraft wrote A Vindication of the Rights of Woman, the first great feminist treatise. This document reflects the reality that women are half of humanity. Mary Wollstonecraft argued that women are rendered weak and wretched by a variety of concurring causes and sought to persuade women to endeavor to acquire strength, both of mind and body. Additionally, women convince that the soft phrases,
susceptibility of heart, delicacy of sentiment, and refinement of taste, are almost synonymous [sic] with epithets of weakness.”


One hundred and fifty years later the United Nations Declaration of Universal Human Rights was adopted on December, 10th, 1948. Forty-eight countries voted in favor of the Declaration; eight abstained—Saudi Arabia, South Africa, and the Soviet Union together with four Eastern European states and a Soviet republic. 6 The Declaration claims to be a “Universal Declaration on inalienable rights of all members of the human family,” but the title, “universal” was clearly utopian. 7 There was much debate over whether these rights were indeed universal applying to both winners and losers in World War II, as well as developed and developing countries with a diversity of cultures and conditions. This document includes an Introduction and 30 articles, which comprise a series of human rights in all fields: politics, economy, culture and society. The objective of this Declaration mentioned in the Introduction is to achieve a common goal for all nations and peoples striving for the ultimate goal: each individual, each social organization will make efforts to accelerate respect for basic rights and freedom through the means of national and international progress. This Declaration is the first document with common agreements among nations about human rights. It creates a turning point in the development of international law on human rights. According to the political scientist J.M. Burns, “This Declaration was the culmination of centuries-old aspirations for some

kind of world agreement that would not only define and proclaim the universal rights of all human beings but also pursue and enforce such rights.”8 In other words, the Declaration is moral and philosophical as well as political, setting out transforming ends toward which people might aspire.

The Declaration of Universal Human Rights identifies different kinds of rights. These include civil and political rights and also economic rights: “Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people.”9 Western developed countries have primarily emphasized the civil and political rights and individual freedom that are said to central to democracy. Meanwhile, developing countries have emphasized economic, cultural and social rights, linking human rights to the conditions that create economic development (freedom from fear and want). There is no universal agreement on the concept of human rights, and nations in Europe, America, and Africa claim different conceptions of human rights.


9 The Human right reader. Major political writings, essays, speeches, and documents from the Bible to the Present, Micheline R.Ishay (author), Routledge (Publisher), New York, 1997, p 407
5. **International Covenant on Economic, Social, and Cultural Rights (1966)**

The Covenant on Economic, Social and Cultural Rights was adopted by the United Nations General Assembly in December 1966. It only entered into force after ten years on 3 January 1976, because it took time for countries to ratify the Covenant. This Covenant states that economic, social and cultural rights are an important condition for achieving freedom from fear and want. That means everyone has the right to education, to take part in cultural life, to enjoy the benefits of scientific progress, to benefit from the protection of their moral and material interests that accrue as a result of scientific, literary or artistic production, as well as rights to an adequate standard of living—food, clothing, housing, and improvements in living conditions for himself and his family—and the highest standard of physical and mental health.

6. **International Covenant on Civil and Political Rights (1966)**

The Covenant on Civil and Political Rights was adopted by the United Nations General Assembly in December 1966, but only came into force on 23 March 1976. It states that civil and political rights are an important condition for achieving freedom from fear and want. More specifically, peoples have the right of self-determination to freely determine their political status and pursue their economic, social and cultural development. Men and women have equal rights to the enjoyment of all civil and political rights.
7. **International NGOs of Human Rights**

a. **Amnesty International (AI 1961)**

   Amnesty International is an international non-governmental organization (INGO). It was founded in 1961 in the United Kingdom. AI is a worldwide campaign for internationally recognized human rights. This organization is independent of any government, economic interests or religion. It does not support or oppose any government or political system, nor does it support or oppose the views of the victims whose rights it seeks to protect. It is concerned solely with the impartial protection of human rights. Amnesty’s vision of the world is that human rights are unalienable and universal and they are indivisible. During the Cold War Western countries held the view that political and civil rights were higher than economic and social rights, while the USSR held the view that economic and social rights should come before civil and political rights. AI’s position is that no right is higher than another, and every person enjoys all of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights standards. The mission of AI is to undertake research and action focused on preventing and ending grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination, within the context of its work to promote all human rights.

b. **Human Rights Watch (Helsinki Watch 1978)**

   Another nongovernmental organization that focuses on human rights is Human Rights Watch. It was founded under the name Helsinki Watch in 1978 to monitor the
former Soviet Union’s compliance with the Helsinki Accords. The Helsinki Accords stated that “participating states will promote the effective exercise of human rights and freedom”, “all of which derive from the inherent dignity of the human person.” Governments must respect human dignity, meaning that there must be “a proper regard for” and recognition of the “intrinsic worth” of every individual. In other words, a person should not be perceived or treated only as a means to an end or the object of the will of another person. Additionally, a distinctly personal identity, and individual autonomy and responsibility must be recognized. Simultaneously, the individual self must be recognized to be a part of larger collectivities, and collective development must reflect the inherent dignity of an individual. Human Rights Watch focuses on the following issues: traffic in small arms, land mines, abortion rights, gay rights, rights of AIDS patients, and safety of civilians in war. It campaigns against the use of cluster bombs, child labor, child soldiers, the plight of street children, genocide, war crimes and crimes against humanity, torture, extrajudicial killings and abductions and supports legal proceedings against human rights abusers and traffickers in women and girls.

c. The International Women's Rights Action Watch (IWRAW 1985)

The International Women's Rights Action Watch (IWRAW), an international nongovernmental organization, was established in 1985 at the World Conference on Women in Nairobi, Kenya. This organization states that its goal is to promote recognition of women’s human rights based on the Convention on the Elimination of All Forms of Discrimination against Women (the CEDAW Convention), a basic international human

---

rights treaty. CEDAW Convention is a legal obligation treaty. As of June 2003, 174 countries have ratified CEDAW. IWRAW promotes women’s rights and rights within families in accord with international human rights treaties. It provides information on gender-related issues, organizes training, and provides technical assistance to activists, scholars, and other concerned individuals and groups on implementation of human rights treaties related to women and girls. Additionally, IWRAW produces reports on women’s status in countries under review before the Committee on Economic, Social and Cultural Rights, and other treaty bodies.

8. Human Rights Conventions Signed by Vietnam

During the 1980s Vietnam signed several important human rights protocols. The treaty on Discrimination against Women was signed on July 28, 1980 and ratified on February 17, 1982; the same year on July 9, Vietnam acceded to the Treaty on Racial Discrimination Treaty on July 29th 1980. The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights were signed on 24 September 1982. The Rights of Child was signed on January 26th 1990 and ratified on February 28th 1990. From 2001-2003 Vietnam was elected to the Human rights Commission of United Nation.
Chapter II

Vietnam’s Position on Human Rights

The Constitution and laws of Vietnam fully reflect all the fundamental and universal human rights pronounced in the 1948 Universal Declaration of Human Rights and in other UN conventions on human rights. In the Declaration of Independence of September 2nd, 1945, giving birth to the independent and free State of Vietnam, President Ho Chi Minh proclaimed that “All men are created equal. They are endowed by their Creator with certain inalienable rights; among these are Life, Liberty, and the pursuit of Happiness. This immortal statement was made in the Declaration of Independence of the United States of America in 1776. In a broader sense, this means: All the nations on the earth are equal from birth, all the nations have a right to live, to enjoy happiness and freedom.”11 With unyielding and persistent struggles against foreign aggression over centuries, the Vietnamese nation has asserted that the most sacred and fundamental human rights are the rights to live in independence, freedom, to determine one’s own destiny. This is also the core principle of national self-determination enshrined in the United Nation Charter and Article 1 of the two most fundamental covenants of the United Nations on human rights, namely the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights in 1982.

After Vietnam regained independence in 1945, human rights and citizen rights were proclaimed in the 1946 Constitution of the Democratic Republic of Vietnam and reinforced in the 1959, 1980 and 1992 constitutions (further amended in 2001) as the

---

11 1945 Vietnamese Declaration of Independence
result of political, economic, cultural changes in each period. The first Constitution of 1946 had only 70 Articles but citizen rights were provided in 18 Articles and accorded with priority in Chapter II “Citizen Rights and Obligations”. The 1959 Constitution was a step forward from the Constitution of 1946 as it contained 21 Articles related to Citizen Rights and Obligations. The 1980 Constitution was one of a reunified Vietnam, which inherited and built on the two previous constitutions. It had 29 Articles specifying Citizen Rights and Obligations. In the 1992 Constitution of the reform (Doi Moi) process, it is prescribed: “The Socialist Republic of Vietnam is a state of the people, by the people and for the people. All the State’s powers belong to the people . . .” (Article 2); “In the Socialist Republic of Vietnam, the political, civil, economic, social and cultural rights are respected, embodied in the citizens’ rights determined in the Constitution and legislation” (Article 50) 12

It is the Party and State of Vietnam’s policy to respect and protect human rights. The State has also done its utmost to ensure the realization of human rights through the building and constant improvement of the legal system and the undertaking of concrete measures aimed at promoting economic, social and cultural development so that every citizen can enjoy a better life both materially and spiritually in an equal, democratic and civilized society. The State of Vietnam has promulgated a large number of legal documents to further concretize human rights as stipulated in the amended 1992 Constitution and the 1966 International Covenant on Civil and Political Rights. Of these,

there are a number of important laws directly relating to civil and political rights: Law on the Organization of the National Assembly, Law on the Election of Deputies of the National Assembly, Law on the Organization of the Government, Law on the Election of Members of the People’s Council, Law on the Organization of the People’s Council and People’s Committee, Law on Organization of the People’s Court, Law on the Organization of People’s Procuracy, Civil Code, Civil Proceedings Code, Criminal Code, Criminal Proceedings Code, Press Law, Publication Law, Law on Complaints and Denunciations etc. Prior to their promulgation, the drafts of the Constitution and other important legislations are made widely available to the public to collect opinions from citizens and are amended based on these opinions. Through participation in the law-making process, people have exercised their freedoms and democratic rights, and important legal documents therefore reflect their will, interests and aspirations. Human rights as stipulated in the Constitution have continuously been concretized in Vietnamese legal normative documents. Since 1986 alone, Vietnam has promulgated 13,000 legal documents of all sorts, including over 40 codes and laws, over 120 ordinances, approximately 850 documents of the Government and over 3,000 regulatory documents by Ministries and agencies. In 2004 alone, the National Assembly debated and approved 13 laws and 8 ordinances in different fields.

After ten years of renovation (1986), with the aim to reviewing the achievements, drawing from lessons and experiences, mapping out the orientation and tasks for the following period, Political Report of Vietnam’s 9th National Party Congress states that “To care for, protect legitimate rights and benefits of human beings” and confirmed:
“strictly implement international covenants on human rights that Vietnam acceded to or ratified”  

National Party Congress, held every five years, is a historical milestone, recording the achievements, lessons and experiences of the Vietnamese revolution. It has four main responsibilities: approve the party’s Political Report, adopt a long-term socio-economic strategy, amend the party’s statutes and platform, and elect a new leadership.

The Vietnamese Government is of the view that in a world of increasing diversity, approaches to human rights issues should harmoniously combine common standards and principles of international law with specific historical, political, economic and social conditions as well as cultural and religious values, beliefs and customs of each country and region. This point of view is related to cultural relativism which is widely debated. Some hold the position, as Jack Donnelly (1989:109) comments, that “Culture is the sole source of the validity of a moral values or rule. Particular cultural values, so it follows, should under no conditions be supplanted by universal moral values, for example, conceptions of human rights”  

However, other scholars, for example Richard A.Wilson emphasize that “underlying cultural values may be called on to bring the peoples of such states to a realization of the consequences of the acts of their governments, and thus enforce a brake upon discrimination and conquest”

The government of Vietnam is of the view that no country has the right to impose any political, economic or cultural model on others, and there should be a comprehensive approach to human rights, comprised of civil, political, economic, social and cultural

---

rights and all categories of rights should be treated on the same footing. At the same time, the rights and freedom of each individual can only be protected and promoted on the basis of respect for the common rights and interests of the nation and community, and one’s rights must be accompanied by his/her obligations to the society.

It would be a partial approach that fails to provide an entire panorama of human rights or prioritizes only civil and political rights as well as individual freedoms without paying due attention to the rights to development and the economic, social and cultural rights of the community. Therefore, in the process of human rights promotion, it is a must to abide by the harmony between the universality with peculiarity specifically. Overemphasizing the individual in the acknowledgment of human rights makes it difficult to respect historically constructed national or cultural values and will impede the international integration on human rights. Similarly, stressing the universal things exclusively without considering differences in socio-economic development will affect negatively the internal affairs of each nation. As an Asian country, this position has some similarities with “Asian values”. The values mean the existence of a unique set of institutions and political ideologies that reflect various culture and histories.

The Vietnamese Government holds the view that every State is responsible for formulating a domestic legal system in accordance with the fundamental principles of international law, particularly the United Nations Charter, taking into account its specific conditions so that human rights of its people would be best ensured. The specific conditions here mean the concrete circumstances and situations of each State. Given differences in political regime, development level, cultural value and historical
background, approaches to human rights might vary from country to country. Cooperation and dialogue between countries for promotion and protection of human rights are an inevitable need. Vietnam supports international cooperation in human rights based on equal and constructive dialogue, mutual respect and understanding, non-interference in each other’s internal affairs and for the common benefit of better promoting and protecting human rights. Vietnam’s position is that no country has the right to use human rights as a means or pretext to interfere into another country’s internal affairs, create confrontation and political pressures, or even use force or impose conditionality in economic and trade relations with others.

Vietnam is politically stable. Despite difficulties, people’s living standards have been much improved. In all elections, the majority of people still support the leadership of the Party and Government. Recently, in the 11th National Assembly elections for the 2002-2007 term, and the People’s Council elections at various levels on April 25th, 2004, the turn-out was over 99%. This number reflects an improvement in the people’s awareness of their right to vote. The number of women members in the National Assembly and the People’s Councils keeps increasing. To date, among 498 National Assembly Deputies, there are 136 women, 86 are from ethnic minorities and 7 are religious dignitaries.

Human rights violations deserve to be condemned. But human rights can not be used as a plot to interfere into the internal affairs of a country, especially, when human rights is proclaimed to be a reason for the waging a war. War is not an answer for every solution. In an interdependent world, human rights can only be respected and protected in
an environment of peace, security, equity and sustainable development, wherein human values are upheld and protected. The fight for human rights should go hand in hand with measures to prevent wars, conflicts, terrorism, poverty, famine, epidemic diseases, transnational crimes, ensuring equality without discrimination and etc which continue to threaten peace, security, independence and prosperity of all nations, hindering the promotion and protection of human rights the world over.

In pursuit of the policy to promote human rights, the State of Vietnam has been building and improving the legal system to ensure that human rights are fully respected and exercised. Human rights, once stipulated in the Constitution and legislation, will become the people’s will (spirit, aspirations, including rights,) to be protected by law and complied with by the entire society. These clearly show tremendous progress and efforts made by the State of Vietnam in respecting and protecting human rights given the context that Vietnam is still in the process of building a law-governed state with enormous socio-economic difficulties. However, sometimes rights should be limited in a post civil war situation in which old hostilities could be brought back. This can be shown in the field of freedom of religion and belief, rights of ethnic minorities.

1. Freedom of Religion and Belief

The State of Vietnam recognizes religion and belief as a legitimate spiritual need of people. It is Vietnam’s consistent policy to respect and ensure the freedom of people to follow or not to follow any religion or belief. Right after the August 1945 Revolution, President Ho Chi Minh emphatically stated the policy of "freedom of belief and solidarity between non-religious and religious people" in the Government's Plan of Action and
considered the promotion of that policy as an urgent task of the State. Since then, the State of Vietnam has always respected and ensured the right of followers to worship and practice their religion and belief and this policy has been codified in the law. These are following laws:

Article 70 of the 1992 Constitution stated: "The citizen shall enjoy freedom of belief and of religion; he can follow any religion or follow none. All religions are equal before the law. The places of worship of all faiths and religions are protected by the law."

“All citizens, religious or non-religious, are equal before the law” (Article 52 of the Constitution). The principle of non-discrimination with regard to religion is also reflected in the right to vote and stand for election (Article 54 of the Constitution), in civil, labor, marriage relationships (Article 8, 35, 45 of the Civil Code) and in other legal documents such as Criminal Procedures Code, Land Law, Education Law and etc. Legal religious organizations are protected by the law. That means Illegal religious organizations which are considered to threaten national security, public order, or national unity are not protected by the law. They are allowed to practice religious activities, open seminaries for dignitaries, publish prayer books, repair and build worship places in compliance with the law. It is the policy of the State to grant the right to long-term land use to religious follower community and land for religious places are not taxed (Article 2, Decree 94/CP on 25 August 1994). Vietnam’s law forbids all infringements upon citizens' freedom of religions and beliefs or attempts to force the people to follow or renounce a religion, and the discrimination against citizens on religious or belief ground (Article 8 of the Ordinance on Religion and Belief). The law also provides for strict punishment against
these offences (Article 87 and 129 of the Penal Code). These provisions are all in accordance with the spirit of freedom of religions and beliefs enshrined in the Universal Declaration on Human Rights and Article 18 of the International Covenant on Civil and Political rights.

The Ordinance on Religion and Belief was passed by the National Assembly Standing Committee on 18 June 2004 and came into effect on 15 November 2004. It elaborated provisions contained in the Constitution and codified the guideline and policies of the State of Vietnam on religions and beliefs in the new context. This legal document better reflects the aspiration and needs for religious belief and spiritual practices of the people and ensures compliance with international conventions on human rights that Vietnam has signed. Article 38 of the Ordinance clearly states that "in case of conflict between the national legislations and an international convention that Vietnam has signed, the international convention shall prevail." This have been regulated in the 38, Chapter VI of the Ordinance (See the Ordinance) On 1 March 2005, the Government issued Decree No. 22/2005/ND-CP to guide the implementation of the Ordinance of Religion and Belief. On 4 February 2005, the Prime Minister issued Directive No. 01/2005 on Protestantism, which prohibits any attempt to force the people to follow or renounce the religion and creates favorable conditions for Protestant branches to build places of worship and register their practices. After the liberation, Protestant denominations that had recently arrived were small, and when missionaries left, they became inactive and disintegrated. When the country began the Renovation program, international relations expanded, and these Protestant denominations resumed their
activities. At the same time, through tourism, international cooperation, visits from Vietnamese overseas, the return of boat people and workers from overseas together resulted in the increasing number of Protestants to 1 million in 2003. To help Protestants carry on in a normal manner, there is a need to build up policy of work with the Protestant faith. The basis for the policies of work with the Protestant faith are


+ The Ordinance on Religion and Belief (2004) of the Standing Committee of the National Assembly.

+ Decree 22 (2005) of the government to guide the implementation of the Ordinance on Religion and Belief.

+ Directive 01 (2005) of the Prime Minister of the Government Concerning some tasks with the Protestant faith.

In other words, based on the respect for religious freedom of the followers of the Protestant faith and on the fact that Vietnam does not treat the Protestants differently than followers of other religions, Vietnam recognizes the existence and the activities of Protestantism within the framework of the law.

At present, there exist two protestant organizations recognized in Vietnam, namely the Protestant Church in the North and Vietnam Protestant Church in the South. The State is considering the recognition of other Protestant organizations while individual followers and dignitaries are practicing religious activities as usual. “Recognize” here can be understood as to report or register. In fact, registering can provide exact statistics of
religious and non-religious people. Without registering, it is impossible to know exact numbers. Additionally, based on the statistics, the State can provide support when it is necessary. All religions, not only Protestant, must report the number of members. This does not violate freedom of religion; it is one of administrative procedures like other activities. According to Article 53 and 54 of the Constitution, religious dignitaries have the right to participate in the administration of the State and social management, to stand for elections to the National Assembly and People's Councils like any other citizen. At present, 7 religious dignitaries are members of the National Assembly (4 from Buddhism, 2 from Catholicism and 1 from Hoa Hao). According to official statistics, in 44 out of 64 provinces and cities, 1,171 religious dignitaries were members of People's Councils at all levels, including 74 at provincial level, 265 at district level and 832 at communal level.

All religions in Vietnam have the right under the law to open religious seminaries, publish prayer books and participate in social, charity and humanitarian activities, etc. The Buddhist Church of Vietnam now has 3 Buddhist Institutes (while in 1975 there was only one) with over 1,000 students, 35 Buddhist college classes with more than 5,000 students, and 1,076 charity and humanitarian facilities, including 950 Classes of Compassion. 2500 monks and nuns of Theravada Khmer Buddhism are now pursuing advanced, intermediate and Pali Buddhism intermediate classes. The Catholic Church has six grand seminaries with 2,797 students, 992 charity and humanitarian facilities, including 130 healthcare centers and 862 educational and vocational centers. Protestantism has a theology institute in Ho Chi Minh city. In recent years, Protestantism
has trained 267 pastors; the figures for Hoa Hao and Cao Dai are 1,211 and 1.285 dignitaries respectively.

Regarding religious associations and congregations, Buddhism has 820 Families of Buddhist followers; Catholicism has 9,531 congregations, including 4,278 to serve religious practices and 5,253 for other activities.

Nowadays, in the Central Highlands alone, there are 304,876 Protestant followers, 1,286 groups belonging to 8 congregations, 79 pastors and 476 missionaries. The people of ethnic minorities’ freedom of following or not following a religion and belief is respected and guaranteed by the State under the constitution and law. The Government has adopted many policies to ensure the religious activities of ethnic minority and protestant people. 36 protestant groups in the Central Highlands have been recognized by the Government. (The policy is above, page 15)

Religions in Vietnam have taken steps to expand their external relations. The Vietnam Catholic Church has relations with the Roman Catholic Church and is under the leadership of Vatican. The Vietnam Buddhist Church also has close relations with the World Buddhist Church and Buddhist organizations in Cambodia, Thailand and China and etc. The State creates favorable conditions for religious organizations and practitioners to conduct international exchanges and studies. From 1993 to 2002, 3,272 clergymen traveled abroad, including 1,600 of Catholicism, 1,303 of Buddhism, 36 of Protestantism, 228 of Muslim and 15 of Caodaism. They studied, participated in international conferences and pilgrimage, sought medical treatment, or visited relatives. In 2004 only, 317 clergymen and dignitaries went abroad for religious activities in
foreign countries. Representatives of large religions such as Catholicism, Protestantism and Buddhism attended the Millennium Religious Summit in New York in the year 2000 and participated in inter-faith dialogue in Indonesia and Buddhism Summit in Myanmar.

Various religious organizations and practitioners have come to Vietnam for religious activities and exchanges. Among them were Vatican delegations, which come to Vietnam annually to discuss issues related to the Vietnam Catholic Church; the Buddhists Association of China and the American Bishops delegation and etc. The delegation of the International Committee on Religious Freedom also visited Vietnam and held dialogues with representatives of Vietnam’s religious dignitaries. Those are activities of State leaders with religious people.

Religion activities carried out by State leaders are active. President Nguyen Minh Triet attended the 25th anniversary of Buddhist Sangha, which currently has over 40,000 nuns and monks living in 14,000 monasteries. The Party General Secretary Nong Duc Manh, former General Secretary Do Muoi and former State President Tran Duc Luong also attended the anniversary. He praised the efforts and contributions of the Viet Nam Buddhist Sangha to the country’s great unity movement and development. President Triet said that "The Buddhist Sangha has instilled patriotism among the public and striven for preserving peace in the country."16 The Buddhist Sangha had also shown its strong support for the people and worked towards a strong and democratic country.

Prime Minister Nguyen Tan Dung met Pope Benedict XVI and held talks with Prime Minister of Vatican, Cardinal Tarcisio Bertone. This is the first time; Vietnam’s

---

Prime Minister has had talks with the leader of Vatican. The meeting shows the will and aspiration of Vietnam and Vatican to increase dialogue and mutual understanding. Vietnam attaches importance to its relations with Vatican. Two sides have annual exchange of meeting on issues of mutual concern. Vietnam advocates directly talking with Vatican on the basis of mutual respect, non-interference into the internal affairs. Cardinal Tarcisio Bertone highly appreciated the policy and reality of religion in Vietnam, and considered Vietnam’s religion is a good example of religious freedom. Prime Minister of Vatican proposed to establish full diplomatic relationship between Vatican and Vietnam. Prime Minister Nguyễn Tấn Dũng acknowledged the opinion of Prime Minister of Vatican on diplomatic establishment and proposes two diplomatic sides to discuss this issue and affirms Vietnam’s policy to respect democracy, the freedom of religion of citizens. On November 19, 2006 President George Bush and his wife arrived North Gate Church to pray. This is one of activities in his official visit to Vietnam and attends APEC-14.

However, according to the 2004 Ordinance on Beliefs and Religions and its implementing mechanism, Decree 22 Article 15 religious activities that violate the law are to be suspended if they violate one of the following regulations or conditions:

1. Constitute a threat to national security or a breach of public order or damage the environment

2. Cause disunity by encouraging intolerance and hatred of particular groups or people.

---

3. Threaten the life, health, dignity, honor or possessions of another person
4. Break the law.

2. Ensuring Equal Rights among Ethnic Groups (Montagnard)

Vietnam has 54 ethnic groups of which 53 ethnic minorities living mainly in mountainous areas, especially the North West, Central Highlands and the South West, making up 13.8% of the total population, or 10 out of 82 million people. Each has its own cultural identity, thus bringing about the diversity and richness in the united culture of Vietnam. Nevertheless, ethnic groups are still facing difficulties in the social and economic fields mainly due to objective reasons such as geographical conditions and low starting points in terms of development level. The government of Vietnam has recognized that the minority peoples suffer from less education, more poverty, and less development, so it has established program to improve the living conditions of the minority groups. The government recognizes people’s rights to development and economic security and prioritizes these, so it has ended support for migration of lowland Vietnamese into the highland areas.

The Vietnamese State attaches special importance to the policy of ensuring equal rights of all ethnic groups and considers it as a decisive factor for the country's sustainable development. The policy is implemented in all political, economic, cultural and social areas and incorporated into the law of Vietnam.

Regarding law, it is stated in Article 5 of the 1992 Constitution that "The State carries out a policy of equality, solidarity and mutual assistance among all ethnicities, and forbids all acts of ethnic discrimination and division. Every ethnic group has the rights to
use its own language and system of writing, to preserve its ethnic identity, and to promote its fine customs, habits, traditions and culture. The State carries out a policy of comprehensive development and gradually raises the material and spiritual living conditions of the ethnic minorities." Vietnamese citizens of any race are equal before the law and entitled to the same citizen rights and duties (Article 52 of the Constitution). Such provisions have been institutionalized and specified in various laws.

Institutionally, the Nationality Council is elected by the National Assembly in accordance with the Constitution (Article 94). Apart from the functions, rights and obligations of a National Assembly's body, the Council is also in charge of studying and making recommendations to the National Assembly on ethnic issues, and monitoring the implementation of ethnic policies, socio-economic development programs in mountainous and ethnic minority areas. The Government shall consult the Council before making any decision on ethnic issues. Within the Government, there is a ministerial level body, the Committee on Ethnic Affairs, being responsible for ethnic matters.

Table 1

*Ratio of Ethnic Minority Members at National Assembly and People’s Councils*

<table>
<thead>
<tr>
<th></th>
<th>Total</th>
<th>Ethnic Minority Members</th>
<th>Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NA 2002-2007</strong></td>
<td>498</td>
<td>86</td>
<td>17.27%</td>
</tr>
<tr>
<td><strong>People’s Councils</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Province</td>
<td>3.462</td>
<td>489</td>
<td>14%</td>
</tr>
<tr>
<td>District</td>
<td>18.748</td>
<td>3.192</td>
<td>17%</td>
</tr>
<tr>
<td>Commune</td>
<td>219.438</td>
<td>42.500</td>
<td>19%</td>
</tr>
</tbody>
</table>
Political rights of ethnic minorities are always respected and guaranteed in reality. Some people of ethnic minorities with the support of overseas lobby groups, or following the incitation of people living in Cambodia who still keep the old hatred and hostilities with the government of Vietnam can protest, flee and then come back. As stipulated in Articles 53 and 54 of the Constitution, Vietnamese citizens of ethnic minorities have the rights to participate in the management of the state and society, and to stand for elections to the National Assembly and People's Councils. At present, many representatives of ethnic minorities are holding important positions, even the highest one, in the Vietnamese National Assembly and Government. There are 86 out of 498 deputies to the 11th National Assembly (the 2002-2007 terms) from ethnic minorities (accounting for 17.27% of the National Assembly's deputies, which is higher than the ratio of 13.8% of ethnic minorities in the whole population). The proportion of ethnic minority deputies to People's Councils at all levels is also relatively high, e.g. 14% at provincial level, 17% at district level, and 19% at commune level. The figures are much higher in mountainous and ethnic regions. The number of ethnic minority staff in localities is on the rise, accounting for 31% of the commune staff in the Central Highlands provinces for instance.

In reality, the Vietnamese State always pays attention to and creates favorable conditions for ethnic minority people to improve their spiritual and material life, and help them exercise the equal rights, step by step narrow the development gap toward the national level. In 2004, the total investment in ethnic minority and mountainous areas
was about VND 38,000 billion, accounting for 33.5% of the country’s development investment.

![Figure 1. Access to television in Ethnic Minority Areas.](image)

The Vietnamese Government has approved programs on socio-economic development in ethnic minority areas, e.g. the Government's Plan of Action 122 to implement the Resolution of the 7th Party Plenum (9th Congress) on ethnic affairs; Program 135 on socio-economic development in specially difficult communes of ethnic minority, mountainous and remote areas; Decision 132 on priorities for infrastructure development an allocation of cultivated and residential land; Decision 134 in 2004 on providing cultivated land and housing and other necessities for poor ethnic minorities; Program 135 on poverty reduction and job creation; Decree 20 in 1998 and Decree 02 in 2002 on tax incentives for agricultural products, financial assistance for enterprises, price subsidies to essential commodities such as salt, medicine, fertilizer, writing paper, etc for
ethnic minority people; Program 327 on forest development and habitat protection in mountainous areas; policies to prioritize the training and employment of ethnic minority staff; the universalization of education, development of boarding schools, admission of ethnic minority students into universities and vocational training schools; improvement of free medical clinics for ethnic minorities in difficulties and assistance in cultural and information services, etc.

The Government has also made instructions, decisions and solutions for particular areas inhabited by numerous ethnic groups, such as Decision 168/2001/QD-TTg dated 30 Oct 2001 on long-term orientations, the 2001-2005 plan and key solutions to socio-economic development of the Central Highlands; Decision 186/2001/QD-TTg dated 7 Dec 2001 on socio-economic development of specially difficult provinces in Northern mountainous region; Instruction 173/2001/QD-TTg dated 11 June 2001 on socio-economic development of the Mekong Delta.

The implementation of the Party and State's ethnic policies has brought about great achievements, especially in the (Doi Moi) reform process. The socio-economic situation in ethnic minority and mountainous regions has improved remarkably. For the last 10 years, their economic growth has reached 8-10% per year (higher than the national rate). The number of poor households went down dramatically from 60% to 25.9% with average food production reaching 290-384 kg per capita per annum, even 500 kg in some areas. Food security in ethnic minority areas has been increasingly ensured, and in general terms there is no existing hunger household. The Central Highlands' economic growth rate was rather high: 10.5% in 2001, 7.3% in 2002, 11.2% in 2003, and 12% in
2004. Poor households (based on Vietnamese standards) kept decreasing from 24.9% in 2001, 21.6% in 2002, 17.4% in 2003 down to 13.69% in Dec 2004. In the South West region (where 1.3 million Khmer people live), the GDP growth rate in the first 6 months of 2004 was 9.45% in comparison with the same period of the previous year; the number of poor households in 2003 was down to about 8% and is estimated to be under 6% by late 2005.

The infrastructure has been developed rapidly. Almost all ethnic minority areas now have a traffic network from provincial centers to districts and communes. 97.42% of commune centers can be accessed by car. 100% of townships, 98% of districts and 64% of communes are connected with power grids (the national rate is 89%). 51.7% of households in mountainous areas are connected to electricity (70% in the Central Highlands). More than 60% of communes have telephone lines. In mountainous areas, there are more than 3,000 irrigation works providing water for over 70% of cultivated land and 70% of the population.

The economic structure of these regions has been shifting dramatically, with the proportion of agriculture and forestry falling sharply from 90% in 1990 to under 56% in 2003; industry up from 9% in 1999 to over 18.4%, and trade and services up from 15% to 26% in 2003.

New policies on agricultural and forestry development, land and forest allocation for ethnic minorities, and application of advanced techniques in production of plant varieties and animal breeds, combined with investment in irrigation, have contributed to constant increase in food production. Areas specialized in fruit and industrial crops have
been able to export their products, such as coffee, tea, rubber, cashew nuts and silk. Thanks to reforestation programs, the forest area has been increased by 1.3 million hectares and national forest coverage was up to 34.4% in 2001. Industrial sectors in mountainous areas such as energy, mining and processing, and consumer goods production were also developed. Ranked high in the national industrial output are mining (67%), electricity (40%) and tea (over 93%).

The policy to assist ethnic minority people in their settlement for a better life has also yielded important results. Since 1991, the Government has invested almost VND 2,000 billion in nearly 1,000 projects on settlement for ethnic minorities. More than 500,000 ethnic households have benefited from these projects. 16,000 hectares of land have been reclaimed out for food crops cultivation, almost 50,000 hectares for industrial crops and nearly 50,000 hectares for forestation. Tens of thousands of kilometers of roads, bridges and sluices, and thousands of small-scale hydro power stations, as well as thousands of schools and healthcare centers have been built. So far, the Government has helped provide housing and arable land for 15.8% of the needy households. The life of the people in the project areas has been improved. For instance, Lam Dong province in the Central Highlands has completed the resettlement programs while for Kon Tum, Gia Lai and Dak Lak, the figures are 83%, 85% and 74.9% respectively.

**Regarding health care,** all districts have health care centers and about 93.5% of the communes in the mountainous and ethnic minority areas have health care stations (as compared with 90% at national level). Most ethnic minority communes now have doctors. Hamlets and villages have health workers. The medical source for ethnic
minorities has increased in quantity and quality. The Ministry of Health has so far issued over 1.41 million health insurance cards and provided free healthcare services for people accorded with priority in social policies and ethnic minority people. 95% of ethnic minority children have been vaccinated against 6 diseases through extended vaccination programs. The number of malaria patients has been reduced by 92%. Common diseases in the past such as goiter, leprosy, diarrhea and dermatitis saw a sharp fall.
The primary and secondary education system has rapidly developed in ethnic minority areas and teaching in ethnic languages is included in the curricula in these areas. At present, 99.5% of the communes have primary schools, more than 60% of commune clusters have junior secondary schools and each district has at least one senior secondary

---

Table 2

*Education Features* \(^{18}\)

<table>
<thead>
<tr>
<th>Feature</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enrolment at age</td>
<td>91.6%</td>
</tr>
<tr>
<td>Primary education completion</td>
<td>77%</td>
</tr>
<tr>
<td>Dropout</td>
<td>3.7%</td>
</tr>
<tr>
<td>Pupils vs. Teachers</td>
<td>26.4%</td>
</tr>
<tr>
<td>Primary school pupils</td>
<td>8,927,000</td>
</tr>
<tr>
<td>Ethnic minority pupils</td>
<td>1,584,087</td>
</tr>
<tr>
<td>Disabled pupils</td>
<td>200,900</td>
</tr>
<tr>
<td>Budget expenditure (against GDP)</td>
<td>23%</td>
</tr>
<tr>
<td>Expenditure for Education (against total spending)</td>
<td>13.9%</td>
</tr>
<tr>
<td>Budget expenditure for primary education (% against total education expenses)</td>
<td>37%</td>
</tr>
</tbody>
</table>

---

\(^{18}\) UNDP (11/2003), MDGs, Hanoi
school. The boarding school system, which provides free education and accommodation for ethnic minority students, is being expanded. In Vietnam, this is not considered to violate human rights because the boarding school system can create the most favorable condition to study. During the time of study, ethnic minorities must still join traditional classes and activities of culture. They can share their cultural identity with other ethnic minorities. The boarding school system is considered a stepping stone for higher education for example, attending universities and vocational training colleges. They still wear the ethnic tradition clothes and do not take the uniform like people in low land areas. In summer or Tet, they come back and stay with their parents. At present, there are 7 national boarding schools for ethnic minority students. School-age ethnic minority children going to school increased to 85-90%. Many provinces adopt the priority policy to admit ethnic minority children to junior and senior secondary schools. 100% of ethnic minority pupils are admitted into grades 6 and 10 at public schools. It is also the policy of the Government to provide free education, including note-books and textbooks, for ethnic minority children and give priority to their admission into universities and colleges. Six sets of textbooks and curricula in 8 ethnic languages, namely Thai, Hmong, Ede, Bana, Jarai, Hoa, Cham and Khmer, have been completed. There are now four university centers the North West, the North East, Central Highlands and the Mekong Delta.

**Cultural and information services** are now more accessible to ethnic groups. The State of Vietnam always respects, maintains and promotes cultural traditions, preserves tangible as well as intangible cultural heritages of each ethnic group. Vietnam attaches importance to the collection, preservation, publication and promotion of their
unique cultural heritages. Radio and television programs have been improved qualitatively and quantitatively. Programs in 14 ethnic languages are now available. The Government has also decided to provide freely 17 newspapers and magazines for the most needy and remote hamlets, villages and communes, and nearly 20 million textbooks for boarding schools.

Most ethnic minority groups have their own beliefs. Some of them follow a religion, namely Protestantism in the Central Highlands and Northern mountainous region and Theravada Buddhism of Khmer people in the Western part of the South.

3. The Rights of the Child

Bearing in mind that children are the happiness of the family, future of the nation and the world, Vietnam considers protection and care of children the responsibility of the State, the entire society and each family. The Vietnamese Constitution and laws have provisions on the protection of the rights of the child, including 1992 Constitution, the Law on the Protection, Care and Education of Children (12 August 1991), the Law on Primary Education Universalization (12 August 1991), the Environment Protection Law (27 December 1993), the State Budget Law (20 March 1996), the Education Law (2 December 1998), the Penal Code (21 December 1999), the Marriage and Family Law (9 June 2000) and etc. The National Assembly’s Committee on Children has actively worked with relevant agencies to fully implement these policies and guidelines.

To ensure the exercise of the rights of the child, the Government has established a Ministerial-level agency, which is the Committee on Protection and Care of the Child (which is now the Committee Population, Family and Children) and adopted policies on
healthcare for mothers and children, on nutrition, education, primary education universalization, social welfare for children in special difficult situations as well as policies on the cultural and spiritual development of children. On 31 May 1999, the Prime Minister issued a decision approving the 1999 – 2002 Plan of Action on protecting children in special difficult situations. This Plan of Actions contains five projects to prevent and address the abuses of street children, to prevent offences violating the honor and dignity of children, including sex abuse, prevent drug abuse among children and etc.


Despite numerous difficulties, with unceasing efforts and thanks to great achievements recorded in the national socio-economic and cultural development in the last decade, Vietnam has made significant progress in improving children’s living standards and in protecting, taking care of and educating children.

Almost all children’s healthcare indicators have been improved during the period of 1997 – 2001. Vietnam has met a number of international targets and standards in the field. In 2000, Vietnam was internationally recognized for eliminating polios. Mortality
rate of children under five was reduced from 58‰ in 1990 down to 32.8‰ in 2003 (target set for 2000 was 55‰); the rate of children under five provided with liquid to compensate water loss due to diarrhea was 97% (target was 80%), vitamin A shortage addressed 100%; measles was reduced by 82.1% as against 1986, deaths from measles reduced by 97.3% as against 1986; the ratio of under 250 grams newborn babies was reduced from 14% down to 7.1% (target was 9%), rate of pregnant women suffering from anemia was only 30%. 70% of orphans are taken care of by the community, 100% of the children brought back home were taken care of and helped with re-integration; 80% of harelip and clef palate children has been included in the smile operations (871 children in 1997; 2,055 in 1998; 2,275 in 1999; 926 in 2000 and 1,101 in 2001, totaling 7,228 children in five years from 1997 to 2001).

Some targets have not been fully met, but remarkable achievements have recorded. For instance, malnutrition rate of children under five was reduced from 42% in 1993 down to 28.4% in 2003, mortality rate of children under one year of age reduced from 43.3% in 1995 down to 21% in 2003; maternal mortality down from 110/100,000 births in 1995 to 85/100,000 in 2004.

In education, many targets in the National Plan of Action for Children in 1991-2000 have been met and surpassed, including those of 37% of the 3-5 year-old children going to kindergartens against the target of 35-40%, 78% of children under five going to kindergartens against 70-80%, 90% of 14-year-old children finishing primary schools against 90%, 94% of children under 14 completing grade 3 against 90%, 3% of primary education repetition against below 5%, less than 4% of primary school drops-out against
6%, 93% of 6-year-old children going to primary school against 90%, 2% of junior secondary education repetition against 5%, 94% literacy at the age of 15 upward against 90%; and 60% of schools with physical education against 50%.

The State has adopted policies to improve children’s cultural life. By the year 2000, 50.8% of districts had cultural establishments and play-grounds for children against the target of 50%. Some basic targets for children’s cultural and recreational activities have been increased annually: the number of Children’s Cultural Houses increased from 226 in 1997 up to 261 in 2001, radio programs for children increased from 365 in 1997 up to 708 in 2001 and TV programs for children increased from 4,875 minutes in 1997 to 7,300 in 2001.


In comparison with other countries in Southeast Asia, for example, the Philippines, Thailand and Indonesia, the number of street children of Vietnam is not very high.
Table 3

**The Number of Street Children in Some Southeast Asian Countries**

<table>
<thead>
<tr>
<th>Country</th>
<th>Population</th>
<th>Street Children</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vietnam</td>
<td>85,262,356</td>
<td>23,000&lt;sup&gt;19&lt;/sup&gt;</td>
</tr>
<tr>
<td>Thailand</td>
<td>63,000,000</td>
<td>15,000&lt;sup&gt;20&lt;/sup&gt;</td>
</tr>
<tr>
<td>The Philippines</td>
<td>76,498,735</td>
<td>222,417&lt;sup&gt;21&lt;/sup&gt;</td>
</tr>
<tr>
<td>Indonesia</td>
<td>234,693,997</td>
<td>50,761&lt;sup&gt;22&lt;/sup&gt;</td>
</tr>
</tbody>
</table>

4. ** Freedoms of Speech and the Press and the Right to Information.**

Vietnam fully respects and ensures the freedom of speech, freedom of the press, and the rights to information of all citizens. It is stated in the 1992 Constitution that the citizen shall enjoy freedoms of speech, freedom of the press, and the rights to be informed in accordance with the provision of the law. Vietnamese laws on press, publication and broadcasting have been increasingly improved to better ensure citizens’ freedom of speech. The 1989 Press Law, revised on June 12th 1999, has fully reflected the state’s policy on respecting and protecting citizen’s freedom of speech and freedom of the press aimed at improving the role and power of press and journalists. It is laid down in the Press Law that “The States shall create favorable conditions for citizens to


exercise the freedoms of the press and freedom of speech through press. No organizations or individuals are allowed to prevent and restrict the press and journalists from discharging their functions. The press shall not be subject to censorship prior to publication or broadcast. It is also laid down in the Law on Publication that citizens have right to make public their works without being censored. The Press Law also states that citizens have the right to be informed and to express their opinions via the press on the domestic and world affairs; to contact and provide information, articles and photographs and other works to press without being censored by any organization or individual; to present views on the formulation and implementation of the policy and law; to criticize, make recommendations, complaints and denunciations in the press and etc.

In recent years, mass media activities have become increasingly open and lively. National Assembly and people’s council sessions, especially interpellations, have been televised. Many programs such as dialogues, discussions or opinion polls with various topics have been widely broadcast.

The rapid development of the mass media in both form and content is a clear demonstration of freedom of expression and freedom of the press in Vietnam. In 1990, there were only 258 newspapers and journals in Vietnam. Now, there are 553 printed newspapers, nearly 700 publications and 200 electronic newspapers. Besides state agencies’ newspapers and journals, there are newspapers and magazines of mass organizations and professional associations with more than 550 million copies annually. At present, Vietnam has one national radio (VOV), one national television (VTV), 4 regional televisions, 64 provincial radio and television stations and over 600 district
radios. VTV and VOV keep increasing their broadcasting capacity and time to cover all regions, including rural, upland, island and remote areas. More than 80% and 70% households have access to radio and television respectively. All provinces and cities have radio and television stations with increasing broadcasting time. Foreign TV channels such as CNN, BBC, TV5, DW, RAI, HBO are widely broadcast in Vietnam.

The press in Vietnam has become a forum of expression for public and mass organizations, an important tool to protect the society’s interests and the people’s freedoms, an important means for monitoring and supervising the implementation of the state’s policy and law. The press has played an important role in detecting and reporting law violation cases, combating corruption, negative phenomena and other social evils and building a clean and strong public administration. Everyone has the right to express his/her wishes and opinions on political, economic, social and cultural issues in the mass media. Thanks to the increase and diversity in sources of information, topics covered by the press become fresher and show variety.

The Vietnamese people are having better and better access to modern information technology, especially the internet. It is the Government’s policy to encourage and create favourable conditions for the people to access and use information on the internet as reflected in the 23 August 2001 Decree 55/2001 ND-CP on the internet service management, provision and use. Internet services were just used and connected globally in November 1997. However, internet subscribers in Vietnam have rapidly increased up to the level of many countries in the continent. ISPs are now available in all 64 provinces. As of November 2004, 14 ISPs were licensed to provide service for 5,875,973
subscribers. 7.7% of the population has access to the internet, up by nearly two times compared to March 2004 (4.18%). 93.48% of primary and secondary schools and 100% of universities and colleges, and over 300 out of 6776 commune post offices are connected to the internet.

5. Women’s Rights and Elimination of all Forms of Discrimination against Women

On the rights of women, like other countries in the world including the United States, Vietnam recognize the problem of the double burden of paid factory work and house work/child rearing for women. Vietnam has made many efforts to promote the advancement of women. In comparison to Vietnamese tradition, the position of women has been improved considerably.

The Vietnamese State has promoted and protected the rights of women through specific provisions in the Constitution and laws, especially in the Marriage and Family Law of 2000 (amended). On 21 January 2002, the Prime Minister issued Decision No 19/2002/QD-TTgapproving of the National Strategy for the Advancement of Women until 2010. Legal documents have concretized women’s equal rights with more opportunities to take part in political, economic, cultural and social activities.

In terms of organization, the National Committee for the Advancement of Women of Vietnam has been established, which is under the responsibility of a deputy prime minister and led by the chairperson of the Vietnam Women’s Association, who is also a member of the Central Party Committee of the Communist Party of Viet Nam and deputy to the National Assembly.
In Vietnam, women account for 50.8% of the total population with life expectancy of 74 years on average. This is much higher than that of men of 67.4 years. Women’s equal rights at work and in employment opportunities with men are guaranteed. The (Doi Moi) reform policy has enabled women to participate more in the national socio-economic activities. Women also account for 50% of the country’s labor force. The ratio is even higher in some industries, like 53% in the agro-forestry and fishery sector, 65% in light industry, 68.6% in trade and services and 65% of public servants. In financial and foreign services, women account for 30% of the staff. The unemployment rate of women is lower than that of men. In the last six years, it has been around 6.29% against the general rate of 7.51%.

Women workers have been more and more taken care of during maternity period and retirement. Vietnam is among those countries that provide women with more preferences for maternity leave which is longer than 12 weeks as the minimum period stipulated in the ILO Convention on the Protection of Maternity and two months longer compared to the pre-Doi Moi period, showing the State’s serious attention to women and children’s health.

The role of Vietnamese women in the political life has been further consolidated and they hold important positions at all levels. The proportion of women in the National Assembly has increased from 17% in the 1987-1992 tenure, 18.48% in the 1992-1997 tenure and 26.22% in the 1997-2002 tenure up to 27.31% in the 2002-2007 tenure. Vietnam ranks second in Asia-Pacific and 9th among 135 countries in the world with regard to percentage of women members in a parliament. One member of the member of
the Secretariat of the CPV and a Vice President are women. Women account for 11.9% of ministers and/or equivalent positions, 7.3% of vice-ministers and/or equivalent positions, 13% of DGs and/or equivalent positions, 3.9% of CEOs, 3.3% of provincial people’s committee chairpersons and 7.3% of directors of provincial departments.

Table 4

*Female Percentage in Administration Agencies*

<table>
<thead>
<tr>
<th>Public administration agencies</th>
<th>Proportion</th>
</tr>
</thead>
<tbody>
<tr>
<td>The National Assembly 2002-2007</td>
<td>27.3%</td>
</tr>
<tr>
<td>Party's Agencies 2001-2006</td>
<td></td>
</tr>
<tr>
<td>- At the central level</td>
<td>8.6%</td>
</tr>
<tr>
<td>- At the provincial level</td>
<td>11.3%</td>
</tr>
<tr>
<td>- At district level</td>
<td>12.9%</td>
</tr>
<tr>
<td>- At commune level</td>
<td>11.9%</td>
</tr>
<tr>
<td>People's Councils 2004-2009</td>
<td></td>
</tr>
<tr>
<td>- At provincial level</td>
<td>23.8%</td>
</tr>
<tr>
<td>- At district level</td>
<td>23.2%</td>
</tr>
<tr>
<td>- At commune level</td>
<td>20.1%</td>
</tr>
</tbody>
</table>
Educational equality between men and women has been progressively guaranteed and female access to education at all levels has also grown to 48.2% in kindergartens, 47.9% at primary schools, 46.9% at junior secondary schools and 46.8% at senior secondary schools, 51.9% at colleges and 39.1% at universities. There is now a contingent of highly educated women cadres, making up 3.5% of professors, 5.9% associate professors, 5.1% doctors of Science and 12.6% PhDs.

The proportion of communes and wards having obstetric nurses and midwives increased from 74.5% in 1997 to 88.1% in 2001. Accordingly, the average ratio of pregnancy check-ups per woman has increased from 1.6 to 2.1 times, of pregnant women vaccinated against tetanus more than two times, an increase from 83.5% to 88.6%. The rate of maternity care is rather high, up to 95.2%.

Figure 2: Female percentage in People’s Council Elections.
Chapter III

The Politics of Human Rights

1. Lobby Groups Protesting the Violation of Human Rights by the Vietnamese Government

a. Vietnam Committee on Human Rights Que me (Homeland): Action for Democracy in Vietnam (VCHR)

According to the website, Que me is a non-profit organization founded in Paris in October 1975 to “increase international awareness of the human rights situation, mobilize support for victims of human rights abuses and promote efforts for democracy in Vietnam”\(^{23}\) Que me is also the name of the organization’s Vietnamese-language magazine. Que me conducts human rights campaigns through its international organ, the Vietnam Committee on Human Rights (VCHR). The President of this organization is Vo Van Ai. He is also the overseas human rights spokesman for the Unified Buddhist Church of Vietnam and Director of the International Buddhist Information Bureau in Paris. The Vice-President of Que me is Penelope Faulkner. She was an organizer of the “Ship for Vietnam” campaign in 1978 which helped supporters of the South Vietnamese government to escape from the country. She is the author of the book Que Nha (Homeland). She writes and broadcasts in Vietnamese for the BBC Vietnamese Service and the VOA and is the Paris correspondent for the Vietnamese Service of Radio Free

Asia. The Executive Secretary is Vo Tran Nhat. VCHR is an affiliate of the Pari-based International Federation of Human Rights Leagues (FIDH), which was founded in 1922. VCHR is said to have consultative status at the UNO, UNESCO and the Council of Europe.

**b. International Information Bureau (IBIB)**

The International Buddhist Information Bureau is based in Boissy Saint Leger Cedex, Paris. IBIB is the official information service of Vien Hoa Dao, the Unified Buddhist church of Vietnam. Mr Vo Van Ai is (once again) the Director of this Bureau and Penelope Faulker is the International Relations Officer.

**c. Boat People S.O.S.**

According to Wikipedia, Boat People S.O.S. is a non-profit organization. The headquarters is at Falls Church, Virginia. The purpose of Boat People S.O.S. is to help Vietnamese refugees and immigrants who want to seek “a life in liberty and dignity, by

---


emerging, equipping and organizing Vietnamese American communities in their progress toward self-sufficiency”. 26 Nguyen Dinh Thang, a refugee who arrived in the United States in 1979 and joined this organization in 1989, is Executive Director of this organization.

d. Committee for Religious Freedom in Vietnam (CRFV)

According to its website, the Committee for Religious Freedom in Vietnam is a community-based, non-profit advocacy organization founded in 1999 with the goal of defending, protecting, and promoting religious freedom in Vietnam. It claims to be a link between religious groups that are repressed by the Vietnamese government, freedom activists inside Vietnam and the international community by providing updated news on religious persecution, human rights violations and progress in Vietnam. Additionally, it lobbies the United States government to take action to promote human rights progress in Vietnam and promotes public awareness, education, and grassroots mobilization on human rights in Vietnam through the media.

The mission of this organization is to promote religious freedom in Vietnam—for example, by seeking official recognition of the independent Buddhist, Hoa Hao Buddhist, Cao Dai and Protestant churches from the government of Vietnam—and to rescue and provide relief, assistance, and support to victims of religious persecution in Vietnam or in their countries of resettlement. The Committee works closely with the U.S

Administration and Congress to implement the International Religious Freedom Act (Public Law 105-292).²⁷

Nguyen Dinh Thang is the Director in charge of Public Policy and Legislative Advocacy. Helen Hien Ngo is a Chairwoman in charge of public relations and fundraising.

². Criticism of the Vietnamese Government for Violations of Human Rights

After Vietnam was reunified in 1975, various human rights organizations have accused the Vietnamese government of violating human rights in the areas of freedom of religion, political and civil rights of minorities, the exploitation of children, censorship of the internet and women’s rights. Non-governmental organizations such as Human Rights Watch, Amnesty International and the International Women’s Rights Action Watch have produced reports to support their accusations. Lobby groups formed by Vietnamese who left Vietnam in 1975 have also been active in protesting the violations of human rights by the Vietnamese government. The Bureau of Democracy, Human Rights, and Labor of the U.S. State Department has prepared annual reports on Human Rights in Vietnam based on material supplied by the international NGOs and lobby groups. In this chapter I will provide an overview of the allegations of human rights abuses made against Vietnam and provide background information on the situation that provoked actions by the Vietnamese government that provoked allegations of human rights abuses.

a. Religion

Vietnam is a multi-religious country. Buddhism came to Vietnam with Chinese culture in the 2nd century. Eighty-five percent of Vietnamese are Mahayana Buddhists. This is a Chinese Buddhism deeply mixed with Confucianism and ancestor worship. Buddhism represented an egalitarian alternative to Confucianism, which also came to Vietnam from China. When Vietnam was an independent country (939-1404 A.D.), Confucianism was the state religion, and most of the Vietnamese people accepted Confucianism. The five cardinal virtues of Confucianism (humanity, loyalty, civility, wisdom and justice) were promoted. Roman Catholicism is the largest Christian group in Vietnam. Catholicism was brought to Vietnam by the French during the 16th century and expanded during the 17th century. Under French rule (1858-1945), Confucianism declined because the French reformed civil service examinations which required European education rather than Confucian learning.

Cao Dai (Third Amnesty of God) was established in 1925. It is a sect strong in the Mekong Delta, which combines Buddhism, Confucianism, Taoism, and Western religious figures, including Joan of Arc and Victor Hugo. It is modeled on the Catholic Church. The symbol is the Masonic “Eye of God.”

The Hoa Hao Sect of Buddhism founded was in 1939 by Huyen Phu So. Hoa Hao requires no pagodas, no expensive ceremonies. This was progressive, democratic and revolutionary movement based on the teachings of Phat Thay Tay-An (1830s), who inspired two revolts against the French in 1875 and 1913. It is strong in the south near Saigon.
There are also a small number of Protestants and Muslims in Vietnam. According to the 2003 census, there were nearly 20 million followers of six religions (up by nearly 4.5 million since 1997).\textsuperscript{28}

Table 5

*Number of Religious Followers in Vietnam (2003 Census)*

<table>
<thead>
<tr>
<th>Religion</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buddhism</td>
<td>10 millions</td>
</tr>
<tr>
<td>Catholicism</td>
<td>5.5 millions</td>
</tr>
<tr>
<td>Caodaism</td>
<td>2.4 millions</td>
</tr>
<tr>
<td>Hoa Hao</td>
<td>1.6 million</td>
</tr>
<tr>
<td>Protestantism</td>
<td>1 million</td>
</tr>
<tr>
<td>Islam</td>
<td>65,000</td>
</tr>
</tbody>
</table>

\textsuperscript{28} Vietnam’s White Paper on Human rights, P14
Figure 3: continued on next page
Figure 3. Pictures of religions in Vietnam.
Vietnam has been criticized by human rights organizations and the State Department of the United States for violating the religious freedom of Buddhists, members of Hoa Hao and Catholic and Protestant Christians.

a.1. The Vietnamese State and Buddhism

During the American War Buddhist opposition to the war was strong. Tri Quang, a fiery Buddhist intellectual who lived an ascetic life led a movement against the war. At the celebration of the Buddha’s Birthday in May 1963 the Diem government refused to allow the monasteries to raise Buddhist flags in Hue. The Buddhists organized a protest demonstration. Police attacked the demonstrators and killed nine people. Demonstrations against Diem led by Buddhists and students broke out throughout the South. On Diem’s orders, police entered pagodas and arrested monks. On June 16th 1963, Thich Quang Duc sat down in the center of Saigon and set himself on fire. The press was notified, and a young monk with a microphone called out in English and Vietnamese, “A Buddhist priest burns himself to death. A Buddhist priest becomes a martyr”.


Students in Saigon and Hue poured into the streets to demonstrate beside the monks (bonzes). They massed to the pagodas to pray. On Aug. 21, Nhu’s troops surrounded the Xa Loi pagoda next to the presidential palace and shot over thirty monks and imprisoned the rest. In Hue and elsewhere over 4,000 Buddhists were arrested, and still the protests went on. The self-sacrifice and the Buddhist movement was an appeal to the American people to stop the war. Not understanding that the Buddhists wanted to unite Vietnamese against the war, American advisors concluded that Buddhists, if they were forced to choose, were more likely to support NLF than the Generals. Therefore they concluded that the Buddhists were part of the enemy.

From 1963 to 1966, students and Buddhists leaders continued to demonstrate, demanding the establishment of a constitutional government and an end to military rule (and U.S support for the military regime in the south). The second Buddhist crisis erupted...
in 1966. When General Nguyen Van Thieu became chief of state in 1966, he appointed General Nguyen Cao Ky as prime minister. The United Buddhist Church issued a communique calling on the junta to hold elections. They demanded the resignation of Generals Ky, Co and Thieu. Demonstrations spread to all the coastal cities. Buddhist monks were the only visible leaders of the revolt. In Hue the students took over the radio station and closed the university. In Da Nang, the Buddhists barricaded themselves in the pagodas. Tri Quang appealed to President Johnson to intervene on behalf of the Buddhists, but he took no action. Ky ordered his general to move on the pagodas. Over one hundred civilians were killed and more wounded. After forcing the Da Nang pagodas to surrender, Ky moved on to Hue. Buddhists in Hue organized a peaceful march of protest: 125 monks began a hunger strike, a Buddhist nun set herself on fire. Still President Johnson did nothing. The nun’s death inspired a demonstration of 20,000 in Saigon and eight other self-immolations. The army broke into the Buddhist Youth Headquarters in Saigon and arrested twenty students, setting off more demonstrations.

To avoid further bloodshed, Tri Quang ordered the people of Hue to allow the army to enter peacefully. He began a hunger strike and was arrested and taken to Saigon. Student leaders and union activists were imprisoned and killed. National elections were held in South Vietnam but were boycotted by the Buddhists (and communists) because they were not allowed to campaign for their own candidates. Predictably, Thieu and Ky won the election, but they received less than 35% of the vote.29

29 Most of the Hoa Hao also opposed the Diem government, maintaining their own military forces (used against the Japanese, French and Viet Minh). Huyen Phu So, the founder of the Hoa Hao, had foretold defeat of French in World War II and the coming of the Japanese and later of the Americans. After 1963 the Hoa Hao reconciled with the government.
After 1975, Vietnam became a unified Communist country. In 1980, the government of Vietnam called on Buddhist monks to hold a Congress to unify Buddhist organizations from the north and south. Thich Huyen Quang and Thich Quang Do, leaders of the Unified Buddhist Church in the South who had led the opposition to the American involvement in the War, refused to participate in these meetings. They were publicly denounced by Thich Minh Chau, the head of the State Buddhist Church in the North, for trying to “sabotage the unity effort” and “openly defying the government and the Fatherland Front.” At the Congress, which was held in November 1981, government-appointed delegates adopted a charter defining the State Buddhist Church as the sole representative of Vietnamese Buddhism.

The Unified Buddhist Church leadership refused to recognize the authority of the State Buddhist Church. Therefore the security police took over and closed the An Quang Pagoda, headquarters of the Unified Buddhist Church since 1964. However, the UBCV has continued to be a thorn in the side of the Vietnamese government leading to a stream of protests by human rights organizations that Vietnam violates the religious freedom of the Buddhists.

---

30 The Vietnam Fatherland Front is a mass membership organization established in 1955 to act as a link between the Communist Party and interest groups in society which include: associations of writers, artists, students, and other professionals, and organizations representing officially recognized religious groups. The front has committees at the national, provincial, district, and local level. The Fatherland Front is closely linked to the party. Central Committee members serve in key leadership posts and front committees at all levels are headed by party members. Ibid., p. 181
In 1992, Thich Huyen Quang renewed his protest against the dissolution of the UBCV by the government and demanded that his church be allowed to function once again. According to Human Rights Watch, “The government's response was to search pagodas for copies of his demands and interrogate and in some cases arrest perceived supporters of the monk. Tensions have steadily escalated since then, erupting in both
peaceful and violent public demonstrations that have met with firm suppression by the state.\textsuperscript{31}

According to The New York Times, in 1995, Thich Huyen Quang, the 77 year-old supreme patriarch of the Unified Buddhist Church, who was under house arrest in Quang Ngai province, went on a hunger strike to protest the detention of several monks arrested in November 1994. As a result Thich Huyen Quang and Thich Quang Do, who had been under house arrest in his home province, Thai Binh, for ten years until 1992, were removed from their pagodas by the authorities. The NYT reported that “Both temples [where the monks had been under house arrest] have now been surrounded by security police, and it is not known where the two monks are being held,”\textsuperscript{32} The Foreign Ministry of Vietnam refused to provide further information to reporters and accused the Vietnam Committee on Human Rights in Paris, which had distributed the report of the monks arrest, of being an “anti-Vietnamese political instrument” that “sends out piece after piece of fabrication to deceive public opinion”. Thich Quang Do was sentenced to five-years in jail for sending an open letter to the Communist authorities in 1994 denouncing violations of religious freedom and human rights in Vietnam.

On May 10, 1998, Human Rights Watch reported that four Nobel Peace Prize Winners had launched an appeal to the Vietnamese Government for the release of Thich Huyen Quang, detained without charge in Nghia Hanh, Quang Ngai since 1982, and Thich Quang Do.


In 2001 the U.S State Department designated Vietnam as a “Country of Particular Concern” (CPC). The State Department claimed that Vietnam had made systematic, ongoing, egregious violations of religious freedom. The Human Rights in Vietnam Act H.R.1587 passed the House of Representatives 410 to 1. This bill would have had the consequence of reducing the amount of aid from the United States to Vietnam, but it was not passed in the Senate and did not become law.

On November 19, 2003 the U.S. House of Representatives passed Resolution 427 on Religious Freedom in Vietnam, urging the Government of Vietnam to restore freedom to all Vietnamese citizens imprisoned or under house arrest for participating in their faith and advocating freedom of religion. This resolution paid special attention to persecuted members of the Unified Buddhist Church of Vietnam (UBCV). Thich Tri Tinh, President of the Executive Council of the State-sponsored Vietnam Buddhist Church (VBC), wrote to the Speaker of the U.S House of Representatives rejecting the accusation that the rights of Buddhists in Vietnam were violated by the government. On November 30, 2003, the International Buddhist Information Bureau (IBIB) reported that they had received a letter signed by 107 young Buddhist monks in Hue condemning the letter from Thich Tri Tinh. The monks said that he had once been a leading figure in the UBCV, but was now “turning his back on fellow Buddhists and seeking to crush them”. Again in 2004 the House of Representatives passed the Human Rights in Vietnam Act, this time 323 to 45, and again the Act failed to pass the Senate.

In 2006, the U.S State Department removed Vietnam from the list of Countries of Particular Concern for violation of religious freedom. Vietnamese lobby groups focusing
on human rights opposed this decision. Human Rights Watch pointed out that, “Despite the US lifting its designation of Vietnam as a “country of particular concern” for abuses of the right to religious freedom, Buddhist monks from the banned Unified Buddhist Church of Vietnam, including its Supreme Patriarch, Thich Huyen Quang, and second-ranking leader, Thich Quang Do, remained confined to their monasteries”

a.2. The Vietnamese State and the Catholic Church

During the American War in Vietnam, 80 percent of refugees from the North to the South were Catholic. They clustered in the area around of Saigon and developed economic enterprises. The South Vietnamese government encouraged the Catholics to establish private schools. In the time of President Diem, most of his cabinets were Roman Catholics. Preferential treatment was given to Catholics while there was discrimination against the Buddhists. Today there are 5.5 million Catholics in Vietnam. They are the largest religious minority. Most live in the South. Many Catholics in Vietnam opposed the government of Vietnam during the War. This has left a residue of suspicion and tension between Catholics and the Communist Party, although there were two Catholic ministers in Ho Chi Minh’s first cabinet in 1945, such as Nguyen Manh Ha, Ngo Tu Ha”

In October 2001, Father Thaddeus Nguyen Van Ly (Catholic) was sentenced to 15 years imprisonment for giving written testimony critical of the Government for its

---


restrictions on the Catholic Church to the U.S. Commission on International Religious Freedom.” His activities were said to have violated laws and threatened national security. Additionally, his nephew and niece were accused of contacting “reactionary” organizations in the USA and providing information about religious persecution in Vietnam that misrepresented and distorted the religious policy of the Party and the government attacked the Government of the Socialist Republic of Vietnam.

Amnesty International adopted Father Ly as a “prisoner of conscience,” maintaining that he had carried out peaceful activities “in the practice of his religious beliefs over a number of years, including his consistent calls for more religious freedom and criticism of the Vietnamese authorities for their human rights policies.” Amnesty International argued the above activities are regarded as legal under international law and in most countries in the world and holds the view that those accused should be immediately and unconditionally released.

Most observers believed that the number of ordained priests was insufficient to support the growing Catholic population. In 2003, the Catholic Church operated six seminaries; however, due to objections by local authorities, an additional centrally approved seminary had not been permitted to open at the year's end. The Catholic Church also received permission to accept new seminarians but only every other year. Over 800 students were enrolled nationwide at year's end.\textsuperscript{37} The report noted that the local People's Committee must approve all students, both upon entering the seminary and prior to their ordination as priests.

a.3. Vietnamese State and the Montagnard Protestants

For generations, the Montagnards have lived in the Highlands of Vietnam.\(^{38}\) In 1954, the president of South Vietnam, Ngo Dinh Diem, resettled approximately 200,000 ethnic Vietnamese lowlanders on land the Montagnard considered their own. Many Montagnards began to organize a resistance movement. In 1958, the Bahnar, Jarai, Rhade, and Koho ethnic groups formed a group called “Bajaraka” with the hope of making the Highlands a separate nation with its own army. All leaders of “Bajaraka” were arrested and jailed by President Diem. After the government of South Vietnam fell in 1975, the leaders of Bajaraka were released.

During the American War fighters from tribal groups in the Central Highlands were recruited to fight with the American forces. There were also people from the Central Highlands that fought with troops from North Vietnam. After the war, many of Montagnard accepted the victory of North Vietnam, recalling the policy of Diem. But Y B’ham Enuol fled to Cambodia with several thousand followers. In the late 1970s the separatist movement was revived in Cambodia under the leadership of Y B’ham Enuol. His organization, known as FULRO (United Front for the Liberation of Oppressed Races), wanted “virtual Montagnard autonomy, a separate nation.”\(^{39}\)

Y D’he, another Montagnard leader, proposed a different strategy for the Montagnards. He said that should swear allegiance to the Government of Viet Nam

\(^{38}\) The term “Montagnard” is not used by the Vietnamese government. This was a French colonial term for the people of the Central Highlands of Vietnam. The term “Dega” has also been used as to refer to the Central Highland minorities, with both negative and positive connotations. However, Human Rights Watch uses the English-language terms “Central Highlanders” or “highlanders,” as well as the commonly used term, Montagnard.

(GVN) and formally dissolve FULRO. Instead he founded a Montagnard political party, later named the Ethnic Minorities Solidarity Movement (EMSM). EMSM works to preserve Montagnard customs and to protect the full citizenship rights of its members. EMSM is now led by Y Bling.

Beginning in 2001 Montagnard groups in the Central Highlands organized demonstrators protesting that their forest lands was being taken over by ethnic Vietnamese. Some demanded an independent state for the highlanders. Many demonstrators were arrested, and about 900 ethnic minority persons fled into Cambodia fearing arrest or reprisals by security forces. The Vietnamese government blamed the turmoil on agitation and manipulation of the local population by “hostile foreign forces”-meaning Montagnard advocacy groups in the U.S demanding religious freedom, land rights, and a separate state. According to the government, activists in the Central Highlands were using religion as a cover for separatist political activities. The government closed many churches and set restrictions on Christian gatherings. Police and soldiers were posted at commune centers and in villages.

In a 2002 Report Human Rights Watch responded that even if the Vietnamese government claim is true, the appropriate response is not to repress the religion but to respect both political and religious freedom. The Washington Director of the Asia Division, Mike Jendrzejczyk said: “The Montagnards have been repressed by Vietnam

---

41 These indigenous groups include the Jarai, Bahnar, Ede (or Rhade), Bunong (or M Navy, Pnong), Koho, Hre, and Stieng.
for decades. This has got to stop. Vietnam should open up the Central Highlands to human rights monitors, journalists, diplomats, and begin to seriously address the underlying grievances fuelling the unrest". In 2005 Human Rights Watch protested continuing repression of the Montagnard, stating that Vietnamese government “authorities have arrested hundreds of activists, religious leaders, and individuals trying to flee to Cambodia, using torture to punish or extract information.

The “Country Report on Human rights Practices – 2003” of the U.S. Department of State bureau of Democracy, Human rights and Labor reported that “Hmong Protestants in several northwestern villages and various ethnic minority Protestants in the Central Highlands were pressured to renounce their faith” The report was based on an incident that occurred in 2003 in M’Drak district, Dak Lak province, where police confronted 120 villagers attempting to prevent the arrest of an ethnic minority Protestant pastor, Y Su Nie, and his two adult sons. After a confused altercation, the police arrested all 120 persons. Most of those arrested were released after a few days, but twenty to thirty villagers did not return to their villages. Police reportedly did not acknowledge detaining them.

Human Rights Watch accused Vietnam of closely monitoring (Protestant) house churches and restricting the number of churches allowed to register with the government. According to Human Rights Watch, despite the large numbers of Christians in the Central


highlands, there are few churches. Minority Protestants generally worship quietly in small groups in their homes. Human Rights Watch urged Vietnam’s government to ease restrictions on religious activities of Protestants and Catholics and to open more doors for foreign observers to monitor freedom of religion. (2006)

As a result of these accusations, the United Nations sent observers to Vietnam and in January 2005 a Memorandum of Understanding (MoU) was signed with the United Nations High Commissioner for Refugees (UNHCR). The MoU prohibited reprisals by the Vietnamese government against returnees from Cambodia. Human Rights Watch accused Vietnam of violating the MOU by detaining, interrogating, and severely mistreating some Central Highlanders who had fled to refugee camps in Cambodia and then returned to Vietnam, either voluntarily or under arrest. For example, Human Rights Watch interviewed a Jarai ethnic minority person who provided a vivid account of three highlanders who returned to Vietnam and “then doubled back” to Cambodia because of the harsh treatment they received in Vietnam. They were interrogated every day about why they had left Vietnam and pressured to renounce their religion. They were beaten and tortured during the interrogation. Some were questioned about the Tin Lanh Dega religion (Dega Christianity).

Human Rights Watch also provided evidence from interviews of refugees by the UNHCR. They reported serious threats and intimidation by local officials prior to

---

46 Tin Lanh Dega, or Dega Christianity, is a form of evangelical Christianity followed by some Central Highlanders. The Vietnamese government has banned Dega Christianity and charges that it is not a religion but a separatist political movement. Not all Central Highland Christians who belong to independent house churches identify themselves as Dega Christians. Nonetheless, the government’s desire to eliminate Dega Christianity has impacted many Central Highland Christians, whether they are Dega supporters or not (Human Rights Watch).
UNHCR visits. Police and government officials warned men not to say anything negative to UNHCR officials. The UNHCR visits were conducted in the presence of government officials and undercover police. One of the returnees told Human Rights Watch: “The UN… asked about any mistreatment but I was too afraid to answer. I told them I had not been hit or threatened. I did not dare tell them I’d been sent to prison: if I told, they would have beaten me.”  

Human Rights Watch briefed the UN High Commission on Refugees (UNHCR) Assistant High Commissioner for Protection on their findings in preparation for an April 2006 mission to Vietnam.

The investigation by the UNHCR did not confirm the accusations made by Human Rights Watch. UNHCR official Utkan issued a press release on a monitoring mission in August 22-24, 2005. He said, “It’s very reassuring to see the returnees are treated as victims, not culprits, by the local authorities. We also noticed the positive interaction between the returnees and the local authorities. There were no signs of fear.”

In an interview with the Vietnamese state media before leaving Vietnam, Utkan described a “candid discussion” between returnees and authorities in Krong Pa district,  

48 The perspective of Vietnamese officials towards the unrest in the Central Highlands is reflected in an article about a two day training course organized by UNHCR for provincial officials: “The issue of monitoring returnees generated a lively debate among participants with most frankly admitting they could not understand the reason why UNHCR and other embassies in Vietnam have been focusing on a small group of people despite the efforts made by the local authorities to improve their living conditions. While they recognized the importance of implementing the Hanoi agreement, which specified that returnees to Vietnam would not be prosecuted or face discrimination, many participants felt there were too many monitoring visits and did not understand why the international community insisted on visiting controversial cases, on the basis of unfounded allegations. They felt this showed a lack of trust and confidence in the local authorities.” “Training Vietnamese provincial officials creates greater understanding of UNHCR’s Montagnard monitoring,” UNHCR Press Release, May 18, 2006.  
49 “Monitoring visits to Montagnards show returnees benefit from assistance,” UNHCR Press Release, September 5, 2005
which he highlighted in post-mission briefings with diplomats and nongovernmental organizations as well:

In Krong Pa, I witnessed a very open exchange between a group of three returnees and the Chairman of the People’s Committee. The returnees had already received some assistance, but they wanted more. They were clearly not afraid to ask for more, and this produced a very candid discussion. Another returnee asked the Chairman to assist him to get a new identity card, as he has apparently lost the original. He was reassured that this could be easily done. It was really interesting to watch the interaction between the returnees and the local authorities. There were no sign of tension. Returnees asked practical questions and were keen to go on with their lives.50

In April 2006, Erika Feller, the second highest ranking official in UNHCR, Assistant High Commissioner for Protection, and the person who negotiated the MoU, visited the Central Highlands. In a press briefing in Hanoi on April 28, Feller stated: “I feel quite confident, based on what I’ve seen and heard, that the situation is such that people’s needs are being addressed and that their protection concerns are being addressed.” Feller said that the returnees she spoke with had left Vietnam mostly for economic reasons, although others could have had “broader ambitions to land ownership practice of religion and a range of things.”52 She said she hoped that over time, certain issues would be addressed, including “the concerns people have expressed to us about their capacity to

---

50 Ibid.
51 UN says Vietnam’s Montagnard refugees are welcomed back,” Agence France Press, April 29, 2006.
practice their religion in the way they want to.”53 As for the MOU, Feller said, “We’ve put
in place a good framework….to enable people to reintegrate into community and
society…. I came away with the feeling that the situation is working well.”54 UNHCR
issued a press statement coinciding with Feller’s mission saying that the refugee agency
“has no serious concern” about conditions for the 2,000 Central Highlanders who have
returned to Vietnam.55

b. Street Children

Human Rights Watch reported that between 2003 and 2006, it received credible
reports of serious abuse of street children in Hanoi. Primarily poor children from the
countryside who go to Hanoi to find work, street children are routinely and arbitrarily
rounded up by police in periodic sweeps. They are sent to two compulsory state
“rehabilitation” centers on the outskirts of town, Dong Dau and Ba Vi social protection
centers, where they may be detained for periods ranging from two weeks to as much as
six months.

Social Protection Centers, Social Charity Establishments, Social Support Centers,
Social Relief Centers, and Transit Centers are institutions for beggars, homeless adults
and children, sex workers, drug addicts, orphans, disabled and elderly people without
family support and street children. These centers operate as part of the Vietnamese
administrative-rather than criminal justice-system. Human Rights Watch holds the view
that the treatment of street children in detention, particularly at Dong Dau, is harsh.

53 UN says Vietnam’s Montagnard refugees are welcomed back,” Agence France Press, April 29, 2006
55 “UN Agency has ‘No Serious Concerns’ Over Montagnard Returnees in Vietnam,” UNHCR, April 28,
2006
Children are locked up for 23 hours a day in filthy, overcrowded cells, sometimes together with adults, with only a bucket for excrement. The lights remain on night and day. Children are released for two-half hour periods a day to wash and to eat. At Dong Dau, they are offered no rehabilitation or educational and recreational activities, and no medical or psychological treatment. Reports from Human Rights Watch said that children detained at Dong Dau are subject to routine beatings, verbal abuse, and mistreatment by staff or other detainees, sometimes with staff acquiescence. Children are beaten for benign behavior such as being slow to respond to questions or not knowing how to queue, as well as for attempting to escape. Afterwards, they rarely receive medical treatment for their injuries, nor are staff persons who carry out the beatings disciplined. They said that at the end of their detention no efforts were made to take them home or reunite them with their families. Human Rights Watch said that instead, the children—left at that gates of the centers—which are more than 20 miles from Hanoi--are expected to find their way home. Most did not go back to their homes in the countryside, but returned to Hanoi with no new alternatives.

The Ministry of Labor Invalids and Social Affairs (MOLISA) estimates that there are 23,000 street children throughout Vietnam and 1,500 in Hanoi. Although Hanoi’s street children have become less visible since police round-ups in 2003, organizations

---

and individuals interviewed by Human Rights Watch believed their numbers have not decreased.  

**c. Internet**

Human Rights Watch has also criticized the Vietnamese government for placing restrictions on access to the Internet. Dr. Nguyen Dan is described by Human Rights Watch as one of Vietnam’s best-known democracy activists and an internet dissident. He was arrested on March 17, 2003 under Article 80 of the Vietnamese Criminal Code for sending information critical of the Vietnamese government via the Internet. On April 1, 2003, BBSNews, an Internet enabled Bulletin Board System (BBS) in North Carolina, reported that Brad Adams, executive director for Human Rights Watch Asia, said: "Vietnam has signed UN treaties protecting the right to free expression. Yet it's locking up citizens using the Internet to express their views and this is going on while Vietnam is participating in deliberations of the United Nations' highest human rights body. Delegates should publicly call on Vietnam to cease these arrests." Dr. Nguyen Dan Que was honored by Human Rights Watch with a Hellman/Hammett grant, an award recognizing repressed writers worldwide. Brad Adams said, "Dr. Que should be immediately and unconditionally released. Under international law, he has committed no crime." Other figures arrested for using the Internet to express their views include Nguyen Khac Toan.

---

57 Social workers, former, and current street children, restaurants, and some journalists interviewed by Human Rights Watch in 2006 said the numbers of street children have not dropped during the last several years. In addition, most members of 12 agencies in Hanoi that work with street children interviewed for a 2003 study said they thought the numbers of street children were increasing. Tim Bond, “A Study on Street Children in Hanoi and an Assessment of UNICEF’s Street Children’s Project in Hanoi, Thanh Hoa and Hung Yen,” The Youth Research Institute, 2003, p. 28


Pham Que Duong, Li Chi Quang, and Pham Hong Son. Human Rights Watch urged UN delegates to call for an immediate end to the wave of recent arrests.

d. Women
d.1. Traditional Role of Women in Vietnam

Legend says that the founders of Vietnam were a couple, Au Co, and her husband Lac Long Quan. Au Co gave birth to a sac containing 100 eggs from which 100 male babies were born. Lac Long Quan was a dragon and used to live on the coastal plains; while Au Co was a fairy who had lived in the mountains. Lac Long Quan missed his old way of life near the Coast. One day, he told Au Co that he wanted to return and live on the Coast. Au Co liked the highlands. After discussion, they agreed to part. Lac Long Quant took 50 sons to the Coast and Au Co took the other 50 to the highlands. Their children spread out, divided and ruled the land. They were ancestors of Lac Viet. The story emphasizes gender equality, unlike the prevalence of male domination in neighboring countries.

The introduction of a rigid Confucian hierarchy by Chinese rulers changed the role of women in society. According to Confucian ideas, woman is a weak and helpless creature who must live under man’s protection. Thus men should be respected and women despised. If a family has a girl, she cannot continue the lineage and perpetuate the family heritage. Only sons could perform the rites necessary for ancestor worship. In love and marriage, girls have no freedom to choose their mate, they have to accept the mate that their parents choose for them. Young girls were exchanged for money, jewels and other dowry payments at the time of the wedding. Many girls were married against their
will. “The path of life is full of thorns. My parents, for love of money, have married me against my will. How sad is my destiny! My looking glass clouds over, my jewels tarnish.”60 After marriage, a woman’s labor was exploited, and she belonged to her husband as his property. She had no right over family wealth and children. After her husband died, according to custom, a woman must remain faithful to her husband the rest of her life. The low position of women is illustrated by the following proverbs: “One man is of worth, ten women are of no worth” or “A daughter is a child of other people. Only a daughter in-law is the true child of her parents-in-law, since they have paid for her.”61

In the 17th century, the feudal society of Vietnam fell into decay. Kings and feudal lords were debauched and corrupt and many young girls were given into the King’s harem every year. It is said that when King Le Huyen Tong died in the 18th century, 300 concubines were sacrificed. The Tale of Kieu by Nguyen Du tells the story of a beautiful and talented young girl who was forced to prostitute herself to save the honor of her family and how she went from one terrible situation to another.

Despite these attitudes, Vietnam does have women heroines. Trung Trac and Trung Nhi were patriotic and courageous leaders of the first national insurrection in the 40 C.E. In 248 A.D Trieu Thi Trinh led thousands of Vietnamese against invaders. In the late 18th century Bui Thi Xuan was a female general in the Tay Son peasant insurrection against the Nguyen lords in South Vietnam. She also worked for the reunification of the country that had been divided by the Nguyen and Trinh lords. Other famous women
include Doan Thi Diem, a poetess, who wrote “Laments of a Soldier’s wife” (Chinh Phu Ngam) and Ho Xuan Huong who wrote satirical poems.

Under French colonialism, the status of Vietnamese women was not much improved. They were ‘double slaves’ because in addition to suffering the common fate of all colonized people, they continued to be subjected to the age-old oppression of women by men. In 1930, when the Indochinese Communist Party was founded by Ho Chi Minh, the status of women was considered to be an important issue in the struggle for national liberation and class emancipation. According to the Plenum of the Communist Party held in March, 1931, “the Vietnamese woman is the most persecuted element in society. That is why once imbued with revolutionary ideas, she will zealously and resolutely participates in the struggle.”  

The Women’s Union for Emancipation (the predecessor of Vietnam Women’s Union) was established.

In 1946, in the Constitution of the Democratic Republic of Vietnam, the principle of equality between the sexes was declared and women were granted voting rights. Ten women were elected to the National Assembly in 1946. During the French war from 1946 to 1954, women played an important role in combat. They joined small bands of commandos, and participated in local struggle movements, community mobilization, intelligence gathering, and the transport of material. “In the early 1950s about 840,000 female guerrillas operated in the north and some 140,000 in the south.”  

Women accounted for two third of Dan Cong (People’s laborer).

---

After 1954, in the North men joined the armed forces leaving women as the main workers in many villages. In the South, women supporting the NLF also took part on the battlefield. One of the famous leaders of peasant women in Ben Tre province and a famous general was Nguyen Thi Dinh. Her forces were called the “Long-Haired Army.” She was arrested, beaten, and threatened with rape but did not betray her companions to the enemy. 64 Women also shared the civilian leadership of the NLF and the People’s Revolutionary Government (PRG).

Despite all this, women were still not considered equal to men. In *Vietnam’s Women in Transition*, Kathleen Barry notes:

Women have a separate museum but, as Americans know from their own experience, separate is not equal… the symbolic representation of Vietnamese female revolutionaries shows agency and power, these symbols are not accorded equal status with those representing male revolutionary experiences. As a result, memories of women’s contributions to the revolution are fading faster than memories of men’s contributions. ….Women in the photographs are seldom identified by name and only a few are discussed in the text.65

In the PRG there were only a small percentage of women in positions of political leadership. Barry notes, “Women made up at most 17 percent of the central committee of the PRG in 1965 despite their crucial role in the resumption of the southern insurgency and their large numbers among guerillas and main forces fighting in the south.” In the

---

64 The high numbers of women participating in the revolution in the south is shown by the high rates of female casualties. “From 1954 to 1965 female revolutionaries in the south suffered 250,000 deaths, 40,000 disabilities as the result of torture, and 36,000 imprisonments.”

65 Ibid, p 49
National Assembly, their proportion rose from a low of 2.5 percent in the first (1946) assembly to 32.3 percent in the assembly elected in 1975 but then fell to 17.5 percent after the 1987 election.\(^{66}\)

In the mid-1980s, Vietnam launched the “Doi moi” or renovation policy, transforming a centralized, subsidized economy into a market economy. The push to collectivize the industrial and agricultural operations of Vietnam was abandoned. The government pushed industrialization and modernization to increase productivity and improve the quality of life for people. Doi moi also brought about important changes for Vietnamese women. In the market economy women often found it difficult to get work. Men were given more priority because men do not give birth or spend time taking care of children. It was said that women, if they were unemployed, still had work at home. They should be content taking care of their men. But women attach equal importance to career and family. According to Barry, “only 3.1% of them want to stay at home to look after their children and husbands, even when the incomes received by their husbands are more than adequate for the whole families. Up to 86.7% believe that even if married, women should take part in social and cultural activities.”\(^{67}\)

In the context of urbanization, the wave of migrants especially female migrants from rural areas to urban areas has increased. Women who are unskilled and have low level of education work as small traders on the roadways and pavements of cities. Additionally the number of unemployed women is very still high. Of a total of 200,000

\(^{66}\) Ibid, 50
\(^{67}\) Ibid, 161.
unemployed people, two-thirds are women, and each year women also account for the majority of persons (80,000) reaching working ages who are not employed.\textsuperscript{68}

The shift from a centralized command economy to the market mechanism is also blamed for social evils. Women who cannot find a job may become prostitutes. Many of them get HIV/AIDS. Vietnam ranks 6\textsuperscript{th} among countries in Asia for HIV/AIDS infections. There are 114,000 HIV cases, of which 19,700 have become AIDS, and 11,500 have died because of AIDS: 85.19\% are men.\textsuperscript{69}

While more women now hold decision-making positions in management, there is still inequality between men and women in education and in salaries, as shown in Table 8 below.\textsuperscript{70}

<table>
<thead>
<tr>
<th>Position</th>
<th>Women</th>
<th>Men</th>
</tr>
</thead>
<tbody>
<tr>
<td>University graduates</td>
<td>263,700</td>
<td>439,600</td>
</tr>
<tr>
<td>Assistant professors</td>
<td>740</td>
<td>6,614</td>
</tr>
<tr>
<td>Full professors</td>
<td>143</td>
<td>3,259</td>
</tr>
<tr>
<td>Doctoral candidate degrees</td>
<td>717</td>
<td>6204</td>
</tr>
<tr>
<td>Doctoral degrees</td>
<td>23</td>
<td>376</td>
</tr>
</tbody>
</table>

\textsuperscript{68} Ibid, p 162
\textsuperscript{70} “From 1972 to 1990 the ratio of women physicians increased two fold, the ration of woman lawyers and architects fivefold.” Ibid, p 163
d.2. Criticisms by International Women’s Rights Action Watch (IWRAW)

In 2003 International Women’s Rights Action Watch published a report on the status of women and women’s rights in Vietnam. The report notes that no independent women’s organizations exist within Vietnam.\(^{71}\) There is only a government-affiliated organization of women cadres called Vietnam Women’s Union (VWU) to improve the status of women. VWU is a government-affiliated organization that implements government policies targeted or otherwise associated with women.

According to International Women’s Rights Action Watch (IWRAW), “Women in Vietnam are severely burdened by the pervasiveness and character of culturally ascribed sex roles and stereotypes.”\(^{72}\) The state has a two-child policy. With the preference for male offspring, women are put in a difficult situation because if they do not have sons, women are pressured to have additional pregnancy and subjected to intra household and community shaming. But if they have more children, they violate the policy of the state and the economy of the family is negatively affected.

Women are also said to receive poor access to medical services. “Since women are not seen as integral to productivity, their health is not deemed an important investment — so services directed at women are poor, nonexistent, or underused.”\(^{73}\) IWRAW points out that the number of women giving birth out of wedlock has increased. The widespread use of intra-uterine devices and abortions as a means of birth control


\(^{72}\) Ibid

\(^{73}\) Ibid,
affects the health of women. The side-effects of IUDs are: weakness, abdominal pain, backache, headache, and irregular, prolonged or heavy bleeding to IUD user. Condom use and pill are less known. Male sterilization is also less used as a method of birth control because it is believed that it can reduce intelligence and sexual prowess of men.

IWRAW also claims that there is discrimination against women who must carry a double workload at home and outside the home. Work for women is less secure and safe than prior to “Doi moi.” “The ‘household economy’ policies of ‘doi moi,’ which encourage the household production of exportable goods as a means of income generation, has increased the opportunity cost of sending a girl to school.” Women are at risk of harsh working conditions and trafficking. IWRAW quotes from a report by The Coalition Against Trafficking in Women (CATW) that says between 60,000 and 200,000 women and girls are involved in prostitution and that 6.3 percent of these prostitutes are less than 16 years old. 74 “In practically all of Vietnam’s tourism and resort centers prostitutes are readily available. Many prostitutes have arrived there by being trafficked”. 75

Women have not yet achieved equal status in education or politics. Although the enrollment rates of girls are high at the primary education level, at the secondary level, there is a sharp reduction of girls in comparison with boys. “Women’s literacy rates are lower than men’s by more than five percentage points.” Within the highest positions of

74 Ibid.
75 Ibid.
political power women are absent. Only one-fifth of the legislature and only 6 percent of the cabinet are women*. 76

In Vietnam, 80 percent of the population lives in the countryside. IWRAW points out women in rural areas face special difficulties. There is the lack of clean drinking water. Women must walk long distances as the result of deforestation and environmental contamination. IWRAW also points to domestic violence as a problem. In addition to physical assaults and sexual abuse, women may be forced to tolerate concubines and face the act of “rejection” or being returned/ “chased back” to one’s parents. The severity of the problem is indicated in a 1996 study that found over one-third of the prostitutes in Ho Chi Minh City had run away from home to escape from abusive home situations.**77

---

76 Ibid.
77 Ibid.
Chapter IV

Analysis

Human rights are widely accepted as fundamental moral rights of a person which are necessary for a life with human dignity. Human rights are based on human wants, on those things necessary, in political scientist Jack Donnelly’s words, for a “life of dignity, for a life worthy of a human being, a life that cannot be enjoyed without these rights.”\(^{78}\)

The purpose of human rights is to protect human agents against abuse, oppression and cruelty. However, human rights are essentially a contested concept. There are different views of human rights.

1. Economic Rights and Common Good vs. Political and Social Rights and Individualism

During the Cold War, there was conflict between the U.S and U.S.S.R about the approach to human rights. The U.S argued that rights were universal, while the U.S.S.R. took a more relativist approach to human rights. The U.S.S.R argued that economic, social and cultural rights must come before civil and political rights, while the U.S placed civil and political rights above economic, social and cultural rights.

In fact, both sides violated human rights. The Soviet Union imprisoned citizens who criticized the government in the Gulag which was the branch of State Security that operated a penal system of forced labor camps and prisons. It worked as a mechanism for repressing political opposition to the Soviet state. There were from five to seven million prisoners in these camps, and around 10% of them died each year. The United States also violated human rights. In 1950s-1960s, black people in America did not have the right to

vote due to racial discrimination. From 1974 to 1990 the U.S supported and provided financial assistance to the Pinochet dictatorship that came to power after a coup d’etat against Socialist President Salvador Allende. With the help of the U.S, Pinochet carried out a series of military operations which led to the death of 3,000 people and incarceration and torture of 27,000 people.79

After the Cold War, human rights became a political tool. During the Clinton presidency, human rights were related to personal freedom and democracy. Civil and political rights must be “congruent with the American self-image”80. In the George W. Bush presidency human rights were linked with humanitarian aid. The promotion of human rights was based on a belief in “American exceptionalism.” In an article published in 2000, Secretary of State Condoleeza Rice wrote: “the emphasis in the George W. Bush Administration would be on American, not international, values. Since American values were really universal, one could advance good things in the world by promoting American values.”81 After September 11, 2001, with the rhetoric of democracy and freedom and human rights, the Bush administration went to war in Iraq and Afghanistan. Yet the U.S. violated human rights in the war: torture was used in the interrogation of prisoners, and many prisoners carried out suicide attempts at the US holding station in Guantanamo, Cuba, a secret gulag of the U.S.

81 Condoleezza Rice, “Promoting the National Interest,” Foreign Affairs, 79, 1 (January/February 2000), 45-62
2. Asian Values

Over the past decades, countries in Asia, especially East and Southeast Asia, became “tiger” or “dragon” economies with high growth rates. The West put pressure on Asian countries, such as China, Burma, Malaysia, Singapore, and Vietnam for violation of human rights.

The concept of Asian values came into being in the 1990s. Mahathir Mohamad and Lee Kuan Yew, prime ministers of Malaysia and Singapore respectively, were the most vocal advocates of Asian values. They argued for the existence of a unique set of institutions and political ideologies in Asian countries which reflected the region’s culture and history. There is no single definition for Asian values: “The claim is that in the system of so-called Asian values, for example in the Confucian system, there is greater emphasis on order and discipline, and less on rights and freedoms.”82 The version of Confucianism includes loyalty to family, corporations and nation, a strong work ethic, the pursuit of academic and technological excellence, thrift, and the forgoing of personal freedom. Asian values also imply a predisposition towards strong and stable leadership rather than political pluralism; respect for social harmony and an inclination towards consensus as opposed to a tendency towards dissent or confrontation; acceptance of broad and penetrating state and bureaucratic intervention in social and economic affairs;

concern with socio-economic well-being instead of civil liberties and human rights; and preference for the welfare and collective good of the community over individual rights.

Proponents of “Asian values” believe that they are more appropriate for the region than the democratic values and institutions of the West. On the other side, critics, such as Long Ying Tai, point out that the supporters of Asian Values are all representatives of authoritarian regimes and argue that Asian values are merely political propaganda to suppress universal values such as freedom of speech and human rights. However, the economic success that Asian countries have achieved over the past decades cannot be easily dismissed.

In June 1993 the United Nations convened a meeting on human rights in Vienna. According to Steiner and Alston, “The West accused Asia of trying to undermine the ideal of universality and determined to blame Asia if the conference failed. Inevitably, Asia resisted.”

Scholars and researchers in Vietnam still debate the idea of Asian values. As an Asian culture, the Vietnamese people share the value of loyalty towards the family, corporation and nation, a strong work ethic, the pursuit of academic and technological excellence, thrift, and the forgoing of personal freedom. However there is no official statement by the Vietnam government on Asian values.

3. Politics of Human Rights with Reference to Vietnam

Lobby groups concerned with human rights in Vietnam mainly include people who emigrated from south of the country after 1975. They hold the view that they were

---

badly treated by the new Communist government, which they opposed during the war. Lobby groups have the particular agenda of finding, how to return to Vietnam with high honor and respect and become a counterpart with the Communist government. The more they are able to show violations of human rights in Vietnam, the more donation they receive. Additionally, they accuse Vietnam of human rights violations in order to influence U.S. foreign policy. The leader of these groups, Vo Van Ai, is the president of the Vietnam Committee on Human Rights *Que me* (Homeland): Action for Democracy in Vietnam; the spokesman for the Unified Buddhist Church of Vietnam; and the Director of the International Buddhist Information Bureau. Another figure, Nguyen Thang, first arrived in the United States from Vietnam in 1979. He is now Executive Director of Boat People S.O.S, and the Director in charge of Public Policy and Legislative Advocacy. Vo Van Ai and Nguyen Thang worked together in the rescue ships to save boat people in the South China Sea in 1978. They waged an international campaign to mobilize support for what they call “the release of prisoners of conscience and to promote democracy in Vietnam.” Vo Van Ai drew up the first map of re-education camps in the North and South. He makes regular reports to the UN Commission on Human Rights in Geneva on the status of human rights and religious freedom in Vietnam.

These lobby groups try to show that the Communist regime is illegitimate. They use human rights as a political means to oppose the Communist government. It is too difficult to ascertain the verities of the claims made by lobby groups regarding these issues. Because people have different versions of the truth, they all have their biases and

---

political agendas and their own sense of reality. Furthermore, the truth of human rights violations depends on how accessible the information is. But no doubt the motivation of the lobby groups is political. The U.S State Department and Human Rights Watch might, in part, get biased information from the lobby groups. When such information is made public, many people believe that the human rights situation in Vietnam claimed by lobby groups, Human Rights Watch, U.S State Government is “true”. But in fact, the truth of the information which is so politically conditioned must be treated with skepticism.

The Vietnamese government, after 30 years of war, was faced with many difficulties such as a poor economy and how to promote the unity of the nation. It attempts to meet the basic needs of all its citizens. However, given the destruction of a long war, limited funding and limited resources for reconstruction, it is hard for the government to meet all the increasing demands of its citizens. It has its own national building policies in which economic development and human rights improvement are high on the agenda.

The concept of human rights emerged in the West during the Age of Reason in the 18th century. As an Asian country, Vietnam has received the idea of human rights from the West, participating in most human rights organizations and adapting the ideas of human rights ideas to the social, cultural, political and economic conditions of Vietnam. The Vietnamese government increasingly attempts to promote human rights. This has clearly been shown in Chapter 2. However, like all countries in the world, human rights promotion to meet the increasing demands of all people is not easy in Vietnam or elsewhere in the world because human rights itself is controversial.
Groups that report on human rights violations in Vietnam include Human Rights Watch, Amnesty International, and the U.S State Department. They collect information from different sources, both formal and informal. They also get information from the lobby groups of overseas Vietnamese who use human rights to discredit the Vietnamese government. The human rights organization understand the objectives and goals of the lobby groups and are careful about checking information to ensure credibility of sources. Although Human Rights Watch attempts to keep from politicizing human rights issues and stay focused on the defense of rights themselves, it is often difficult to draw the line between defense of human rights and political goals. For example, regarding the story of a church destroyed by local authorities in Vietnam that Human Rights Watch reported as a violation of the freedom of religion, Sophia Richardson said, “We talked to people who have actually suffered these kinds of abuses. It is a little hard to get into too much detail without giving too much away but usually our first and best sources are people who have themselves suffered abuses and we then try to cross-check that information with others who are in a position to know.” When I asked why Human Rights Watch did not accept the local authorities’ reason for destroying the church that straddled the border between Vietnam and Cambodia - she did not answer.

I hold the view that the information given by Human Rights Watch was one-sided. Reports should reflect all sides of an issue. I asked Sophia about this and she agreed, “It is very easy to dismiss it all and say there’s no such thing as a perfect rights-respecting government, and that is true.” This means it is important to work even though it is not perfect to make things better. Human Rights Watch, Amnesty International and
other organizations can be manipulated by lobby groups with political objectives. Thus, the question of to whom the listener should listen is difficult to answer. It is very hard to get good or credible information not only in Vietnam but throughout the world.

**Conclusion**

Although impartiality is often difficult for “insiders”, I am attempting to hold a more neutral position amid the controversy over human rights in Vietnam. I think that in order to improve human rights, everyone needs to remember that individual people, whoever they are, whatever position they hold, should not make even minor attempt to mobilize human rights as a means to gain and maintain power. I call for sides, the Vietnamese government and the lobby groups, to carry out constructive dialogue about human rights to narrow the differences and bring find common ground on which to work out solutions to old problems. Maybe lobby groups will not accept this idea, thinking that they can never talk with the Vietnamese government. Though that may be true now, however, I really hope in the future, the two sides can come together.

There are several reasons that give me hope. First, Vo Van Ai, Nguyen Van Thang and all overseas Vietnamese are still ethically Vietnamese people, as are the Vietnamese insiders. Traditionally, Vietnamese people, wherever they are, look back to their ancestors. Most members of the lobby groups live in the U.S or other Western countries, where they have higher living standards than exist in Vietnam. They claim they will never go back Vietnam. However, I am convinced that for many there will come a time when they remember their homeland, especially as they age. They may not speak out but it is quite possible that one day they will want to return with high respect and
worship their great parents in Vietnam. The Vietnamese government welcomes the return of overseas Vietnamese and encourages them to come back and make a contribution to national rebuilding.

Second, lobby groups can still feel their hatred or dislike of Vietnam, one of the reasons they fled after 1975. They had the reason to do like that. At the same time, thousands of Vietnamese veterans and martyrs who sacrificed their flesh and blood for national liberation and building also have reasons to be compensated after the war. Many died because of the war and the Vietnamese government cannot forget them. Nevertheless, it is time to set aside those reasons and work for peace and economic development. Twenty years after the war in 1995, the American government shook hands, and normalized their relations with the Vietnamese government. More and more Americans are coming to Vietnam to study, work and invest and Vietnamese, too, are going to the United States, in order to promote the bilateral relations in political, economic, and cultural views. So there is no reason why Vietnamese people, insiders and outsiders alike of the big family of Vietnam cannot sit together, reconcile, and join their efforts for national building. Why do we, remain separate, to create a hidden Vietnam War? If human rights issues are a big problem between the two sides, more constructive dialogues should search for solutions. Criticism alone cannot bring about an enduring and viable resolution.

Additionally, this is the time for economic development. Overseas Vietnamese may want to come back Vietnam, investing in businesses. The Vietnamese government’s policy is to call for investors, both overseas Vietnamese and foreigners, to take part in
national economic development. The lobby groups and the Vietnamese government will, both benefit when they together sit and discuss business, to narrow their differences and increase their similarities.

When President Nguyen Minh Triet paid an official visit to the United States in 2007, Nguyen Cao Ky, Prime Minister of South Vietnam from 1965 to 1967 and Vice President until 1971, was quoted as saying, “The history of Vietnam has witnessed not the division between the North and the South not once but many times, from the time of Trinh, Nguyen, who used to be former Kings of Vietnam. However, the final end is national reunification. I have said many times that I wanted to reunify the country but I could not do. My brother on the other side can do so, we should take off our hats, say hello and accept the reality that our country must be reunified. That is the simple thing. I do not study much. I am not a politician who speaks in a groundless manner and can not help the country to be rich. That is a traitor to the country. Today, I listened to his speech, which he made without references to books, notes or following any dogma. It was almost like talking with my brothers, compatriots”

I think other overseas Vietnamese share the ideas of Nguyen Cao Ky. National reunification needs to be built not only from the inside but also from outside Vietnam. More importantly, I contend it is wrong to use human rights as a means to oppose each other. When human rights are used as a pragmatic political tool of national interest or to consolidate power, the very purpose of human rights—to help human agents resist abuse, oppression and cruelty—can be lost. I share with Ignatieff Michael the view that “Human rights institutions and agencies – both governmental and non-governmental – should not
try to proliferate human rights beyond what is necessary to protect persons as purposive agents, or to realize a similarly basic purpose of human rights (such as the dignity of persons)” because this can “cheapen the purpose of human rights and correspondingly weaken the resolve of potential enforcers.”

Human rights is an ongoing process and continues to evolve everywhere in the world. There is no correct version of human rights. The meaning of human rights is contested and how to apply the contested idea of human rights is more contested not only in Vietnam but also in many countries in the world. The Universal Declaration on Human Rights was signed in 1948 but right up to the present how to put it into practice continues to be debatable. In Vietnam’s case, I show that there is no agreement among human rights organizations outside of Vietnam, even on a specific issue. For example, as Sophia Richardson of Human Rights Watch pointed out, her organization and the U.S State Department have different views about the Montagnard issue. The U.S State Department says that the Montagnards are being treated much better than a few years ago, that the Central Highlands are more accessible to foreigners, and the U.S. State Department does not see the same severity of problems as Human Rights Watch does. The State Department Reports reflect foreign policy—concern with keeping a good relationship with Vietnam for trade reasons while Human Rights Watch Reports are not strategic in this way.

Another example, which I analyzed in Chapter 3, deals with the opposing views of Human Rights Watch and the United Nations High Commissioner (UNHCR) for...
Refugees. Human Rights Watch accused Vietnam of violating the Memorandum of Understanding which was signed by Vietnam and the UNHCR. However, UNHCR investigation did not confirm these accusations. UNHCR held the view that from what they have seen and heard, people’s needs are being addressed and Vietnam did not violate the MOU. From this, we can see the accusations by different human rights organizations about Vietnam’s human rights situation are different.

When I began to write this thesis, I knew some would think that I am working for the Party Commission of the Communist Party. Perhaps I do in the voice of the Party and the Government. However, as a researcher, I have attempted to be as objective as possible, standing in a middle where human rights is a being debated with reference to Vietnam and “put my shoes in different positions.” One of my friends asked me “Do you think Vietnam violates human rights?” I did not answer not because I do not know, not because I dare not answer. The reason is that human rights are controversial. It is impossible to answer yes or no this question. It depends on where and how you get information and which position you hold to make conclusions.

As a researcher, I think the Vietnamese government has made a lot of efforts to meet the demands of all Vietnamese citizens both insiders and outsiders in all fields. This can be seen clearly in Chapter 2. The policy of Vietnam is evolving but how to implement to that policy is a challenge. Vietnam sees overseas Vietnamese as an integral part of the country and the government has created favorable conditions for them to come back and make a contribution to the development of the country. However, many things need to be done to meet the increasing demands of the Vietnamese overseas in
particular and all people in general. This is a really difficult issue not only for Vietnam but all countries in the world.
Bibliography


