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TO KATJA...

Perhaps all the dragons in our lives are princesses who are only waiting to see us once beautiful and brave.

Perhaps everything terrible is in its deepest being something that needs our love.

- Rainer Maria Rilke -
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# Table of Contents

**Acknowledgements** ........................................................................................................... i

**List of Figures & Tables** ....................................................................................................... iv

**Abstract** ................................................................................................................................. v

**Prologue** ................................................................................................................................ vii

1. **Introduction** ...................................................................................................................... - 1 -

2. **Johan Galtung’s Theory of Structural Violence and Human Rights** ................... - 7 -
   2.1. Galtung’s definition and dimensions of ‘violence’ ....................................................... - 7 -
   2.2. Means of personal and structural violence ................................................................. - 11 -
   2.3. Measurements of Structural Violence ........................................................................ - 12 -
   2.4. The relation between personal and structural violence ................................................. - 14 -
   2.5. Cultural Violence .......................................................................................................... - 16 -
   2.6. Application of Galtung’s Theory of Structural Violence ........................................... - 18 -
   2.7. Human Rights ............................................................................................................... - 23 -
   2.8. Human Right Violations & Structural Violence .............................................................. - 26 -

3. **Case Study Vietnam** ......................................................................................................... - 29 -
   3.1. The Vietnamese History ............................................................................................... - 29 -
   3.2. The Socialist Republic of Vietnam ................................................................................ - 32 -
      3.2.1. Bloc 8406 ............................................................................................................... - 35 -
      3.2.2. Viet Tan Party ....................................................................................................... - 36 -
      3.2.3. From Modernization to Democratization? ............................................................... - 37 -

4. **The Political Structure and Instruments of Control in Vietnam** ............................ - 39 -
   4.1. Vietnam’s One-Party Political System .......................................................................... - 39 -
   4.2. The Apparatus of Authoritarian Rule in Vietnam ...................................................... - 45 -
LIST OF FIGURES & TABLES

Figure I. A Typology of violence .............................................................. - 10 -

Figure II. A Typology of Personal Somatic Violence ................................. - 11 -

Figure III. A Typology of Violence .......................................................... - 12 -

Figure IV. Vietnamese Leaders and Government Members ........................ - 41 -

Table I. Election Results Vietnam 2011 .................................................... - 44 -

Table II. Internet Usage Statistics ............................................................. - 66 -

Figure V. Percentage of people who feel their government’s effort to fight corruption is: - 86 -

Figure VI. Percentage of people who feel that from 2007-2010, their government’s anti-corruption efforts have:............................................................ - 87 -

Figure VII. The institutions viewed by the public as most affected by corruption .......... - 87 -

Figure VIII. News Coverage of Corruption by Sector ............................... - 91 -

Table III. Corruption Crimes 2008-2010 .................................................. - 96 -
ABSTRACT

Most scientific work about Vietnam is focused around the Vietnam War, the reform course (Doi Moi) or human right violations, yet there is nothing to find about structural violence in Vietnam. In this work, Johan Galtung’s theory of structural violence is applied to the case of Vietnam. It provides an excursion into the theory of structural violence combined with human right violations to identify structural violence. This thesis provides an insight into the one-party system in Vietnam and the various instruments of control and repression employed by the party to retain power. It explores and examines some of the behaviours shown by the structure in Vietnam and in particular taking up the case of ethnic and religious minorities as well as corruption as examples of processes or consequences of that structure.

Vietnam has a strict system in place to suppress any critique of the status quo. The communist party exercises hegemonic control over the state and power is monopolized by a small group of people. The government controls almost every aspect of public life and civil society is deprived of access to the structure of the government. All attempts to change the system are quickly repressed by the state authorities. To secure power, the state of Vietnam uses an apparatus of repression, of authoritarian rule. At the centre of this apparatus are the vaguely worded Articles of the Penal Code on propaganda against the state. Offences according to the Penal Code are broadly defined and therefore open to interpretation. The tools the Socialist Republic of Vietnam uses to repress any possible threats comprise: monitoring and surveillance, harassment, intimidation and violence, arrest, detention, trial and sentencing. Even though there is the group of political dissidents is small, the state invests enormous resources in monitoring and repressing this group.

Structural violence causes direct violence through its processes. And thus processes are the consequences of the structure, where the violent structure becomes evident. To obtain a deeper understanding of how the violent structure can be used and what consequences it can produce, two examples are chosen to illustrate this. The first concerns the right of ethnic and religious minorities. Racial inequalities are signs of structural violence and are produced by the violent structure itself. Latent violence is already in existence before any
consequences are evident. Ethnic and religious minorities are viewed as a threat by the Socialist Republic of Vietnam, and there are high levels of discrimination against ethnic and religious minorities, particularly by government authorities and agencies, even though the constitution provides for the right of equality and non-discrimination.

Another process that stems from the violent structure is corruption. If human rights are not protected, corruption is very likely to increase. Corruption is an abuse of power and makes it possible for certain people to oppress others. In Vietnam, corruption occurs at all levels and all sectors and it is able to occur because of the violent structure that is in place. Corruption is the exercising of power to create opportunities for private gain. Despite anti-corruption measures taken by the government of Vietnam, corruption is still widespread because of large gaps in implementation and a lack of enforcement. Furthermore, because of the restrictions placed upon the media and civil society organizations there is no one to hold the actions of the government to account.
I wanted to write about Vietnam for many different reasons, but I think the most important of these is my strong link with that country. The time I spent there left an imprint on me – on both the positive and the negative side. I experienced the best time and the worst time of my life in Vietnam.

When the prospect of undertaking a master thesis came to my mind two years ago, I first wanted to write about system theory. This appealed to me because of my interest in psychology (my second course of study), according to which everything is seen to be a system. This is a theory that endows the people, or the clients, with a great deal of dignity as well as self-determination and which places the therapist at the same level. Because the philosophy behind this matches my own view of the world and of people, I immediately connected with this approach. Although this approach is not common within the university setting, I was fortunate enough to find an outstanding professor with whom I was able to establish a rapport both on a professional and personal level and who supported me in this area of study. Despite this, I found making a link between my chosen approach and issues of international development challenging and decided eventually to take a break and to travel for three months in the summer and start again afterwards with renewed energy and motivation.

My travels took me first to Thailand – a country to which I had been before and really enjoyed – for two months. I was travelling alone and learned a lot about myself in the process. However, I was particularly looking forward to the third month, when my best friend – even though that expression doesn’t describe our intense relationship at all – was going to join me and we were to travel through Vietnam. We began our travels in the north (Hanoi) and went down south through Ha Long, Hue, Nha Trang, Da Lat and finally Mui Ne. Our plan was to stay there for a couple of days, then keep on going to Saigon, for a little while back to Thailand and home afterwards. But somehow this place captured us and we remained there. Mui Ne is a small place with many tourists and where almost everything revolves around kitesurfing. Although we were keen to try the sport, it is pretty expensive to learn and we decided that we could not afford to do so. But as life is, everything can change.
in a second, and after two weeks the owner of one of the kiteschools there offered to teach us kitesurfing in return for us working afterwards as instructors and repaying the cost of the course through work. So it was that we made a spontaneous decision to become kitesurfing instructors without ever having tried the sport before. We loved the people and definitely didn’t want to go back to Austria, so we decided that we would use the time as a kind of exchange semester from university. This appealed to my best friend because she had just finished her studies and I also thought that a couple of months more break from the university would make no difference. And so we said that we would stay there for the season, obtain our IKO (kite-instructor license), go back so that I could finish my studies (my friend insisted that she was going to sit with me every day to ensure that I write) and afterwards we would travel the world, work at different places and enjoy our life together.

It was truly a wonderful time. I never had so much fun and felt so much freedom in my life as I did during the months when I was travelling. There was an amazing atmosphere with great people. Yet of course it was not always easy either. We had fairly difficult conditions at our workplace, but decided that if we were together nothing could harm us and together we could manage everything. Sadly I had to find out that this was not to be. No matter how strong you are together, life always has more power and can change things in a second. So, after two months in Mui Ne, my best friend drowned while kiting. It would take too long to explain all the details but essentially many small things combined to cause a horrible accident. It happened in seconds, and even though we tried to reanimate her for three hours we just couldn’t bring her back to life. It shocked me and ripped my heart out at the same time. I couldn’t believe what had happened and in the time immediately afterwards I was barely able to function. I had to organize everything in the following week – the mortuary, a flight back home for both of us, obtaining the documents required, managing everything with the insurance company, the embassy, etc. Yet the worst thing was having to call her parents to tell them that their daughter had died in an accident.

After I or rather we came back to Austria, somehow everything was too much for me here and after the official ceremonies I felt that I had to return to Vietnam. But it was tough to be back and tough just to be alive, when she wasn’t. I tried to keep myself busy and simply try to “survive” – as strange as that might sound. It was an intense time during which nothing made sense anymore. And when the main season ended and it quietened down a little I
thought for the first time about starting to write my master thesis again, not only for myself but also in honor of my friend. So I contacted my supervisor again after a very long time and asked him if it would be possible to work on that despite the long distance. I was fortunate to have his understanding and agreement. However, although I tried to work on my system theory thesis, I was unable to make progress. On the one hand of course because I was not in the best condition to concentrate but on the other because there was nothing that engaged me and that I was able to connect with at that time. This situation continued until the point where I thought “if something isn’t working out for that long, maybe there is a reason and it’s time to throw that thesis out of the window and search for a new focus”. So I did just that and started to search for a topic. Even though I had no idea what exactly I was going to do, it was clear from the very beginning that I wanted to write about Vietnam! This connection, these experiences (good as well as bad) have shaped me and I felt indelibly attached to the country, as there will always be a part of me that remains there.

Eventually, after almost one year abroad, I came back to Austria. Upon my return, what surprised me the most were the reactions to my long stay in Vietnam. I realized that most people were shocked that I had chosen that country in which to stay, and that this reaction had nothing to do with the accident. Many could not understand why I had gone to Vietnam and even less why I had stayed there for such a long time. Most of them still had a picture of the country that had nothing to do with the reality of life there. The most enduring one concerns the Vietnam War and this idea that Vietnam is still like a war zone, but there was also a picture of an oppressive and violent regime and of a country that is very dangerous and in which the people are very poor. Yet this “black” picture did not tally with the impression I gained from living there.

My first experience of Vietnam was of meeting warm, friendly people in a country with outstanding scenery. Except from our first taxi ride and the short time in Nha Trang we were simply excited about the country. We explored the city in Hanoi, in Ha Long Bay we were rendered speechless by the beautiful landscape, while Da Lat was extremely interesting. We never experienced the negative aspects of poverty, but of course we were only tourists and how can one really experience the country on such a short visit?

In Mui Ne it was different. We experienced and explored the city together with locals and long-term residents and came to know the city, people and culture much better than the
time before. The Vietnamese people I got to know more deeply did not feel they had a “bad life” and seemed fairly contented, even though they had almost nothing or very little when measured by our standards.

However, when I came back home and heard different visions of Vietnam and wanted to defend “my” country, I started wondering just how “real” my impression of Vietnam actually was. Can you compare a tourist location such as Mui Ne, where almost every Vietnamese is working in the tourist industry (hotels, kitesurfing, etc.) with the rest of the country? Can one experience the “real” Vietnam or only a mixture of Vietnamese and western influences? What is Vietnam like elsewhere? What is life in the country like for Vietnamese people? What is it like to live under communism? And how much power does the state really have?

I began to undertake internet-based research with those questions in mind. Although some of what I found confirmed my impressions and experiences, much of the information I found was shocking too, in terms of revealing how much of Vietnamese life exists below the surface, which is all one can see as a tourist. From my time living there, it was clear that life is not easy, that the conditions are sometimes hard, that salaries are very low and that many people have to take two jobs to be able to provide for their families. I realized that corruption was widespread, and that one can buy anyone and anything with a lot of money and/or good connections. I understood that the government was trying to restrict social networking sites such as Facebook, even though many people know how to beat the “system” and retain access. But what I did not know was just how much power and control the regime really had over people, how much the authorities use the laws and the system of governance to protect their power from any possible “harm” and to oppress their citizens, or the degree to which inequalities are generated and how dangerous it is to have a different opinion from that which is officially sanctioned.

Having thought of Vietnam as a country with few rules, and where everything is just a matter of money and connection, I discovered that, for example, although it is often said that the regime has greater power in the north than in the south of the country, in fact it does not matter where you are, it is simply a matter of luck and keeping quiet that prevents dissidents from falling foul of the legislature. This all suggested to me that what is happening in Vietnam is structural violence: violence which is built into the structure, and which produces inequalities in terms of power and of life chances (Galtung, 1969).
Based on this understanding, I wanted to read and understand more and to communicate the situation to others – even though it may only be my professor who reads this work. As an idealistic person, every injustice, especially when it is avoidable makes me both sad and angry. So even if as an individual I am unable to change anything, if only one person reads this work and gains greater awareness of the situation in Vietnam, then I would have done something – and that is better than nothing.

This is a topic that lies close to my heart and about which it was not easy for me to write, not because of the subject matter but because of the entire writing process. I am proud that I completed the work, which I was honored as well as thankful to have had the possibility to do. I am particularly grateful to have had a supervisor with so much patience who supported me at every level of the work and every stage of my personal journey.
1. Introduction

This thesis is centered around Johan Galtung’s theory of structural violence applied to the case of Vietnam. It looks at structures and processes in the governance system of Vietnam and the extent to which violence is embedded within these structures. In other words, violence is not explicit but is explored as manifest within the existing system of governance. Johan Galtung’s work on structural violence is taken as a point of departure to analyze the governmental system and the varied forms such a structure takes in day-to-day human rights violations. More specifically, the thesis provides insights into the one-party system in Vietnam and the various instruments of control and repression as practiced by the party to remain in power. As an outcome, I look at corruption and violation of the rights of ethnic and religious minorities that are subject to this structural violence and accompanying instruments. The thesis is built on a survey of existing literature, internet sources and field experience.

The term ‘structural violence’ was introduced by Johan Galtung, a Norwegian mathematician, political scientist and sociologist. He is considered as the ‘founding father’ of peace and conflict research in Europe and introduced the concept of ‘structural violence’ for the first time in his article “Violence, Peace, and Peace Research” in 1969. Even though his concept was initially related to peace research, the theory of structural violence is widely applicable and has been used in many different fields, such as anthropology, clinical medicine and sociology (Ho, 2007). For Galtung (1990, p. 292) violence is an avoidable insult to “basic human needs, and more generally to life, lowering the real level of needs satisfaction below what is potentially possible. Threats of violence are also violence”. Galtung (1969) makes a distinction between violence that hurts human beings (direct results) and violence that hits or hurts them indirectly (because of repressive structures).

They are deprived because the structure deprives them of chances to organize and bring their power to bear against the topdogs, as voting power, bargaining power, striking power, violent power – partly because they are atomized and disintegrated, partly because they are overawed by all the authority the topdogs present. (Galtung, 1969, p. 177)
These facts make the concept of ‘structural violence’ applicable in many contexts. Current discourse focuses most on the international level. Pilisuk (2001), for example, relates Galtung’s concept to his work on globalism. He claims that “globalism is a pernicious form of structural violence which creates poverty, diminishes the human sense of agency or control and harms the environment” (Pilisuk, 2001, p. 1). Farmer (2004), on the other hand, relates ‘structural violence’ to the fields of anthropology and human health. He claims that the concept of structural violence holds relevance for every discipline seeking to understand modern social life. For him the term can be used to describe “‘sinful’ social structures [that] characterized poverty and steep grades of social inequality, including racism and gender inequality” and he further states that “the concept of structural violence is intended to inform the study of the social machinery of oppression” (Farmer, 2004, p. 307).

Galtung (1969) describes structural violence as silent, like the tranquil waters – something essentially static and not apparent. This brings us to the question of how to render structural violence visible: How might we detect structural violence? To answer such questions I will also refer to Galtung (1969), who claims that structural violence can be measured if we accept that ‘inequality’ is a key element of the underlying formula. To identify such inequalities, this thesis uses human right violations as a proxy for understanding and showing structural violence. Why human rights? Because, at a fundamental level, human rights lie “at the core of international law and international relations. They represent basic values common to all cultures, and must be respected by countries worldwide.” (Sepúlveda, Van Banning, Gudmundsdóttir, Chamoun, Van Genugten, 2004, p. xxxvii). Human rights are generally referred to as ‘fundamental freedoms’ and arise from the need for protection of individuals against the power of the state (Sepúlveda et.al., 2004). They are inherent, inalienable and equally applicable to all, and achieved universality through the adoption of the Universal Declaration of Human Rights by the General Assembly of the United Nations in 1948. Human rights including a broad spectrum of rights and all conditions considered important for a dignified human existence. The concept focuses among others on equality, as the counterpart to inequality – which leads us back to structural violence, where inequality plays a major role. And violations of those human rights produce inequalities, which may be seen as structural violence.
Ho (2007) linked structural violence to human rights in her article “Structural Violence as a Human Rights Violation” and claimed that two aspects of our world correspond to that concept: “severe global inequality and a huge disparity between the rights accorded to all human beings through the international human rights regime and the massive and continual violation of those rights” (Ho, 2007, p.1). She argues that structural violence is apparent at all levels of human rights violations, from child poverty to disease and extreme poverty. Using the concept of structural violence produces a complex picture of inequality because it considers economic, political and social factors.

The theory of structural violence provides a useful framework for the understanding of structural violations of human rights, through an examination of how structures constrain agency to the extent that fundamental human needs are unattainable. (Ho, 2007, p. 3)

In the case of poverty, for example, there is a disparity between actual and potential abilities to meet fundamental needs (Ho, 2007). An avoidable gap between actual and potential ability arises which is a manifestation of structural violence, according to Galtung’s definition.

With that in mind, this thesis attempts to detect structural violence by referring to human right violations. To clarify, this does not mean writing about human right violations, but rather using them as a helpful tool for rendering structural violence visible and to address the question of what the manifest ways to identify structural violence are: Is it in the structure or in the process embodied in a number of instruments?

In order to answer those questions, the thesis will use Vietnam as a case study, partly as a result of the personal connection to the country outlined above in the Prologue, and partly because of the communist system of government, in relation to which there is a high probability of finding possible structural violence. Vietnam is an impressive and interesting country with a long and painful history that significantly shaped the country, the people and the culture. The country can look back on over 1000 years of occupation and numerous wars, which caused suffering among the general population. The most “famous” and destructive of these are probably the first Indochina War (1946-1954) and the Vietnam War (1965-1975). After the end of the Vietnam War (1975), the country finally became reunited.
and the Socialist Republic of Vietnam was founded (My Giang et.al., 2012). However, after the loss of the country’s only trading partner (the Soviet Union), the communist planned economy led Vietnam into an economic crisis, which forced a change of strategy. The reform course Doi Moi (1986) was born, where the “centrally planned economy” was reshaped into a “social market economy” but still within the socialist one-party system. Major changes in the economic as well as the political spheres took place, yet the position of the Communist Party of Vietnam (CPV) stayed the same – a unique situation. Fundamentally, Vietnam is still regarded as an agricultural country, because 65 % of the population is employed in the agricultural sector. Yet the main part of the national output is actually created by service industries (about 40 %) and manufacturing (about 40 % as well). Vietnam is the second biggest exporter of coffee and was able to develop more quickly and successfully than any other country in recent history. It is one of the most heavily populated countries in Southeast Asia and due to the Vietnam War, 70 per cent of the population is younger than 30 years old. Furthermore, Vietnam comprises 56 official recognized ethnicities, although the majority of the population belongs to the “Viet” ethnic group.

Because of its communist system and diverse political history, Vietnam seems well suited as a case study to research possible evidence of structural violence. There is far more going in within the country than is visible on the surface. The pertinent questions to consider are: Is the state of Vietnam using structural violence to maintain the political status quo and if so – how? What different faces does structural violence perhaps show in Vietnam? If these exist – how are they revealed under the surface? How much is it possible to discover that the state is not able to hide? How deep does one have to dig? Is the state using structural violence to oppress the people and if so – how are they suffering under those restrictions?

Methodology

The topic of this thesis as explained in the Prologue originates from a personal experience. During my one-year residence in the south of Vietnam (2011-2012), I lived and worked closely with Vietnamese people. During this time many informal conversations and other forms of interactions and dialogue occurred with the inhabitants and provided important insights that allowed me to understand the culture, lifestyle and disposition of the Vietnamese. Often stories of oppression, corruption and violence was discussed and
reported casually by the locals. In reality, these incidents were seen as a routine part of daily life, and their occurrence was never questioned, let alone associated with governance structures that could be subject to change. Even with my limited comprehension and capability to speak with the people in their language, I was able to obtain a taste of Vietnamese life, which was the decisive factor for my research decision – to pursue that which made sense to the locals, but not to me.

Even though the time spent in Vietnam was not intended for research, it was extremely valuable to get a feel for the Vietnamese life and culture. These insights enabled me to better interpret literature and texts relevant to this study.

Published literature formed the main basis of my research methodology. I conducted literature search using catchwords such as “structural violence”, “human right violations Vietnam” or “governmental system Vietnam”. I was able to generate numerous scientific sources related to Vietnam’s history and governance system, yet only a few in combination with structural violence. In addition, I had to rely heavily on articles and e-newspapers to gain a picture of the public discourse on a day-to-day basis, making use of international as well as local articles and e-newspapers written in English.

I also gathered information by scanning the internet, in particular taking a close look on one hand at Vietnamese governmental homepages to acquaint myself with their policies and how they were presenting themselves in public and on the other at local e-newspapers written in English and articles produced by political opponents of the Vietnamese system. For information about structural violence in Vietnam I focused on human right organizations and their homepages, looking for references to the concept in reports and articles published there.

The collected data was then organized into different topics and later analyzed within the appropriate chapters. A key challenge was to organize all these narratives and information into topics, and to identify cross-cutting themes and patterns, to distinguish between structure and process, as well as between interesting details and information that would contribute to the theory of structural violence.
The following chapter looks more closely at the concept of structural violence and at Galtung’s understanding of that term in particular. It also presents a short introduction of the current discourse of that topic. Chapter 3 then focuses on human rights, their indicators and the question of whether there is a connection between human right violations and structural violence. To apply the theory on to the chosen case study the thesis focuses on Vietnam and attempts to provide a basic overview of relevant facts pertaining to that country. The case study continues with a focus upon key issues addressed in the context of human right violations in Vietnam. However, because there is a precise distinction between the structure of violence itself and the consequences of that structure (processes), the main chapter is sub-divided into two sections: “Human Right Violations & Structural Violence in Vietnam – the Structure”, which attempts to present the structure of the Vietnamese state and political system, which is potentially violent; and “Human Right Violations & Structural Violence in Vietnam – the Processes”, which uses two examples to illustrate the actual processes emerging as result of the (violent?) structure. The structure, for example in the form of laws, is static and has no direct impact on people’s lives, unless it is evoked – in which case it manifests itself as processes. These examples are intended to provide a still deeper understanding of the structure of violence, how it is built and what its consequences are.
2. JOHAN GALTUNG’S THEORY OF STRUCTURAL VIOLENCE AND HUMAN RIGHTS

This chapter describes the concept of structural violence, based on Johan Galtung’s definition of the theory. This is important to obtain a deeper understanding of the governmental structure and the existing system in Vietnam. Thereafter, the applications of the concept and the current discourse are discussed, to show how the theory structural violence can be used universally. Finally, this chapter introduces the issue of human rights (especially human right violations) and discusses the correlation between human right violations and structural violence.

Before Galtung (1969) focuses on violence, he provides an explanation for his concept of peace. For him the term peace should be used for social goals. These goals can be complex, even difficult, but should not be impossible to attain. And finally, the “statement peace is absence of violence shall be retained as valid” (Galtung, 1969, p. 167) shows that the terms ‘peace’ and ‘violence’ are linked to each other.

Galtung (1969) states that it is not important to identify ‘the’ definition of different types of violence. For him it is more important to “indicate theoretically significant dimensions of violence that can lead thinking, research and, potentially, action, towards the most important problems”. (Galtung, 1969, p. 168)

2.1. Galtung’s definition and dimensions of ‘violence’

At the time Galtung formulated his theory of structural violence, a common definition of violence was as follows: “Violence is present when human beings are being influenced so that their actual somatic and mental realizations are below their potential realizations” (Galtung, 1969, p.168). But this definition was too limited for Galtung (1969), leading him to search for an extended concept of violence.

- The first distinction Galtung (1969) makes is between physical and psychological violence. The “old” definition given above only refers to physical violence, thus distinguishing between violence that works on the body and violence that works on the soul. Being subjected to
physical violence means that people become hurt somatically, ultimately to the point of death. Psychological violence would include lies, brainwashing, indoctrination of various kinds, etc.

- Secondly, Galtung makes a distinction between a negative and a positive approach to forms of influence. “Thus, a person can be influenced not only by punishing him when he does what the influencer considers wrong, but also by rewarding him when he does what the influencer considers right.” (Galtung, 1969, p. 170). This is also a means to effectively prevent a human being from realizing their potential, which may also be defined as violence.

- The third distinction relates to objects: “whether or not there is an object that is hurt” (Galtung, 1969, p. 170). One might assert that talking about violence hurts no-one. Yet the psychological impact – for example the threat or fear of physical violence - must be considered here.

- The fourth distinction, and the most important one for Galtung (1969, p. 170) concerns: “whether or not there is a subject (person) who acts”. He differentiates between the type of violence “where there is an actor that commits the violence as personal or direct, and [...] violence where there is no such actor as structural or indirect.” In both cases, individuals may be hurt in some form or manipulated by 'carrot and stick' strategies. Whereas in the first case, the consequences are created by a specific person or actor, there may not be any person who directly harms another in the second case. “The violence is built into the structure and shows up as unequal power and consequently as unequal life chances.” (Galtung, 1969, p. 171). As with resources that are unevenly distributed, this could comprise income distribution, or access to literacy/education, health care, etc. And ultimately “all the power to decide over the distribution of recourses is unevenly distributed.” (Galtung, 1969, p. 171)

Unfortunately factors such as having a low income, poor access to education, health and power are closely correlated (Galtung, 1969), just as the surplus of the production process, which is reserved for the owners of that production, and their ability to purchase advantages in other dimensions, because of the high convertibility of money in a capitalist society. So decision making power is monopolized by a small group who are able to convert power in
one field into power in another. And if the people with no power are starving even where this should be avoidable, then violence is committed, even if there is no clear subject-action-object relation.

Galtung (1969, p. 171) explains the distinction as follows:

Violence with a clear subject-object relation is manifest because it is visible as action. It corresponds to our ideas of what drama is, and it is personal because there are persons committing the violence. It is easily captured and expressed verbally since it has the same structure as elementary sentences in (at least Indo-European) languages: subject-verb-object, with both subject and object being persons. Violence without these relations is structural, built into structure. Thus, when one husband beats his wife there is a clear case of personal violence, but when one million husbands keep one million wives in ignorance there is structural violence. Correspondingly, in a society where life expectancy is twice as high in the upper as in the lower classes, violence is exercised even if there are no concrete actors one can point to directly attacking others, as when one person kills another.

In such cases, social injustice (Galtung, 1969), instead of structural violence, may be used.

- The fifth distinction is between intended or unintended violence. This is especially important when it comes to guilt, which refers most of the time primarily to intention rather than consequences (Galtung, 1969).

- The sixth distinction is between manifest and latent levels of violence. Manifest violence is observable, whether it is personal or structural; latent violence on the other hand is not. There is the difference between actual and potential realization. Latent violence exists when the situation is so unstable that the actual realization level ‘easily’ decreases, meaning that latent violence is already there before for example the first punch of a racially-motivated fight is thrown or the first bomb is falling (Galtung, 1969).

Personal violence is meaningful as a threat, a demonstration even when nobody is hit, and structural violence is also meaningful as a blueprint, as an abstract form without social life, used to threaten people into subordination: if you do not behave we shall
have to reintroduce all the disagreeable structures we had before. (Galtung, 1969, p. 172)

The figure below presents a pictorial summary of the different distinctions made by Galtung (1969).

Figure I. A Typology of violence

![A Typology of Violence Diagram]

Source: Galtung, 1969, p. 173

Attention has always been focused more on personal than on structural violence, even it involves no less suffering. But Galtung (1969) says that this is not strange, because the object of personal violence perceives the violence, while the object of structural violence on the other hand may be persuaded not to perceive this at all. “Personal violence represents change and dynamism – not only ripples on waves, but waves in otherwise tranquil waters. Structural violence is silent, it does not show – it is essentially static, it is the tranquil waters.” (Galtung, 1969, p. 173) So in this case personal violence will be registered, while structural violence may be seen as natural – maybe as much so as the air around us. Furthermore, structural violence often exhibits a certain stability, while personal violence
(such as group conflicts/war) stands out like a ‘rock’ and shows a tremendous fluctuation over the time. Thus personal violence is more commonly perceived as such, while the ‘tranquil’ structural violence in fact often causes much more harm.

2.2. Means of personal and structural violence

Personal violence according to Galtung (1969) concentrates on ‘actual somatic realization’. It is possible to define a typology of personal, physical violence by focusing on the tools used. Starting with the human body and proceeding to all types of weapons. Another aspect would be organizational, from mobs or crowds to guerrilla or army warfare. Another approach can be made by looking at the target, the human being.

Figure II. A Typology of Personal Somatic Violence

<table>
<thead>
<tr>
<th>Focused on the anatomy</th>
<th>Focused on the physiology</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Crushing (fist fight, catapults)</td>
<td>1. Denial of air (choking, strangulation)</td>
</tr>
<tr>
<td>2. Tearing (hanging, stretching, cutting)</td>
<td>2. Denial of water (dehydration)</td>
</tr>
<tr>
<td>3. Piercing (knives, spears, bullets)</td>
<td>3. Denial of food (starvation due to siege, embargo)</td>
</tr>
<tr>
<td>4. Burning (arson, flame, thrower)</td>
<td>4. Denial of movement</td>
</tr>
<tr>
<td>5. Evaporation (as in nuclear explosion)</td>
<td>a. by body constraint (chain, gas)</td>
</tr>
<tr>
<td></td>
<td>b. by space constraint (prison, detention, exile)</td>
</tr>
<tr>
<td></td>
<td>c. by brain control (nerve gases, ‘brain-washing’)</td>
</tr>
</tbody>
</table>

Source: Galtung, 1969, p. 174

The table shows the basic distinctions: on the one hand, attempting to destroy the human body or on the other hand, trying to prevent the ‘machine’ from functioning. This can be done in two ways: either denial of input (food, water, air) or the denial of output (movement). Human output can be somatic (movement) or mental (not recorded directly from the outside). But as Galtung (1969, p. 175) says, the “borderline between physical and
psychological personal violence is not very clear, since it is possible to influence physical movements by means of psychological techniques, and vice versa: physical constraints certainly have mental implications”.

Galtung (1990, p. 292) further sees “violence as avoidable insults to basic human needs, and more generally to life, lowering the real level of needs satisfaction below what is potentially possible. Threats of violence are also violence”.

Figure III. A Typology of Violence

<table>
<thead>
<tr>
<th>A TYPOLOGY OF VIOLENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Survival Needs</strong></td>
</tr>
<tr>
<td><strong>Well-being Needs</strong></td>
</tr>
<tr>
<td><strong>Identity Needs</strong></td>
</tr>
<tr>
<td><strong>Freedom Needs</strong></td>
</tr>
<tr>
<td><strong>Direct Violence</strong></td>
</tr>
<tr>
<td>Killing</td>
</tr>
<tr>
<td>Maiming, Siege</td>
</tr>
<tr>
<td>Desocialization</td>
</tr>
<tr>
<td>Repression</td>
</tr>
<tr>
<td>Sanctions, Misery</td>
</tr>
<tr>
<td>Resocialization</td>
</tr>
<tr>
<td>Detention</td>
</tr>
<tr>
<td>Secondary Citizen</td>
</tr>
<tr>
<td>Expulsion</td>
</tr>
<tr>
<td><strong>Structural Violence</strong></td>
</tr>
<tr>
<td>Exploitation A</td>
</tr>
<tr>
<td>Exploitation B</td>
</tr>
<tr>
<td>Penetration</td>
</tr>
<tr>
<td>Marginalization</td>
</tr>
<tr>
<td>Segmentation</td>
</tr>
<tr>
<td>Fragmentation</td>
</tr>
</tbody>
</table>

*Source: Galtung, 1990, p.292*

The table above shows the combination of the distinction between direct and structural violence with four classes of basic needs. The four classes of basic needs are: “survival needs (negation: death, mortality); well-being needs (negation: misery, morbidity); identity, meaning needs (negation: alienation); and freedom needs (negation: repression).” (Galtung 1980a, as cited in Galtung 1990) The result is eight types of violence, which are easily identified in the case of direct violence but more complex in the case of structural violence. Ecobalance: survival+well-being+freedom+identity = ‘peace’. If this is not present, the result is ecological degradation, breakdown, and imbalance.

2.3. Measurements of Structural Violence

Structural violence can be measured if we accept inequality as the key indicator. But Galtung (1969) asks which factors (despite personal violence or the threat of personal violence) tend
to uphold inequality if inequality persists? To answer this question the science of social
structure, and particularly of stratification is essential to understand structural violence.

The ideas of actor, system, structure, rank and level are fundamental (Galtung, 1969). Actors
have goals and are organized in systems, where they interact with each other. But two
actors can interact in more than one system (e.g. the UN – politically: trading votes,
economically: trading goods, cultural: trading ideas). The set of all systems, including all
actors, can be referred to a structure. In this structure, one actor may have a high rank in
one system, but a low one in the next, or rank similarly in all systems. But an actor, like a
nation, can also be seen as an autonomous structure, and also as an integrated actor in the
bigger structure. The concept of the level of actors includes territories, organizations and
associations. Interaction tales place in all the systems, where value is somehow exchanged.
According to Galtung (1969), it is important to study value-distribution, especially to
differentiate between egalitarian and non-egalitarian distribution. There are six factors for
non-egalitarian distribution, which may be seen as mechanism of structural violence
(Galtung, 1969, p. 176):

“1. Linear ranking order – the ranking is complete, leaving no doubts as to who is higher in
any pair of actors;

2. Acyclical interaction pattern – all actors are connected, but only one way – there is only
one ‘correct’ path of interaction;

3. Correlation between rank and centrality – the higher rank of the actor in the system, the
more central his position in the interaction network;

4. Congruence between the systems – the interaction networks are structurally similar.

5. Concordance between the systems – if an actor is high in one system then he also tends to
be high in another system where he participates and

6. High rank coupling between levels – so that the actor at level n-1 are represented at level
n through the highest ranking actor at level n-1.”
After Galtung (1969) one might develop many propositions based on this. Firstly, that social systems tend to develop all six mechanisms. This is the precondition for an increase of inequality and can lead to the deprivation of the lowest-ranking actors not only in terms of their potential, but also taking them below their subsistence minimum. The inequality then shows up as different morbidity and mortality rates, among either individuals or districts and nations. “They are deprived because the structure deprives them of chances to organize and bring their power to bear against the topdogs, as voting power, bargaining power, striking power, violent power – partly because they are atomized and disintegrated, partly because they are overawed by all the authority the topdogs present. Thus, the net result may be bodily harm in both cases, but structural violence will probably just as often be recorded as psychological violence. Hence, highly different means may lead to highly similar results.” (Galtung, 1969, p. 177)

2.4. The relation between personal and structural violence

The relation between personal and structural violence is not easily explained. The problem with this question is that the distinction seems not to be clear at all (Galtung, 1969). It overlooks some aspects of structural elements in personal violence and vice versa. These perspectives are regained if personal violence is perceived not only as a self-intended action, but also on the basis of expectations of norms, status, social environment or the social self. In this scenario, a person engaging in personal violence can always blame expectations on the part of the structure so that their action would be seen as the responsibility of the person upholding an exploitative social structure. The distinction would nevertheless be between violence that hurts human beings (direct result) and violence that hits or hurts them indirectly (because of repressive structures). There is a qualitative difference between those actions. The question is not about guilt or how it is perceived by the persons at either end of the violence channel, it is rather about whether violence contains a personal link between a subject and an object (direct) or is an indirect structural one.

After Galtung (1969), there could also be the possibility that there is a strong link or correlation between structures with a high degree of structural violence including an
average amount of personal violence. So the question concerns whether these structures exist in pure forms, meaning that there are “structures where violence is person-invariant” or conversely “persons where violence is structure-invariant” (Galtung, 1969, p. 178). Structural violence must exist regardless of changes in persons, just as personal violence persists regardless of changes in structural context. An example of structural violence that exists regardless of the persons involved are feudal structures with metropolitan-satellite relationships. It doesn’t matter who populates these or how high the level of awareness of those involved is – the violence is built into the structures. There is no need of personal violence or threat of personal violence. And on the other hand there appear to be persons who are violent without any structural context, for example people who end up in mental hospitals or prisons (‘bully’). Thus fundamentally there are pure forms of direct or structural violence, but this does not mean that there is no causal relationship between them. With this in mind it can be argued that all forms of structural violence can be traced back to a personal violence in their pre-history, or that a ‘bully’ can be seen as a product of socialization within a violent structure. Galtung (1969, p. 178) states that, “pure cases are only pure as long as the pre-history of the case or even the structural context are conveniently forgotten.”

If we imagine that people were left to themselves in isolation (e.g. stranded on an island, confined within discussion groups, etc.), they will always tend to form systems (Galtung, 1969) with ranking or differentiation relating to status. High ranks then tends to cluster with others who already have high ranks, interactions tends to flow in the direction of people with high ranks and the end result will always be a feudal structure. One might argue that people do this because they have grown up in such structures and therefore they project their experiences and their habits onto the new situation. Yet in fact this situation arises even in tabula rasa conditions. Galtung (1969) explains that the reason for this habit is that individuals are different and these differences are somehow relevant for our behavior during interaction.

To prevent the formation of feudal structures, special measures are needed. It seems likely that structural violence tends to be more ‘natural’ than structural peace, and that the same is true of personal violence. Galtung (1969) argues that a feudal/hierarchical system is simply
a form of conflict control, because if violence is more natural than peace, an egalitarian system would bring out many new conflicts which are kept latent in a feudal structure. There is always the possibility that manifest structural violence presupposes latent personal violence. “When the structure is threatened, those who benefit from structural violence, above all those who are at the top, will try to preserve the status quo so well geared to protect their interests” (Galtung, 1969, p.179). In this scenario the various groups or people can be ranked in terms of their interest in maintaining the structure. But this must be observed carefully, because those who are most interested in the maintenance of status quo may not come openly to its defense, but may instead push their paid enforcers to the forefront.

Thus they may mobilize police, army, etc. to ‘fight’ against the disturbance, while themselves remaining more discreet. “And they can do this as an extrapolation of the structural violence: the violence committed by the police is personal by our definition, yet they are called into action by expectations deeply rooted in the structure – there is no need to assume the intervening variable of intention. They simply do their job.” (Galtung, 1969, p.179). But of course social affairs are always difficult to capture in simplistic formulations (Galtung, 1969).

2.5. Cultural Violence

Cultural violence is an extension of Galtung’s violence term. By ‘cultural violence’, Galtung (1990, p.291) means “those aspects of culture, the symbolic sphere of our existence – exemplified by religion and ideology, language and art, empirical science and formal science (logic, mathematics) – that can be used to justify or legitimize direct or structural violence.”

This definition evokes stars, crosses and crescents; flags, anthems and military parades; the ubiquitous portrait of the Leader; inflammatory speeches and posters. Yet these examples are ‘aspects of a culture’, not a culture in its entirety. Entire cultures can hardly be classified as violent, otherwise this would be merely a cultural stereotype.
“Cultural violence makes direct and structural violence look, even feel, right – or at least not wrong. Violence studies are basically about two problems: “the use of violence and the legitimating of that use.” (Galtung, 1990, p. 291)

The study of cultural violence concerns the way in which the act of direct violence or the fact of structural violence are legitimized in the society. One way, according to Galtung, is to change the moral color from red/wrong to green/right or at least to yellow/acceptable. Another involves making reality opaque, so that the violence will be not seen as an act or fact (Galtung 1990).
2.6. Application of Galtung’s Theory of Structural Violence

Since Galtung first coined the term ‘structural violence’ in 1969, his concept has been used in many contexts and to underpin many theories in different disciplines.

For example Pilisuk (2001) used the concept of structural violence to describe and explain globalism. According to him, globalism is a phenomenon, which changes human lives dramatically, so that it affects almost every aspect of how to define and what it means to be human. Through similar ideas presented by the media all over the world, globalism leads to a global culture in which people are wearing Western-style clothing, seeking greater consumption, working harder to get (more) money etc. But for Pilisuk (2001, p. 1) “globalism is a pernicious form of structural violence which creates poverty, diminishes the human sense of agency or control, and harms the environment”.

Poverty is a topic very commonly combined with the concept of structural violence. Psychologists James, Johnson, Raghavan, Lemos, Barakett & Woolis (2003) engage in the connection between structural violence and poverty as well from a different perspective. They claim that the construct of structural violence has received too little attention in the field of psychology. For them, structural violence means a particular type of oppression. Different to other types of violence, the power relations are subtle and submerged within structural violence. And most importantly, structural violence is primarily not initiated and maintained by individuals or groups but by existing systems. Structural violence is built into the norms and traditions of a society and favor one group over another, while especially marginalized and poor groups suffer under these conditions. “Structural violence generates its consequences through the state, its social institutions, and through the collective psyche” (James et.al., 2003, p. 130). In order to alleviate oppressive situations, the main goal for James et.al. (2003) is to employ specific empowerment strategies.

Pilisuk (2001) argues that globalization has also involved violence in the case of health and well-being. “The change from caring to marketability is harmful because it has increased poverty and social marginality” (Pilisuk, 2001, p.3). Further he claims that globalization is harming us psychologically. Through direct and face-to-face contacts, people were able to
evolve particular human identities and developed attachments to other people. But meanwhile the need for appreciation of special people and places is sold by big corporations, who are selling us for recreation, leisure and escape. Yet these marketed outlets are not always sufficient and fail to address the need for social ties or exploring creativity in the activities of daily life. Finally he claims that globalization is destroying the natural environment. Global corporations never cease to grow, even though the resources of the earth are finite. And “corporate growth and the consumption patterns create harmful accumulations of waste, jeopardizing health and local communities” (Pilisuk, 2001, p. 4).

Today’s global market has created a small group of “winners” and a large group of “losers” (Pilisuk, 2001). This is apparent if we take a look at the dehumanizing working conditions in developing countries, where companies are making big profits while workers are working in dangerous conditions for almost no money, as in the case of the 1000 employees of the Keyhinge Toys factory in Da Nang, Vietnam. Workers there are mainly women aged between 17 and 20 years old, making the giveaway toys for McDonalds’ “Happy Meals”. The management refuses to pay health insurance, even though the women are exposed to toxic acetone fumes. The wages the workers are receiving fail to cover even 20% of their daily needs and their earnings amount to six to eight cents per hour. While the company (CEO of Disney) earned 203 million dollars in the same year (Rhodes, 1997b, as cited Pilisuk, 2001). Pilisuk (2001, p. 7) argues that “here, structural violence is appalling but insidious: The global corporations do not inflict the harsh treatment directly. They merely encourage harm by investing capital where such conditions bring the best returns”.

Pilisuk (2001) claims further that globalization is a form of structural violence impacting on women’s health. Through the lack of employment, poor women are coming in contact with drug trafficking and prostitution. For Pilisuk (2001), prostitution is an outgrowth of structural violence, and because of their poverty, millions of women are selling their body even though there is a high risk of HIV infection. The only hope in preventing global structural violence according to Pilisuk (2001) is the rise of an international global network of non-governmental organizations and local groups capable of making a difference to what is a structurally violent system.
And Pilisuk (2001) is not the only researcher taking women as an example of victims of structural violence. For instance, Mazurana and McKay (2001) document and analyze structural violence against women. They look at the world from a feminist perspective and argue that socio-cultural, economic and political structural violence against women are a given, and that the denial of food, health care, education and the right to life, just as with the undermining of political, economic and social rights, are forms of direct as well as structural patriarchal violence.

Farmer (2004), on the other hand, uses the concept of structural violence in the field of human health matters. His work focuses mostly upon Haiti, looking at tuberculosis and Aids and their connection to structural violence. A similar field of interest is explored by Shannon, Kerr, Allinott, Chettiar, Shoveller & Tyndall (2008) in their paper “social and structural violence and power relations in mitigating HIV risk of drug-using women in survival sex work”. Through a participatory-action research project, Shannon et.al. (2008, p. 911) tried to explore “the role of social and structural violence and power relations in shaping the HIV risk environment and prevention practices of women in survival sex work” in Canada. As does Farmer, they claim that public health strategies are failing to stem the multiple harms that, e.g. the burden of HIV creates for women.

Another study of the link between structural violence and HIV infections is the study of Chakrapani, Newman, Shunmugam, McLuckie and Melwin (2007). Their case study in Chennai, India, revolved around the stigma and discrimination among high-risk and HIV-positive kothi-identified men who have sex with men (MSM). For them, multisystemic structural violence is the reason why kothis experience extreme vulnerability to HIV infection and Aids. It is multisystemic because it comes from different sites – community, healthcare system, legal system and families and it includes the criminalization of MSM, stigma, taboos, lack of competency, expectations, etc.

For Farmer (2004), the concept of structural violence is relevant for research in every discipline seeking to understand modern social life. He claims that the term ‘structural violence’ can be used to broadly describe “‘sinful’ social structures characterized by poverty and steep grades of social inequality, including racism and gender inequality” (Farmer, 2004,
p. 307), and “the concept of structural violence is intended to inform the study of the social machinery of oppression” (Farmer, 2004, p. 307).

For Farmer (2004), it is important to avoid undue romanticism. He wants to present “an honest account of who wins, who loses, and what weapons are used as an important safeguard against the romantic illusions of those who, like us, are usually shielded from the sharp edges of structural violence” (Farmer, 2004, p. 308). Furthermore, it is important for him to keep the materialistic approach in mind, because otherwise it is impossible to understand social life in general and structural violence in particular. Similarly, every social project requires construction materials, even though the process of building is social and thus cultural. “The social outcomes associated with structural violence – death, injury, illness, subjugation, stigmatization, and even psychological terror – come to have their ‘final common pathway’ in the material” (Farmer, 2004, p. 308). And according to Farmer (2004) structural violence is the reason why people live in poverty, are marginalized by racism, gender inequality, or a mix of all of these.

In Haiti, Farmer (2004) studies the specific infectious diseases that are shaping experience so dramatically on the edge of life and death. In contrast with terrorism, structural violence is taking bodies slowly, very often through infectious diseases (Farmer, 2004). “Tuberculosis and AIDS cause millions of premature deaths every year. These two pathogens are, in fact, the leading infectious cause of adult death in the world today. Everyone interested in structural violence should have a particular interest in these diseases and in the social structures that perpetuate them.” (Farmer, 2004, p. 315).

As an amateur, one might think that the tuberculosis problem could be solved, because there is no nonhuman host, it can simply detected and may be promptly treated (Farmer, 2004). Yet what is missing is the money and the political will to solve the problem, which leads us to structural violence and its supporting hegemonies: “the materiality of the social” (Farmer, 2004, p. 317). The problem with fighting AIDS is a similar one. Although there is no cure, there are therapies that have a profound impact on the life expectation and quality (Farmer, 2004). Of course this project would require significant resources, but, to put this in perspective, the treatment costs over the next few years would be less than the money allocated for bailing out the U.S. airline industry on just one day. But AIDS has already been
decreed as an unmanageable problem by the international community, with often byzantine justifications for doing so. As a high-ranking official within the US Department of Treasury argued, citizens of third world countries have ‘a different concept of time’, which makes the ingestion of medicine on schedule impossible and access to it would therefore make no sense. Thus the primary problem is a matter of political will. Farmer (2004, p. 317) claims that “structural violence is the natural expression of a political economic order that seems as old as slavery”.

Oliver (2001) discusses the importance of considering cultural racism as contributing to the construction of motives and justifications of acts of structural violence. For him, every act of violence to reinforce and promote white hegemony can be seen as structural violence. As a case study, he explores cultural racism (including lynching, hate crime and police violence) against African Americans. His goal is to “examine how cultural racism functions as a structural factor that contributes to violent acts committed against and by African Americans” (Oliver, 2001, p. 2).

Benson (2008) detects structural violence in the agricultural sector. For him there are political, economical and cultural processes that affect migrant farm workers in the United States. He maintains that structural violence in that field puts farm workers in harm’s way, where their labor is seen as undignified, they have to work in squalid conditions and there is an inadequate response to their needs. Migrant and seasonal farm workers are excluded from rights and protection, which produces poverty, poor health outcomes and squalid living conditions. The root of the problem lies, according to him, in the government's neglect, in illegal hiring practices and liberalized production regimes. Such structures only benefit multinational corporations and large-scale agricultural producers and are leaving the labor force behind.
2.7. Human Rights

“Human rights are at the core of international law and international relations. They represent basic values common to all cultures, and must be respected by countries worldwide” (Sepúlveda, Van Banning, Gudmundsdóttir, Chamoun, Van Genugten, 2004, p. xxxvii). Simply the fact of being human enables us to claim inalienable fundamental rights – called human rights (Sepúlveda et. al., 2004). The concept of human rights includes the notion that every human being shall enjoy her/his rights without discrimination. Two differences distinguish human rights from other rights. Firstly, through their characterization – human rights are:

- “Inherent in all human beings by virtue of their humanity alone (they do not have, e.g., to be purchased or to be granted);”
- Inalienable (within qualified legal boundaries); and
- Equally applicable to all.”

(Sepúlveda et. al., 2004, p. 6)

And secondly, in that the primary duties fall on states and their authorities, not on individuals (Sepúlveda et. al., 2004).

The idea of basic human rights arises from the need for protection of individuals against the use of state power (Sepúlveda et. al., 2004). Therefore human rights are generally referred as ‘fundamental freedoms’. Human rights exist not only to deter governments from violating them, but also so that governments may protect individuals from infringements by other individuals. This would mean for example that because of the right to life, the government has to protect people against homicide by fellow human beings.

The term ‘human rights’ covers a broad spectrum of rights (Sepúlveda et. al., 2004). They include all important conditions deemed necessary for a dignified human existence. These rights can be ordered and specified in many different ways. A common distinction at the
international level is between civil & political rights, and economic, social & cultural rights. Another classification might use the term freedom – as in freedom from torture, freedom from arbitrary arrest, etc. The United States President Franklin D. Roosevelt summarised these concept in his ‘Four Freedoms Speech’ to the United States Congress in 1941:

\( \infty \) “Freedom of speech and expression;

\( \infty \) Freedom of belief (the right of every person to worship God in his own way);

\( \infty \) Freedom from want (economic understandings which will secure to every nation a healthy peace-time life for its inhabitants); and

\( \infty \) Freedom from fear (world-wide reduction of armaments to such a point and in such a thorough fashion that no nation would be able to commit an act of physical aggression against any neighbour).”

(Sepùlveda et. al., 2004, p. 12)

The universality of human rights has become more and more central to the interpretation of human rights law in the last fifty years (Sepùlveda et. al., 2004). Especially after the Second World War, politicians and civil society recognized that national provisions for the protection of human rights would not suffice. The UN Charter in 1945 marked the formal recognition of human rights as a universal principle. And this was followed in 1948 by the adoption of the Universal Declaration of Human Rights, which defines the 30 basic and fundamental human rights. This was extended in 1966 by the adoption of the ICESCR and the ICCPR in 1976.

The ‘core slogan’ of the Universal Declaration of Human Rights is “all human beings are born with equal and inalienable rights and fundamental freedoms” (United Nations Department of Public Information). The United Nations has taken on the role of upholding, promoting and protecting the human rights of every individual. This commitment arises from the United Nations Charter which “reaffirms the faith of the people of the world in fundamental human rights and in the dignity and worth of the human person” (United Nations Department of Public Information).
The Universal Declaration of Human Rights defines the 30 basic human rights and has been elaborated in subsequent international treaties, human rights instruments, national constitutions and laws and is still the most frequently cited provision regarding human rights. Therefore this thesis refers to that declaration in the following work and for a closer look at the Universal Declaration of Human Rights, please see Appendix 8.1.
2.8. Human Right Violations & Structural Violence

There are already some detailed works that connect structural violence with human rights violations. For Ho (2007), for example, the topic of ‘structural violations of human rights’ is increasing in prominence at an international level. She sees two aspects of our world to which the concept relates: “severe global inequality and a huge disparity between the rights accorded to all human beings through the international human rights regime and the massive and continual violation of those rights” (Ho, 2007, p. 1). She claims that structural violence is manifested at all levels, from starving children to diseased bodies and to desperate poverty (Ho, 2007). And through structural violence one is able to get a complex picture of the inequality because it considers economic, political and social factors.

The theory of structural violence provides a useful framework for the understanding of structural violations of human rights, through an examination of how structures constrain agency to the extent that fundamental human needs are unattainable. (Ho, 2007, p. 3)

Galtung (1969, p. 171) points out that with structural violence there maybe not a person who harms another directly, but “the violence is built into the structure and shows as unequal life chances”. With that in mind, Ho (2007) refers to racial inequality (for example, for African-American men and women), social structures, particularly racism, the systemically disadvantages and their suffering from unequal life chances.

There is no person that directly harms those HIV-infected African-American women, rather it is the structure of racial inequality, historically rooted in slavery, that perpetuates constraints in agency and unequal opportunities to receive an education, have access to medical care and justice and to secure a stable job. (Ho, 2007, p.4)

Racial inequality, often coupled with poverty, experienced by special minority groups is an institutionalized social structure, which lowers the actual fulfillment of one’s fundamental needs and which is below the actual potential, the potential of other citizens in that country (Ho, 2007). This shows that racial inequality is an example of structural violence, as an inequality that would be avoidable and is harmful to human potential.
Furthermore, Ho (2007) points out that structural violence shows the systemic nature of how violence is distributed. Inequality related to life chances exists because there is an unequal distribution of resources, but the main problem is that the power is unequally distributed. “This unequal distribution of power then systemically disadvantage those who do not hold as much if any power at all” (Ho, 2007, p. 4). This fact together with the additional layers and dimensions of structural violence build a fundamental inequality, what shows in terms of economic and social inequalities. And Ho (2007, p. 5) argues further “that when agency is constrained to the extent that fundamental human needs cannot be attained, structural violence becomes a violation of human rights and thus constitutes a structural violation of human rights”.

For Ho (2007), poverty is the perfect example of how structural violence results in an understanding of the structural violations of human rights. With the perspective of a structural violence theorist, today’s world characterizes itself as vastly unequal. There is a growing disparity, according to which the rich are getting richer and the poor are getting poorer. Political power is held by a small group of people, and the central inequality gives rise to structural violence, because the distribution of the resources is highly uneven. Poverty on the other hand creates obviously conditions that do not meet fundamental human needs. “There are clear indicators that poverty effectively constitutes the violence that creates the disparity between actual and possible abilities to meet fundamental needs” (Ho, 2007, p. 7). This shows a gap between actual rights (de facto), fundamental human rights that are grounded in human rights law, and potential rights (de jure). “When these rights fail to be recognized or realized, in other words, when the de facto rights fall short of the de jure rights, violence, according to Galtung’s definition, is present” (Ho, 2007, p. 8). And as Chapman (1996) points out, the state is responsible for respecting, protecting and fulfilling the human rights and is therefore also responsible for the structural violations of these rights.

Unfortunately, there are systemic and structural factors that mean that some populations are more likely to be victims of human rights violations than others. For Ho (2007), this risk of inequality can be attributed to uneven power distributions. “This central tenet of
structural violence reveals the pattern of human rights violations that manifest themselves as economic and social inequalities” (Ho, 2007, p. 15).

Structural violence exists if there is an avoidable gap between the actual and potential abilities to meet human rights (Ho, 2007).

This framework is applicable to human rights violations in that constrained agency plays a pivotal role in how individuals experience this gap between the actual and the potential. When economic and social structures conspire to limit one’s agency to the extent that fundamental human needs cannot be met then structural violence becomes a structural violations of human rights. (Ho, 2007, p.15)

Farmer (1999) also highlights a relationship between the concept of structural violence and human right violations, claiming that we have to ground our understanding of human right violations in broader analyses of power and social inequality. “Social inequalities based on race or ethnicity, gender, religious creed, and – above all – social class are the motive force behind most human rights violations. In other words, violence against individuals is usually embedded in entrenched ‘structural violence’.” (Farmer, 1999, p. 1488)
3. CASE STUDY VIETNAM

To use Vietnam as a case study and to understand the different dynamics at work in that country and culture and among the people, it is important to gain a deeper understanding of the history and the current situation. Therefore, this chapter discusses Vietnamese history, which shaped the country and the people significantly, and further outlines the present governmental structure of Vietnam, followed by the formation of opposition to the system, and concludes by addressing the question of whether there is democratization in sight.

3.1. The Vietnamese history

Vietnam can look back on a long history of occupation. As early as the year 207 B.C., China took over the region and in the year 111 B.C. it was first mentioned as a Chinese province (My Giang, Grimmel & Grimmel, 2012). This marked the start of over 1000 years of occupation, which decisively shaped Vietnamese culture. Significantly, despite the long period of occupation, China was never able to assimilate Vietnam entirely as a Chinese province. The Vietnamese wish for independence resulted in numerous attempts for rebellion.

After liberation from China in the year 1428, different aristocratic families claimed the region for themselves, leading to the first separation of Vietnam into the north and the south (My Giang et.al., 2012). After the death of one dynasty, Nguyen Anh took power and reunited the country again. The Nguyen dynasty lasted from 1802 to 1945, while Vietnam underwent a further 100 years of occupation by France and the Japanese during the Second World War. The French occupation started in the 16th century, when missionaries first came to Vietnam: Acting initially as consultants to the emperor, they managed to extend their authority with time. The main reasons for this strategy were the abundance of natural resources as well as the trade routes to China. Because Vietnam’s leadership denied them access to trade routes and trade privileges, the French first attacked Vietnam in 1847. Riots against the French occupation in 1856 led to militarization on the French side and a brutal campaign against the
rebels. But not only the French wanted to occupy the country’s southern part; also its neighbor, China, tried to exploit its weakness. In 1882, the French were able to occupy the citadel of Hanoi in the north and in 1884 Vietnam became a French protectorate. Colonial rule produced a marked polarization among the population. On one hand, the French significantly expanded the infrastructure, introducing improved technologies and occidental education. Yet only a small part of the population was able to profit as a result while it was largely the poor rural population who suffered as a result of the French colonists’ greed regarding natural resources. Colonial rule and exploitation led to increasing discontent and riots. Not only the rural population, but also groups of intellectual began forming political opposition. Interestingly, the French unintentionally provoked this “intellectual riot” by bringing European literature into the country. As a result, Vietnamese people for the first time encountered the concepts of revolution as well as nationalism, democracy and communism. One of these was Ho Chi Minh, who managed to unite different Communist groups within the CPI (“Communist Party of Indochina”). The Vietnamese National Party, VNQDD (“Viet Nam Quoc Dan Dang”), was founded, uniting the population with the promise of independence, and rapidly emerging as a threat to French colonial rule. During the Second World War, however, the European colonial rulers were distracted by war on France’s own country and the country was overrun by the Japanese. This brought a new regime of terror to Vietnam, under which the population suffered even more. Exploitation by the Japanese led to a catastrophic famine in 1944, as a result of which over one million Vietnamese people lost their lives. During this time, Ho Chi Minh founded the Viet Minh to fight against the Japanese occupiers. After the Second World War in 1945, the Japanese withdrew and pronounced Emperor Bao Dai and Premier Tran Trong Kim as rulers of the country. At this point, however, the Viet Minh already ruled large parts of the country and eventually pressured the emperor to retire. Vietnam finally achieved independence in 1945, leading to the foundation of the first “democratic republic of Vietnam”. But even though France recognized the independence of Vietnam one year later, after only a few months they had already tried to reconquer their former colony back. This led to the first Indochina War (1946-1954) which made Vietnam a hotspot for the east-west rivalry that later resulted in the Cold War. While China and Russia acknowledged the “democratic republic of Vietnam” under Ho Chi Minh, France was given financial and military support by the United
States. The year 1954 marked the end of the first Indochina War and also of French colonial ambitions. In July 1954, France and Vietnam signed an armistice agreement, with a provisional division of the country according to which the northern part belonged to the Viet Minh and the southern part to France.

Despite the hopes of the northern population that the cessation of seemingly endless foreign rule and oppression would result in lasting peace, they soon realized that repression and persecution stood on the daily agenda of the communist regime (My Giang et.al., 2012). In particular, large landowners, rich farmers, opposition members and Catholics became victims of expropriation, persecution and execution. Shortly after the armistice agreement with France, the USA decided to support South Vietnam against the communist North by all available means, fearing that more and more regions in Southeast Asia could fall into communist hands (“domino-theory”). In 1956, the French finally withdrew, while the USA assumed military leadership. Both South Vietnam and the communist North proceeded against dissidents with cruelty. In the south, more than 100,000 people were arrested and over 10,000 people were executed. In the period between 1955 and 1961 South Vietnam received a total of around 1.5 billion US Dollars in economic aid as well as weapons. In the same time, the expansion of the ARVN (Army of the Republic of Vietnam) began, which included training received from the USA.

In South Vietnam, more and more resistance to the leadership emerged within the population and in 1960 the South Vietnamese Communist “Viet Cong” called for armed resistance (My Giang et.al., 2012). The NLF (“National Liberation Front”) was established and a brutal guerilla warfare between the northern and southern regimes began. In 1962, the US government intervened directly for the first time, while in 1965 the US president finally decided to join the conflict and began to send US troops to Vietnam. This was the beginning of the “Vietnam War”, which lasted from 1965 until 1975. The USA wanted to hold control of the south of Vietnam because of its fear of Communism, and this was the start of one of the worst phases in Vietnamese history. The “East-West Conflict” between the great powers of the USA and the then Soviet Union became a proxy war in Vietnam. The first peace negotiations started in 1968 because of the high losses and the great costs on the American side. US President Richard Nixon presented an eight-point plan to end the war but this was
rejected. In 1973, peace negotiations recommenced and when a peace agreement was signed in Paris, the US finally withdrew their troops. But the fights between the South and North Vietnamese continued until the “Ho-Chi-Minh-Offensive”, after which the South Vietnamese republic surrendered in 1975.

About three million people died during the Vietnam War (My Giang et.al., 2012). These included around 60,000 US Americans (46,000 soldiers), 4,000 allies (South Korea, Australia, New Zealand and Thailand), 220,000 soldiers of the ARVN as well as 950,000 soldiers of the NLF and Viet Cong (Engelbert, 2004, as cited My Giang et.al., 2012). Most victims were civilians, and there remained about 1.4 million disabled veterans and 500,000 war orphans. B52 bombs, napalm and the chemic defoliant known as “Agent Orange” are just some of the weapons the US used during the war which depopulated and destroyed huge swathes of the country. Still today, there are regions covered by landmines or contaminated by chemical residues. Due to the chemical weapons used, there is a high rate of cancer and deformities in the country to this day. The most famous example of cruelty during the Vietnam War is the massacre of the village of My Lai, populated solely by peaceful civilians who were slaughtered and raped by American soldiers (503 people). But not only the American but also the Vietnamese soldiers raped, plundered and committed massacres, exemplifying the brutality of the Vietnam War.

3.2. The Socialist Republic of Vietnam

After the end of the Vietnam War, the Socialist Republic of Vietnam was called into being in 1975 and the country was once again reunited (My Giang et.al., 2012). Even though the Communist regime declared peace, the economically stronger South was afraid of possible revenge campaigns from the North. With good reason – about 400,000 South Vietnamese people were arrested and sent to re-education camps. But the Communist economy, with its restriction upon trading partners (doing business only with the Soviet Union), unproductive state companies and the damage caused by the war, led to an economic crisis in the 1980s. Hyperinflation led to catastrophic famine and to civil unrest. More than 1.5 million people tried to flee from the socialist state, using small boats (“boat people”).
The situation in Vietnam led to a rethink and the adoption of a reform course (Doi Moi) in 1986 (My Giang et.al., 2012). The Doi Moi (innovation/renewal) involved profound reforms, by which the "centrally planned economy" should be reshaped into a “social market economy”. Furthermore, Vietnam changed its foreign trade policy and started to open up its economy to world markets. This economic opening enabled the country's participation in international economic organizations such as the WTO or ASEAN. However, this liberalization and the development of the market economy took place underneath the socialist one-party system.

Vietnam is still regarded as an agricultural country because 65 % are employed in the agricultural sector (My Giang et.al., 2012), while the main contribution to national output actually comes from the service industry (about 40 %) and manufacturing (also about 40 %). If the national economic data are regarded in isolation, it could be said that Vietnam has made great progress in development terms over the last 20 years. Last but not least, Vietnam managed to reduce the percentage of its population living in poverty from 58 % in 1993 to 10 % in 2011 (World Bank, 2011, as cited My Giang, 2012). Furthermore, economic development showed an average annual growth rate of 7.7%. Altogether, no country in recent history has managed to develop as quickly and successfully as Vietnam. With its economic success, Vietnam is gaining confidence on the international level and is continuing to strengthen its political and economic situation. Since the end of the US trade embargo in 1994, America has become the biggest customer for Vietnamese exports and one of its most important trading partners.

The Doi Moi reforms were decided upon at the 6th Party Congress in 1986, (My Giang et.al., 2012), yet although major economic and political changes were made, the position of the Communist Party of Vietnam (CPV) remained the same and in fact became even stronger with Article 4 of the 2002 Constitution. The only opposition party officially dismantled itself in 1988. The most influential person in the country is the prime minister, as the undisputed head of government. The National Assembly (NA) is a unicameral parliament and is reelected every 5 years. It is the supreme state and legislative organ of the Communist state. Being the legislative and control organ of the CPV, it has the authority to interpret the constitution and all legal requirements. In practice, however, the CPV holds enough power to challenge the
The authority of the NA. The Vietnamese state has no constitutional court or independent judiciary. Therefore there is no juridical monitoring system, which would have the power to invalidate unconstitutional decisions and regulations. The only oversight is provided by the attorney general, who, however, is not independent but is a member of the government. The high court is occupied interpreting the laws ordered by the NA. Furthermore, the provinces, districts and municipalities vote for their own parliaments at local level. The population votes the people’s council, which nominates the people’s committee and together forms the local government.

There have been no significant political transformations in recent years, but this does not mean that there was no change at all (My Giang et.al., 2012). One important change is evident in the nomination of Nguyen Minh Triets (2006-2011) as head of state, as the first South Vietnamese member of an ethnic minority to obtain such a high position since reunification. In addition, since 2007, about two-fifths of the cabinet are South Vietnamese and the NV is gradually gaining in political importance. Nonetheless, one of the greatest problems facing the Vietnamese state is corruption, which is common at all levels and in all institutions.

Vietnam with its population of 86 million is one of the most heavily populated countries in Southeast Asia (My Giang et.al., 2012). Especially because of the “baby-boom” after the Vietnam War, the country’s population is among the youngest in Asia. About 70% of the Vietnamese population is less than 30 years old. Furthermore, Vietnam comprises 56 officially recognized ethnicities, while 86% belong to the “Viet” population group. Therefore, although Vietnam is known as a rather homogenous state, the political suppression and discrimination of ethnic minorities is a major problem. In particular, ethnicities living in secluded mountainous areas receive almost no support from the state and face poverty and illiteracy. Furthermore, they often suffer repression and forcible expropriation, because these mountainous regions are ideal for coffee plantation and Vietnam is the second largest coffee exporter in the world. Similar to China and other societies with a Confucian tradition, education plays an essential role in Vietnam. The current illiteracy rate is at 7%, decreasing further with continued economic success.
In the last 10 years, there have been more and more political groups who criticize the one-party system in public, some even trying to form an opposition party (My Giang et.al., 2012). Among others there are the “People’s Democratic Party of Vietnam” (PDP), the “Democratic Party of Vietnam” (DPV) and the “Committee for Human Rights in Vietnam”. But the most known and the most powerful ones are the political groups “Viet Tan Party” and “Bloc 8406”.

3.2.1. Bloc 8406

On 8 April 2006, 118 persons distributed a Manifesto (appeal) on Freedom and Democracy for Vietnam through the Internet (Thayer, 2008). Named after the date of the announcement, these pro-democracy advocates became known as Bloc 8406.

Bloc 8406 represents a diverse network of professionals widely dispersed throughout the country. Among the signers of the manifesto 31% were teachers and lecturers, 14 % were Catholic priests, 13 % were university professors, 7 % were writers, 6 % were medical doctors, with the remaining 29 % compose of intellectuals, engineers, nurses, Hoa Hao religious leaders, businessmen, army veterans, technicians, ordinary citizens and a lawyer. (Thayer, 2008, p. 14)

It is an urban-centered network, with 38 % of members residing in Hue, 15 % in Saigon/Ho Chi Minh City and additional concentrations in Hai Phong, Hanoi, Da Nang and Can Tho (Thayer, 2008).

But Vietnam’s hosting of the Asia Pacific Economic Cooperation (APEC) meeting, including a leadership meeting of heads of state and government, in the same year was already occasion enough for the police to start harassing several of the more prominent signatories to the manifesto (Tayer 2008). They were placed under surveillance, their phones were cut off, they were taken in for interrogation and detained for a period of time, while their employers were pressured to discharge them. The repressive actions of the police provoked a public protest by democracy advocates and the number of persons subscribing to the manifesto rose dramatically to over 2,000 within a year.

After the APEC meeting, the Vietnamese leadership began to use its powers to oppress Bloc 8406 (Thayer, 2008). In 2007, several members of the organization were arrested, tried and
convicted. Vietnam’s security services seemed to have effectively silenced the Bloc 8406 leadership and the manifesto as well as the petitions have been increasingly silenced by the regime's repression.

This is visible on the blog’s homepage as well. While there are several appeals and letters in the years 2006 and 2007, just one announcement followed in 2008 and two in 2009.

**Appendix 8.2.: Manifesto on Freedom and Democracy in Vietnam 8.4.2006**

### 3.2.2. Viet Tan Party

The Viet Tan is an overseas Vietnamese pro-democracy activist group that is providing help in the form of financial and political support, as well as developing a range of new tactics to confront the one-party state (Thayer, 2008).

In the 1980s, a former Republic of Vietnam Navy Admiral (Hoang Co Minh) founded the National United Front for the Liberation of Vietnam (NUFLV). In 1982, he founded the Vietnam Reform Party or Viet Tan. The aim of the Viet Tan as well as the NUFLV was to overthrow the Vietnamese Communist government (Thayer, 2007). It was alleged that the group planned to use violence to overthrow the regime and by infiltrating its members through Laos and Cambodia. Indeed, a member of Viet Tan admitted that between 1982 and 1994 members of Viet Tan in Vietnam had carried arms. The Vietnamese authorities also allege that Viet Tan hired criminals to assassinate government officials in 2002 and subsequently killed these murderers to hide the connection with the Viet Tan, even though no confirmation of this has ever emerged.

On 19th September 2004, the Vietnam Reform Party went public and announced the dissolution of the NUFLV (Thayer, 2007). The Viet Tan pointed out that the party wishes to achieve democracy in Vietnam by peaceful means and in cooperation with other likeminded groups. Since then, Viet Tan has been active in lobbying members of parliament in Australia, Europe and the United States. Meanwhile, even the official Vietnamese media has not produced any reports of the Viet Tan engaging in any violent activities.
Instead, it is alleged that the Viet Tan is setting up law firms, businesses, and micro-credit programs to generate funds to finance the group's activities in Vietnam. Viet Tan is also charged with calling for a peaceful boycott of Vietnamese commodities and air services (Thayer, 2007).

But the official Vietnamese media has also started propaganda campaigns to portray Viet Tan as a terrorist organization (Thayer, 2007). They have linked Viet Tan with a number of violent political acts during the 1980s and 1990s, even though there is no evidence that Viet Tan directed these acts of violence and with no reference to their activities after 2004. In fact, the U.S. Government found itself in a difficult position because the Vietnamese authorities charged that Vietnamese-Americans in the United States were plotting and carrying out ‘terroristic acts’ against the Vietnamese government, even though Vietnamese security officials condemned all political protest against the state, including peaceful protests as "terrorism".

In reality, Viet Tan was active in the U.S. in lobbying the Bush Administration to raise human rights issues at the APEC Summit in 2006. A member of Viet Tan addressed the Congressional Human Rights Caucus. Viet Tan also lobbied international donors in November 2006 to link transparency and accountability with their aid programmes in Vietnam. In March 2007, Viet Tan organized international rallies to protest the current wave of political repression in Vietnam. And despite the allegations mentioned above, the Viet Tan is not included on the UN list of terrorist organizations. (Thayer, 2007)

### 3.2.3. From modernization to democratization?

These activities show that political and civil society groups in Vietnam are increasing and that they are beginning to build networks (Thayer, 2008). But there is no sign that the pro-democracy movement is transforming into a major force that would be able to challenge Vietnam’s one-party state, especially since the effective decapitation of the Bloc 8406 leadership. Nonetheless, they are still in existence and may be harbingers of future change.
But for the greatest part of the population, the term “democracy” remains linked to colonialism, repression and westernization, especially in the north, and is seen as negative (My Giang et al., 2012). In the south, the term is not viewed as negative, but there is still the memory of the corrupt and elitist “democratic” government, which governed during the Vietnam War, meaning that in the south too, there is no unqualified support for the concept. Furthermore, Communist indoctrination in schools perhaps did not create mistrust, but at least an inaccurate picture of democracy.

But the most important reason for the enduring power of Communism, according to My Giang et al. (2012), is the fact that the Communistic revolution was not imposed from the outside as it was in many East European countries after the Second World War. The Communist movement was rather something that came from “inside” the Vietnamese population. The implementation of Communism is therefore seen as a departure from imperialism and colonialism and therefore as something essentially good. A further factor countering political change is the disharmony between north and south that continues to be dominant. Discussion of political topics is therefore not only avoided because of the authoritarian regime, but also to prevent conflicts as well as the reopening of old wounds. Meanwhile, because of the ideological belief in Communism and the admiration felt for the CPV (at least among the greater part of the population), the prospect of the democratization of Vietnam is not a realistic one at present (My Giang et al., 2012).
4. THE POLITICAL STRUCTURE AND INSTRUMENTS OF CONTROL IN VIETNAM

In this chapter I will present the evidence and facts I found during my search about possible faces of structural violence in Vietnam. As shown before, there is a link between human right violations and structural violence. Therefore I will use human right violations as an indicator to detect potential inequalities and also potential structural violence in Vietnam. As mentioned above, I will separate two different aspects – the structure, as in how the system is built and whether violence is an integral part of that structure, and the processes, in terms of looking at what the consequences of the possible violent structure might be. This chapter will be about the structure of the country of Vietnam and the possible violence that is built into that system. It begins by looking at the one-party political system of Vietnam, followed by the apparatus of authoritarian rule and finally the censorship that is present in Vietnamese daily life.

4.1. Vietnam’s One-Party Political System

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right to equal access to public service in his country

(3) The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

(Article 21, Universal Declaration of Human Rights)

Prior to doi moi ("renovation"), Vietnam was classified as a Leninist political system. “In such a system the party exercises hegemonic control over state institutions, the armed forces and other organizations in society through the penetration of these institutions by party cells and committees.” (Thayer, 2009, p.3) The Vietnam Communist Power (VCP) was seen as similar
to other communist political systems, with hierarchical organizations and unchallenged power (Thayer, 2008). The Vietnamese government still controls almost every aspect of the reality, but with the doi moi process and political opening, a private sector emerged in the country for the first time.

The party is organized into cells and branches, upward through territorial and functional structures. Important components of the structure are senior party members, National Assembly, People’s Armed Forces and the Vietnam Fatherland Front (VFF), who have after Thayer (2009) “dual-role elites”. “The Vietnam Fatherland Front is an umbrella organization grouping twenty-nine registered mass organizations (women, workers, peasants, youth) and special interest groups (professional, religious etc.)” (Thayer, 2008, p. 3). For example, the largest organization – the Vietnam Women’s Union – has a membership of twelve million and a staff of three hundred across the country and is funded by the state.

All the international non-governmental organizations (INGOs) working in Vietnam are regulated and monitored by the People’s Aid Coordination, which is controlled by the Vietnam Union of Friendship Associations, in charge of all diplomacy with a public dimension (Thayer, 2008).

The private sector is represented by the Vietnam Chamber of Commerce and Industry (VCCI), which emerged with the adoption of doi moi (Thayer, 2008). The VCCI is a member of the VFF and the membership is composed of state-owned and private companies as well as trade associations. The VCCI is a mass organization and an example of the growth of an organization outside the party, although party committees must be established in all private companies. But nonetheless, 60 % of gross domestic product (GDP) is contributed by Vietnam’s private sector, which employs 90 % of the country’s total work force.

The National Assembly is a “vibrant body where ministers are questioned and subject to votes of confidence and government legislation is amended” (Thayer, 2008, p. 4). Its proceedings are broadcast on radio and television, and voting results are made public.

At a basic level, the model of governance in Vietnam is parliamentary (Election Guide, 2011). And the government structure is divided into the Chief of State (President), the Head of Government (Prime Minister) and the National Assembly, which is unicameral and comprises
500 seats. The President is elected through the National Assembly to serve a term of five years, while the Prime Minister is appointed by the President. The members of the National Assembly are elected by an absolute majority vote through a two-round system. The table below shows an overview of the governmental structure of the State of Vietnam.

Figure IV. Vietnamese Leaders and Government Members

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<th>VIETNAMESE LEADERS AND GOVERNMENT MEMBERS:</th>
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**HEAD OF STATE**

President

Vice President

**NATIONAL ASSEMBLY**

Chairperson

Vice Chairperson

Vice Chairperson

Vice Chairperson

Vice Chairperson

**MEMBERS OF GOVERNMENT**

Prime Minister (Head of Government)

Deputy PM

Deputy PM

Deputy PM

Deputy PM
Since 1992, Vietnam has permitted non-party and independent candidates to stand for election. However, the Fatherland Front carefully regulates these reforms by a system of candidate selection that includes three rounds of ‘consultations’ (Thayer, 2008). Through this system, an advanced selection and composition of the ideal structure of the National Assembly by the VFF takes place. For example, at the elections in 2007 there were 1,130 nominations, included a record number of 154 non-party and 130 self-nominated independent candidates. However, the election produced a result in which 90 % of the deputies were members of the VCP and the other 10 % were coming from the VFF.

“Deputies to the National Assembly are elected as individuals and are not allowed to form political caucuses. The VCP maintains its hegemonic control as the highest offices of the National Assembly are held by members of the Central Committee or Political Bureau.” (Thayer, 2008, p. 5)
This was also apparent at the last National Assembly in 2011, although it is not made visible for the public. The Voice of Vietnam (VOV), who introduce themselves on their homepage as “a national radio station and government agency which broadcasts the Party’s guidelines and the country’s law, contributes to intellectual standards and serves the spiritual lives of people through radio programmes, the internet, television and a newspaper” (VOV online, 2012), reported in 2011 that, “the elections were held in a democratic, fair, lawful and safe manner and were considered a national festival for everyone”.

According to the VOV (2011), 99.51 % of the population voted in an election in which:

- Party Secretary General and NA Chairman Nguyen Phu Trong won 85.63 percent of the votes;
- Prime Minister Nguyen Tan Dung (95.38 percent);
- permanent member of the Party Central Committee’s Secretariat Truong Tan Sang (80.19 percent), Deputy Prime Minister Nguyen Sinh Hung (92.93 percent), Minister and Chairman of the Government Office Nguyen Xuan Phuc (94.59 percent); General and Minister of National Defense Phung Quang Thanh (89.84 percent) and General and Minister of Public Security Le Hong Anh (88.10 percent).

At the elections 15.6 % of the deputies were from an ethnic minority, 8.4 % were non-Party members, 12.4 % were under 40 years old, 33.4 % were re-elected and 0.8 were self-nominated (VOV, 2011). And only 15 of the 182 candidates proposed by the central agencies were not elected.

The results of the elections in 2011 were as follows:
But although there is a strict system to maintain the hegemonic system, there has been a
rise in political civil society in the last years (Thayer, 2008). In the view of Thayer (2009), civil
society movements are non-violent political, advocacy, labor and religious organizations and
movements for human rights. There have been always political civil society movements, but
in recent years, Thayer (2008) notes that there has been an effort to form political
organizations dedicated to the promotion of democracy, human rights and religious
freedom. These organizations are illegal under the terms of the one-party state of Vietnam,
but although it is still a small community, it is growing. These organizations include: Alliance
for Democracy, Association of Former Political Prisoners, Committee for Human Rights,
Democratic Party of Vietnam, Free Journalist Association of Vietnam, Twenty-first Century
Democracy Party, United Workers-Farmers Association, Vietnam Populist Party and the
Vietnam Progress Party. And of course the two famous and most important pro-democratic
movements and human right defenders in Vietnam - Bloc 8406 and Viet Tan Party. And they
are active, even though the state is doing its utmost to silence them.

Table I. Election Results Vietnam 2011

<table>
<thead>
<tr>
<th>Parties and coalitions</th>
<th>Seats</th>
<th>+/-</th>
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</thead>
<tbody>
<tr>
<td>Vietnamese Fatherland Front</td>
<td>458</td>
<td>+8</td>
</tr>
<tr>
<td>Communist Party of Vietnam</td>
<td>43</td>
<td>+0</td>
</tr>
<tr>
<td>43 other members</td>
<td>38</td>
<td>+0</td>
</tr>
<tr>
<td>Independents</td>
<td>4</td>
<td>+3</td>
</tr>
</tbody>
</table>

Overall Statistics

| Total parliamentary seats      | 500   | +4  |

Source: VOV online (2011)
4.2. The Apparatus of Authoritarian Rule in Vietnam

Vietnam’s one-party state has four key state organs involved in repressing pro-democratic activists, bloggers, journalists and religious leaders: the Ministry of Public Security, the People’s Armed Security Force, the General Directorate II (military intelligence), and the Ministry of Culture and Information (Thayer, 2012). Most activists are charged under the vaguely worded Article 88 of the Penal Code on propaganda against the state:

1. Those who commit one of the following acts against the Socialist Republic of Viet Nam shall be sentenced to between three and twelve years of imprisonment:

   a) Propagating against, distorting and/or defaming the people’s administration;

   b) Propagating psychological warfare and spreading fabricated news in order to foment confusion among people;

   c) Making, storing and/or circulating documents and/or cultural products with contents against the Socialist Republic of Viet Nam (Socialist Republic of Vietnam 1999, 22). (Thayer, 2012, p.1f)

The tools the Socialist Republic of Vietnam uses for repression of politically active citizens who are viewed as unacceptable by party and state officials are: monitoring and surveillance, harassment, intimidation and violence, arrest, detention, trial and sentencing (Thayer, 2012). Although the number of political dissidents, pro-democracy activists and religious freedom advocates is quite small, the state employs enormous resources to monitor and repress this group.
4.2.1. The apparatus of repression

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

(Article 5, Universal Declaration of Human Rights)

Ministry of Public Security

The Ministry of Public Security (MPS) has key responsibility for national security (Thayer, 2012). The MPS forms a bloc on the Central Committee of the Communist Party of Vietnam (CPV) and the Minister of Public Security is a member of the party’s Politburo. Six deputy ministers, all members of the party Central Committee, assist the Minister in his work. At the MPS there are six general departments: Police, Security, Strategic Intelligence, Education and Personnel, Logistics, as well as Science and Technology. The responsibilities of the MPS are: collecting information related to national security, advising on policy, protecting political and economic security, protecting cultural and ideological security, immigration control and international terrorism.

People’s Armed Security Force

The People’s Armed Security Force (PASF) is operating primarily in rural areas (Thayer, 2012). There the PASF is responsible for ordinary crime, illegal political activity and insurgency. The PASF is coordinated with the Ministry of Public Security, its nominal superior and the party Secretariat. Therefore it can be seen as an extension of the party control at a local level.
**General Directorate II.**

The Ministry of National Defence (MND) is responsible for the external defense of Vietnam’s sovereignty and territory (Thayer, 2012). The units work closely with the Ministry of Public Security and other international security agencies.

The MND comprises an Office of the Minister and six major divisions: General Staff Department, General Political Department, General Logistics Department, Staff Department, General Political Department, General Logistics Department, General Technical Department, General Department of National Defence Industry, General Department II, “and other directly subordinate agencies” (Socialist Republic of Viet Nam 2004, 42, as cited Thayer, 2012, p.4)

And with the internal military security component, the General Directorate II is the military service of the MND (Thayer, 2012). Vietnam’s military intelligence is responsible for collecting news and documents deemed to be related to national security especially of foreign countries, organizations and individuals. Furthermore it is empowered to be “active in the fields of politics, defense, security, foreign relations, economics, science and technology, industry and the environment, science and culture” (Nguyen Nam Khanh, 2004 as cited in Thayer, 2012, p. 4).

**Ministry of Culture and Information**

The Ministry of Culture and Information (MCI) plays a major role in controlling information for society at large (Thayer, 2012). “The Ministry has oversight of the publishing industry, including books, periodicals and newspapers, and uses its powers to censor views and ban publications that were perceived as at odds with party policy” (Thayer, 2012, p. 6). The really big challenge for the MCI came with the rise of the internet and it became one of the most proactive institutions for regulations to counter the use of the Internet by cyber dissidents, politically active individuals, groups and bloggers (Thayer, 2012). And throughout the MCI, several regulations and laws came into force to block websites and to prevent political activist from publishing pro-democratic posts.
4.2.2. The three Components of Repression

*No one shall be subjected to arbitrary arrest, detention or exile.*

*(Article 9, Universal Declaration of Human Rights)*

**Monitoring and surveillance**

“Vietnamese security forces employ both a widespread territorial surveillance network and sophisticated electronic monitoring technology to identify and surveil individuals and groups that are considered politically subversive” (Thayer, 2012, p. 14). If individuals or groups have once been caught in engaging in activities in violations under Article 88 (or others) they are then subjected to repression (Thayer, 2012). The Ministry of Public Security’s General Department of Public Security has offices in all fifty-one provinces of Vietnam. The Public Security authorities conduct surveillance and report on the activities of political and religious activists. Surveillance generally includes the extensive use of local informants.

Furthermore, the Ministry of Public Security and the General Directorate II regularly monitor the telephones, facsimile transmissions, post, e-mail, the Internet and mobile phones (Thayer, 2012). And with the rise of the Internet, government authorities set up firewalls to block websites of overseas Vietnamese anti-communist groups, international human rights organizations, international news outlets and intermittently access to Facebook, as well as destroying internet web pages and individual blogs that are distributing material not compatible with the “state’s lead”.

**Harassment, Intimidation and Violence**

Harassment and intimidation are not a unique phenomenon among authoritarian regimes (Thayer, 2012). These tactics are as old as the Communist state itself and merely faced a general loosening through the formal adoption of *doi moi*. But Vietnamese state security agencies are still capable of using various techniques to harass and intimidate potential
activists and preventing them from criticizing the government policy. Those techniques include “cutting telephone service, confiscation of passports and refusal to grant permission to travel overseas, visits by security officials to the homes of individuals of concern, pressure on family members, visits to employers, public denunciation, media vilification, raids on homes and confiscation of electronic devices, long working sessions to interrogate activists, and the use of violence by gangs of plain clothed police, army veterans, revolutionary youth and others. (Thayer, 2012, p. 17f).

One tactic is public denunciation, which involves the mobilization of neighbors to shout abuse or use physical force to intimidate the individuals (Thayer, 2012). An example is the case of Hoang Minh Chinh, the organizer of the Viet Nam Democratic Party. While Hoang Minh Chinh was visiting to the United States for medical treatment, an orchestrated campaign of denunciation in the media started in Vietnam. Upon his return, he was confronted with several dozen demonstrators who threw tomatoes and attacked Chinh with plastic water bottles. Chinh was pursued into his courtyard where the assailants demanded entry into his house. Family members called for police assistance but were met with prevarication.

**Arrest, Detention, Trial and Imprisonment**

The last component of state repression includes “arrest, seizure of property, interrogation, plea-bargained confession, perfunctory trial, sentencing, imprisonment, rejection of appeal, physical abuse in prison, and house arrest after release” (Thayer, 2012, p. 25f).

The Vietnamese state employs various different tactics to repress dissidents, so, for example, in 2008 the tactic to deal with political activists was to send them to psychiatric hospitals (Thayer, 2012). The case of Vu Van Hang, who was arrested in 2008 for hanging a pro-democracy banner from an overpass in Hanoi is indicative of this. He was beaten in custody and started a hunger strike. His health deteriorated badly while the police visit his family and pressured them to sign a statement that he was in poor mental health. When they refused, he was sentenced to three years in prison and three years probation for violating Article 88.
4.2.3. The National Security Legislation

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

(Article 10, Universal Declaration of Human Rights)

The authorities' approach to religious and political dissidents is to charge them according to “national security” legislation, where no distinction between violent acts (e.g. terrorism) and peaceful exercises of freedom of expression is made according to the Vietnamese Penal Code (FIDH, 2010a). Furthermore the offences in the Penal Code are broadly defined and therefore open to interpretation. The national security offences in the Vietnamese Penal Code carry heavy prison terms including seven that incur the death penalty: “sabotaging the infrastructure of Socialism”, “undermining the policy of national unity”, “sowing divisions between religious and non-religious people”, “conducting propaganda against the Socialist Republic of Vietnam”, “taking advantage of democratic freedoms and rights to violate the interests of the State and social organizations” (FIDH, 2010a, p. 17).

Furthermore, because Vietnam is trying to avoid wider (international) interest in such cases, they have created “legal” mechanisms to detain citizens without due process (FIDH, 2010a). These mechanisms include house arrest without trial, police surveillance, isolation (no telephone, cell-phone, fax, internet, visits) to silence dissidents and cut them off from the world. With Ordinance 44 on “Regulating Administrative Violations”, local officials are allowed not only to arrest and detain citizens, but also to commit them to mental hospitals and “rehabilitation camps” without trial.

The possibility of unlimited pre-trial detention also exists. Through Article 120 of the Criminal Procedures Code, those suspected of threatening “national security” can be held in custody for four months, and this period can be extended four times (FIDH, 2010a).
Article 30 of the Penal Code concerns the punishment of former political prisoners (FIDH, 2010a). For a period of one to five years, those convicted of threatening national security can be placed “under the supervision and re-education of the local authority” (FIDH, 2010a, p.18) after their release. In such cases, they are forbidden to leave their homes, are placed under constant police surveillance and have no civil rights. Theoretically, this punishment requires a court decision, but in practice it is applied to all political and religious prisoners automatically after their release from detention.

The Vietnamese government perfected this mechanism for suppressing the opposition, and keeping its citizens under control and surveillance (FIDH, 2010a). The most significant and effective mechanism is the so called “three-fold system” including “the precinct security warden (cong an khu vuc), the obligatory residency permit (ho khau) and the curriculum vitae (ly lich) which are the backbone of Vietnam’s vast and ubiquitous security apparatus.” (FIDH, 2010a, p. 18)

The precinct security wardens are specialized policemen with far more power than ordinary police officers, and are in charge of about 30 families – amounting to about 300 people (FIDH, 2010a). They are allowed to enter and search any home without warning or permission. The families have to ask for the warden’s permission if they want to host foreigners at their home. If the warden finds an “illegal” houseguest or more than three people from outside the district, he is allowed to detain them for “illegal association” or detain offenders without further consultation under the provision of Ordinance 44, because such acts are deemed to fall under the definition of “national security”.

The family residency permit covers all kinds of administrative procedures (employment, school, hospital, etc.) in which an obligatory residence card is required (FIDH, 2010a). Without residency permits, citizens are seen as illegal and may be arrested at any moment. Responsible for delivering or confiscating the residency permit lies with the precinct security warden. The application for the permit has to include a curriculum vitae, which contains every detail of every person in a family, including their religious and political background. Without the residency permit, people have no access to basic rights and live in a state of permanent insecurity. This is becoming a matter of serious concern, because more and more people from the countryside come to the cities to seek work, yet because they have no
residency permit, their children are not registered and as a result millions of people in Vietnam do not have their existence recognized legally. Furthermore, refusal to grant a residency permit is very common in the case of political and religious dissidents after their release from the prison.

An example of the power of Vietnam’s security apparatus is the recent enforcement of Decree 32, which includes the stipulation that every motorbike rider has to wear a protective helmet (FIDH, 2010a). This regulation has been debated for a long time and was very unpopular among the Vietnamese population. Therefore, before the law came into power the precinct security wardens visited all the families under their jurisdiction and warned them of the punishment incurred by not following the new legislation. And since the day the law came into force, there has been a near-total observance.

Despite the promise to adapt international legal standards on civil and political rights to qualify for Western aid, the government of Vietnam is still developing the rule of law and is still using the law to suppress criticism and dissident (FIDH, 2010a).

4.2.4. The Death Penalty

Everyone has the right to life, liberty and security of person.

(Article 3, Universal Declaration of Human Rights)

Under Article 96a of the Criminal Code, the death penalty for drug-related offences was introduced in 1992 (FIACAT). In 1999, the Criminal Code of the Socialist Republic of Vietnam was revised and the numbers of capital offences were reduced from 44 to 29. These 29 offences include non-violent crimes like fraud, embezzlement, smuggling, counterfeiting, offering bribes or drug-related offenses such as manufacturing, concealing and trafficking in narcotic substances. Violent crimes include murder, rape, robbery and crimes against national security (treason, espionage, taking action to overthrow the government, rebellion, banditry, terrorism, sabotage, hijacking, destruction of national security projects, undermining peace, war crimes and crimes against humanity).
According to Amnesty International (2012), statistics and reports about the death penalty in Vietnam are a state secret. But they recorded at least five executions and 23 new death sentences in the year 2011, while the majority involved drug-related offences. According to a senior official at the Ministry of Public Security, approximately 100 death sentences are imposed every year in Vietnam and the Deputy Director of the Department of Execution of Criminal Judgments and Judicial Support indicated that more than 360 prisoners were on the death row.

The new death penalty involves lethal injection, which has replaced the former penalty of shooting by firing squad from the 2010 Law on Execution of Criminal Judgments. It was planned to take effect in July 2011, then was postponed to November and then to the beginning of 2012 (Amnesty International, 2012). “Lethal injection in Viet Nam is carried out by using three substances – five grams of sodium thiopental, an anesthetic; 100 milligrams of pancuronium bromide, a muscle relaxant; and 100 grams of potassium chloride to stop the heart” (Amnesty International, 2012, p.28). The most often cited reasons for changing to the new system are that it is more humane, cause less pain, relieve pressure on executors and helps to keep the body intact (Amnesty International, 2012). Before the new law on executions came into practice, the executions were carried out by firing squad, generally made up of five men.

After drug-related offences, the most common use of capital punishment is for corruption, followed by black-market trade and violent crimes (FIDH, 2010b). Vietnam has one of the strictest drug laws in the world; possession or smuggling of 100g of heroin or 5 kilogram of opium is punishable to death. And in 2001 alone, there were 55 drug-related capital sentences.

After the reduction of offences punishable by death to 29, further revisions were made in 2009 and have now been reduced to 22 (FIDH, 2010b). Despite several voices claiming that the death penalty is too frequently applied, there have not been any changes, except the adopted reform in 2000 where death sentences were commuted to life imprisonment for pregnant women and mothers of children under 3 years old. Offences which no longer carry the death penalty (since 2009) include rape, awarding or bribes, counterfeiting money and
bonds, hijacking ships and planes, destruction of weapons and military equipment and appropriation of property through swindling (FIDH, 2010b).

There is great concern about the use of death penalty for vaguely-defined “national security” crimes (FIDH, 2010b). Especially given that the definition of “national security” crimes is extremely wide and there are some organizations urging Vietnam to revise particular Articles. For example:

Article 80 of the Vietnamese Criminal Code: this focuses on the crime of “espionage”, to punish non-political acts such as “gathering or supplying information and other materials (i.e. materials which are not State secrets) for use by foreign countries against the Socialist Republic of Vietnam” (FIDH, 2010b, p. 4). This can mean that peaceful critics and dissidents are sentenced to death simply because of circulating opposition views overseas (FIDH, 2010b). Using this Article, many “cyber-dissidents” and peaceful critics have been arrested, simply for sending information abroad.

Article 79 of the Vietnamese Criminal Code: this provides for the death penalty to be given to people who “establish or join organizations with intent to overthrow the people’s administration... or cause serious consequences...” (FIDH, 2010b, p.4). This can mean that simply criticizing the government or forming opposition movements might be a reason for a death sentence (FIDH, 2010b). In December to January 2009/10, pro-democracy activists were charged under the Article for peacefully advocating democracy, and received sentences ranging from 5 to 16 years in prison.

Furthermore Amnesty International (2003) has claimed that unfair trials are a routine occurrence. Not only are defendants not allowed to choose their lawyer, but the lawyers assigned to them often arrive at the very last moment before their case is heard. The defense is not even allowed to call or question witnesses and private consultations with the lawyer are limited. And about 95 percent of people who are brought to trial are found guilty (Hands off Cain, 2012).

Reports on conditions on death row are varying, but the fundamental assessment is remains constant. The FIDH (2010b) reports that it is inhumane. Three to four prisoners are in each cell, while the cells are unhygienic, with no ventilation and only one latrine bucket. Prisoners
are normally not allowed to leave their cells and are chained to a pole. Generally, they are lined up in order of execution. Executions take place at 4:00 in the morning, without any prior notice being given to the prisoner or their families.

After the final appeals are rejected, prisoners are woken up one day at 3:00 am and are notified of their imminent execution by the prison supervisor. The prisoners take a bath, change into new clothes and have one last meal, consisting of a bowl of soup, a glass of water, and, should they desire, a cigarette. Prisoners are allowed to write a letter or record a message to their family. Prisoners are then escorted out of death row and are formally handed over to the death penalty implementation committee for the final formalities, which include fingerprint checking. (Amnesty International, 2012, p. 29)

The family is not informed about the execution date and they are generally asked to collect the dead body a couple of days after the execution (FIDH, 2010b). But there are several cases where the bodies of executed prisoners were held for a couple of years before they being released to their families. However, since 2006 the Ministry of Public Security has allowed access to the bodies as long as they are disposed of in a hygienic way.

After a prisoner receives a death sentence, the Vietnamese authorities are obliged to proceed with the execution as soon as possible, but in fact most stay for about one year on death row beforehand (Hands off Cain, 2012).

For examples of the use of the death penalty in Vietnam – see Appendix 8.3.
4.3. Censorship

4.3.1. Restrictions on freedom of association

(1) Everyone has the right to freedom of peaceful assembly and association.
(2) No one may be compelled to belong to an association.

(Article 20, Universal Declaration of Human Rights)

On the one hand, freedom of association is guaranteed by the 1992 Vietnamese Constitution, but on the other hand it is not possible to find any independent non-governmental organizations (NGO’s) in Vietnam (FIDH, 2010a). All organizations are controlled by the Communist Party of Vietnam (CPV) and guided by the Vietnam Fatherland Front (VFF).

The Vietnam Fatherland Front (VFF) is an umbrella organization, including 29 registered mass membership organizations and special interest groups (Thayer 2009). The largest is the Vietnam Women’s Union, which has 12 million members and is funded by the state. Other organizations include, for example, the Ho Chi Minh Communist Youth Union, or the Vietnam Youth Federation. The leaders of these organizations normally serve on the Communist Party Central Committee. Officially, the VFF’s mission is to “strengthen the people’s unity of mind in political and spiritual matters” (Constitution of the Socialist Republic of Vietnam, Chpt. I, Art 9, as cited FIDH, 2010a), but actually its role is to strengthen the CPV’s control over the population and political and religious affairs.

After the opening to the free market economy and the loss of Soviet aid, Vietnam was forced to seek financial support from development actors outside the party framework (FIDH, 2010a). New laws and regulations were implemented to authorize non-profit organizations (NPOs), international NGOs (INGOs) and associations to raise funds and operate in Vietnam. Through that period a mass of organizations grew in Vietnam. But because of the fear that independent entities would get too much power, the government of Vietnam restricted their field of activity. Associations working in the fields of poverty reduction, health care, information technology, science and sports are allowed, but it remains forbidden to engage
in advocacy or speak out on policy issues. And because of the minimal tolerance of autonomous civil activity, it also restricts the emergence of independent civil society.

With *doi moi* in the 1980’s, Vietnam opened up to the rest of the world and foreign donors, government aid agencies and INGOs rushed in with their own models of development (Thayer, 2009). These models included forming partnerships with domestic NGO’s (“bottom up”) to carve out space for civil society activity in an authoritarian political system. Through this change there was an explosion of organizational activity at all levels. In July 2005, there were 140,000 so-called “community-based organizations” (CBOs) – including water user groups, small savings and credit organizations, user groups, farmers cooperatives, other special purpose cooperatives, medical volunteers, village development committees and committees for the protection of street children - 3,000 cooperatives (agriculture, fisheries, construction sanitation and health care), 1,000 locally registered "NGO’s" and 200 charities.

Because of the fast growth of the CBOs, Vietnam’s legal system struggled to develop a legal framework for the diversity of groups (Thayer, 2009). A patchwork of ad hoc regulations and laws was the result, which didn’t provide a comprehensive legal framework, and with an ambiguous legal status the CBOs are always at risk of political sensitivities.

The United Nations Development Program (UNDP) and the World Bank came to Vietnam with the explicit goal of supporting civil society through partnerships with local counterparts (Thayer, 2009). Civil society was part of their mission statement to attract governmental funding. The UN system, foreign aid donors and INGOs began to engage with these organizations, even though they were not NGOs in the Western sense of term, being more an extension or agent of the state. Nonetheless, those organizations are labeled NGOs and are referred to as representing “civil society”.

Vietnamese authorities and Vietnamese mass organizations describe themselves as NGOs in order to attract foreign investors (Thayer, 2009). The approach of the UN agencies, foreign donors and INGOs in focusing on civil society has created a huge demand for civil society-type organizations. But the fact remains that these domestic organizations are state-sponsored and funded, and have been set up as part of the VFF organizational matrix. Even
when the Vietnamese authorities do not use the term NGO when addressing a domestic audience, they will use it when dealing with foreign counterparts.

According to Thayer (2009, p.7), Vietnamese NGOs view themselves as “partners working on development project in support of state policy, advocates for improved state services and representative of marginalized groups and lobby the state for changes in policy”. But Vietnamese NGOs attempt to negotiate and educate state officials rather than confront them. Every activity of the NGO is in direct support of existing government programs or in support of larger state-approved policy goals (Thayer, 2009).

The regulation and monitoring of international non-governmental organizations (INGOs) in Vietnam is controlled by the People’s Aid Coordinating Committee, which is a part of the Vietnam Union of Friendship Associations. This Association is responsible for all ‘people-to-people diplomacy’ (Thayer, 2009).

The Vietnam Chamber of Commerce and Industry (VCCI) is a semi-governmental organization, which represents the private sector (Thayer, 2009). Members of the VCCI are state-owned enterprises, private companies and trade associations. The VCCI is not funded by the state, but it is a member of the VFF. Although the organization itself is outside the Party, it is the policy that Party committees must be established in all private enterprises.

The legislation to control associations provides for the following:

- Under the 1996 Civil Code, two forms of NGOs are recognized, ‘social and socio-professional organizations’ (associations) and ‘social and charity funds’ (foundations) (FIDH, 2010a). To be recognized they have to obtain official permission, while the application process is arduous. Furthermore, there is a strict control over the establishment, operations and dissolution of such NGOs.

- Foundations are regulated under Article 105 of the Civil Code and Government Decree 177 (1999) (FIDH, 2010a). This states that foundations are only permitted to operate in the fields of cultural, sport, scientific and social development. To obtain official permission they must apply for approval from the President of the Provincial People’s Committee. Furthermore,
foundations can only be set up by the government, mass organizations or state-managed associations.

- **Decree 88** (2003) regulates the organization, operation and management of associations (FIDH, 2010a). It restricts the right of association exclusively to activities “contributing to the country’s social-economic development” (FIDH, 2010a, p. 9). With this decree, the government maintains strict control over associations at all levels. All associations under this decree are directly linked to governmental programs. Decree 88 provides the government with the right to intervene at all stages, including membership, and it makes no provision for human rights activities, either for local or international NGOs. Foreigners are not allowed to be official members of an association.

Decree 88 defines six mass organizations as well: the Vietnam Fatherland Front, Vietnam Confederation of Labor, Ho Chi Minh Communist Youth, Vietnam Peasants’ Association, Vietnam War Veterans Association and Vietnam Women’s Union (FIDH, 2010a). Those organizations may be seen as ‘para-governmental bodies’ and are largely funded by the state. They are defined with political goals and have the role of overseeing implementation of party policies at a ‘grass-root level’.

- **Decree 35/HDBT** and the Law on Science and Technology provide the possibility of registering development NGOs as ‘Not-for-profit scientific organizations’ (FIDH, 2010a). They are integrated in the Vietnam Union of Science and Technology Associations (VUSTA), which is a member of the Vietnam Fatherland Front. Not only do the organizations have to obtain approval from VUSTA (provide annual reports), they also have to register with the Ministry of Science, Technology and Environment. “This is the only current option available in Vietnam to civil society, and it requires them to justify and link their existence and operations to science and technology” (FIDH, 2010a, p.10)

- **Decree 97** states that associations are subject to legal sanction if they question Party policies. This Decree relates to “limiting private research organizations to a list of 317 topics and banning them from publishing results bearing on government policies” (FIDH, 2010a, p.11)
An example of the impact of this decree in practice can be seen in 2007, when a group of leading intellectuals founded the Vietnam Institute of Development Studies (FIDH, 2010a). This Institute was registered with the Hanoi City Department of Science and Technology and most of its directors were party members. But when the Institute began to criticize state policies in its weekly seminars, they were pressured to close down. Because they refused, the Prime Minister issued Decree 97 in 2009. This led directly to a decision by the Institute’s President to close down the Institute rather than to limit their research to the dictate of the party. On their website, the Institute stated: “It is impossible to limit the right to do research on life into a list, no matter how long the list is” (as cited FIDH, 2010a, p.11).

Further to this, there are several examples of citizens being arrested simply for setting up unregistered groups. In 2007, lawyer Nguyen Van Dai was sentenced to five years in prison and three years of house arrest for setting up the “Committee on Human Rights in Vietnam” (FIDH, 2010a). In the same year, a further 15 human rights defenders and pro-democracy activists were arrested and sentenced to a total of 66 years in prison and 30 years of house arrest, for forming unofficial political parties, worker associations, or circulating democracy appeals. Communist Party veteran Pham Que Duong was arrested in 2001, together with 15 other dissidents, simply for applying to set up a “National association to fight corruption”.

4.3.2. Stifling Freedom of Expression – Restrictions on the Internet

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

(Article 18, Universal Declaration of Human Rights)

According to the FIDH (2010a), Vietnam is one of the worst restrictors of internet freedom. It is not only claimed that Vietnam is one of the world’s three worst Internet censors alongside China and Iran, but in 2010 the country was also classed as the world’s second largest prison
for “netizens” – with a total of 17 people in jail for peaceful online activities (Reporters without borders, 2012a).

With the *doi moi* (renovation) process, great changes in the life of the Vietnamese people occurred. This was intended to give an impression of modernization and progress (Surborg, 2008). One part of this modernization has been the Internet and the use of information and communication technologies (ICTs). There has been a considerable growth in internet use, since the country was officially connected in 1997. However, Surborg (2008, p. 344) argues that “the technology is a mechanism that is part of a larger transformation enabling the Party to remain in power while advancing economic market reforms without substantial political change.” One might think that Internet access would entail an enhancement of democracy and pluralism because of the massive flows of information. Yet in fact the VCP managed to “implement measures of flexible control over the internet that allow the internet to operate relatively unrestricted for the most part, but enable powerful elements in the state bureaucracy to restrict internet uses, if they consider their hegemony under threat.” (Surborg, 2008, p. 345)

Cyberspace has always been considered as enhancing democratic participation (Surborg, 2008), with its connection of many actors over large distances and the large scale of information flow that accompanies this. But of course it requires a substantial infrastructure bound to specific places and territories. Because of the enormous volume of communication, the Vietnamese state is not able to control all aspects, yet there are measures that allow control over undesired forms of communication inside the state to protect the hegemony and power of the governing communist party.

At the time of the sixth Party Congress of the VCP (*doi moi*) in 1986, the telecommunication sector in Vietnam was in a dire state and Vietnam had virtually no network capabilities (Surborg, 2008). But within the reform the government created policies to allow the development of this sector. In 1993, two internal national networks were set up, intended for the use of the country’s research community which was connected five times a day with a computer in Canberra. The year after this, e-mailing became an officially recognized practice, while Vietnam was still far from achieving full connection to the internet.
The developing of the networks was achieved quite independently from the direction of the state (Surborg, 2008). Dang Hoang-Giang (2002, p. 243, as cited in Surborg, 2008, p. 348) considered it as “some kind of a grass-root project”. However, the very first access opportunities to the World Wide Web were limited to two privileged groups – researchers and the foreign community.

In 1998 Vietnam enjoyed its first year of full internet connectivity, although only 4000 individuals (out of 80 million) were using the Internet at this time (Surborg, 2008). A major step was made in 2001, when Decree 55/2001/ND-CP (see Socialist Republic of Vietnam, 2001) replaced the provisory Decree 21/CP of 1997. This Decree concerned the management, provision and use of internet services, which included a partial liberalization of the Internet (Surborg, 2008). While in 1997 the intention of control was not hidden by the government, the state had to give up a little control according to the new regulation. But because by 2002 there were only nine organizations that provided internet connection and only three that routed international traffic, not many organizations were controlling data flows. And the ownership of the providers was first hierarchically organized and secondly had to be state owned or dominated by the state. There are four government ministries, which are mainly responsible for the control and management of the Internet. But Decree 55/2001/ND-CP also mentions a fifth ministry (Ministry of Finance) as responsible for decisions on fiscal assistance, which “gives priority to party and state agencies in terms of the allocation of investment capital and application of financial assistance” (Surborg, 2008, p. 351). The other four are the Ministry of Science, Technology and Environment (MoSTE), which is responsible for research and technology development, the Ministry of Post and Telecommunication (MPT), which is responsible for infrastructure, the Ministry of Culture and Information (MoCI), which manages the content of the internet and finally the Ministry of Public Security (MoPS) which is responsible for the “safety” of the internet activities, including “national safety” (Surborg, 2008).

Meanwhile Vietnam has now become fully connected and the Internet is global in reach, but all the information has to be routed through at least one network processor controlled by the five organizations (Surborg, 2008). For this reason, it is fairly easy to block the content of a server that is outside of the country. And it is reported that the government is blocking
websites that are considered dangerous in a political or moral sense, which includes foreign news sites and human right organizations which are set up by Vietnamese abroad.

Vietnamese authorities are able to and actually do block foreign sites, although they are not able to control the content of foreign sites as such (Surborg, 2008). However, there is an attempt to control and block the content of local Vietnamese sites. A dual strategy is used by the state to gain control of domestic internet use. Vietnamese content and specific internet addresses can be blocked at the ISP under the supervision of the MPT and organizations that provide internet content (web-services, web-site hosting) require a license and an approval by the MoCI prior to starting their operations.

At a fundamental level, the information provided online must comply with the Press Law, Publication Law, Ordinance on the Protection of the State Secrets and other regulations (Surborg, 2008). On the one hand, the government promotes the use of the Internet for news publishing, but on the other hand it retains strict control over the 73 licensed e-newspapers. The regulations are very similar to those governing the printed newspapers and it is expected that they will support a government-defined agenda.

According to Surborg (2008), a major concern of the Vietnamese government relates to so-called ‘social evils’. While there are many news reports about the condemnation of such ‘evils’, there seem to be no decline in pornography, prostitution, gambling, drug-abuse, corruption, etc. Nonetheless, an open door policy (doi moi) towards the Internet is officially seen as posing a major threat to the morals and traditional values of the Vietnamese and western influence is cited as a reason for such ‘social evils’. Thus the state decided to conduct regular surveillance of internet content using ‘spy-software’ to prevent users from accessing sites judged harmful. “The creation of the discourse of social evils establishes norms for “appropriate” public behavior that can be extended to the virtual world of cyberspace, which becomes a quasi-public space and the “network security software” allows the policing of this space.” (Surborg, 2008, p. 352)

Not only is the state controlling the network infrastructure, but it has also shifted the responsibility to other organization and individuals. “[o]rganizations, individuals providing and using Internet services are responsible for information accessed, transmitted on the
internet” (Article 6.2 of Decree 55/2001/ND-CP, as cited Surborg, 2008, p. 352). With this clause, the government put the responsibility onto the individual user on one hand and on to providers of any service on the other (Surborg, 2008). Fines of various severity can be demanded of anyone who is deemed to be breaking that rule even where no criminal offence has been committed. The highest fines relate to providing internet access without a license or working contrary to their license. Of course it is not possible to control all data flows on the Internet, but various state agencies and inspectors can be employed to selectively exercise control. Because of the fines and the possible loss of a license to operate in a lucrative business, internet providers have a special interest to act within the regulations. Furthermore internet abuse is considered to be a criminal activity.

The large number of internet cafes (about 4000 by 2004) and the lack of control over these spaces became a major concern for the government (Surborg, 2008). The debate on greater control was dominated by government statements condemning what it termed social evils. But controlling the Internet is difficult. A first step towards exercising greater control was made in 2004, where a legally binding construction was released that forced internet cafe owners to provide a list of all web-sites visited in their shops over the past 30 days if required to do so. Besides the visited sites, credit card or ID card numbers of the customers that had accessed such sites were to be provided as well. And fines for hosting inappropriate web-sites were increased to 30 mio vnd (about 1900 USD). To prevent visits to inappropriate sites, they created limitations in two ways: regulating the internet cafes through limiting space, opening hours, owner’s views of every computer, and by using a special software that tracks down the visitor’s name and ID.

In fact, concerns of the Vietnamese government have less to do with the distribution of sexual content on the Internet and more with political material circulated in the internet (Surborg, 2008). “Decree 55/2001/ND-CP states in Article 11 (3) that it “shall be strictly prohibited [… to …]take advantages of the Internet to do hostile actions against the Socialist Republic of Vietnam or cause security unrest, violate morality and good customs and other laws and regulations” (Surborg, 2008, p. 354). The regulation is vague, open to interpretation, and has created a legal basis to take action against political activity on the Internet. Officially such regulations are formed to prevent “social evils”, yet it will almost
certainly be used for tracking down dissidents who are using the Internet for political purposes (Surborg, 2008). If the state of Vietnam sees its dominance of the Party as being threatened, it will react with full force using ongoing prosecution and long prison sentences. This is especially likely to happen if foreign organizations and overseas Vietnamese groups are involved in specific actions and the state also reacts in the case of unauthorized domestic debate and criticism. For example, in 2002 the MoCI shut down a popular online discussion forum for young people. At the time of the shutdown, the forum had had 60,000 registered members. The fact that the site had reached such a large readership before being closed down shows that there is a limited freedom in Vietnamese cyberspace. According to Surborg (2008), either this freedom seems to be granted tacitly or the activities were simply not recognized as such. There is a degree of tolerance, but as soon as the matter becomes serious from the point of view of the state, the authorities will react. Meanwhile, every reaction and action is hidden behind the discourse on social evils, used to justify control mechanism and force.

Compared to Vietnam’s low network capabilities in 1988, the development of the Internet was comparatively rapid (Surborg, 2008). Yet it must be kept in mind that a careful process was formulated by the Party and the state to ensure political control over the Internet. “Cyberspace in Vietnam has proven to be a problematic space for providing a forum to free, fair and unrestricted public debates” (Surborg, 2008, p. 355). And until now, it has not proved to be an unrestricted cross-border tool of communication, free from the impact of the national censorship regime.

The rapid growth of internet use in Vietnam can be seen in the table below:
According to Reporters Without Borders (2012a), the strategy employed to control internet content is still to arrest bloggers, netizens and journalists. The group identifies Vietnam as the country with the second largest number of netizens in prison after China. Vietnam uses imprisonment, house arrest and “fake releases”, and it appears in the ranking of countries that impose the most restrictions upon access to the Internet.

Filtering seems severe, even it was not dramatically intensified in 2012 (Reporters Without Borders, 2012a). The level of cyber attacks upon sensitive websites remains relatively constant. The government seems more interested in monitoring than in blocking. The social network facility Facebook is occasionally inaccessible although, its two million users are not yet permanently blocked. An answer for this might be that it represents a further possibility for the government to monitor netizens and their activities. The government has attempted to regain control by launching its own national version of Facebook with a goal of attracting 40 million users (almost the half of the population) by 2015. It aims to achieve this goal by making popular video games available. By 2011, the government-sponsored social network had three million users.

There is currently a rumor that a new decree may be released (according to Reporters Without Borders, 2012b), which will:
“Force Internet users to use their real names.

Ban internet users from “abusing the Internet” to oppose the government, revealing confidential government information or spreading defamatory information.

Force foreign companies that provide online services such as social networking, blogging, discussion forums and chat to cooperate with the Vietnamese government and provide it with the information it needs to crack down on activities banned by the decree. It could also force them to locate data centres in Vietnam and open offices there.

Make all news websites subject to government approval and force them to comply with existing media laws. Website administrators would have to report any banned online activities to authorities. Those responsible for “personal” blogs would have to post their names and contact information and would be held accountable for the content they posted.”

To summarize, the intensive use of the Internet coincided with the opening of the market and about 25 million of the population of 89 million people are regularly using the web. Blogging is extremely popular and has opened up new horizons for communication, social exchange, online journalism and bypassing the official media (FIDH, 2010a). Yet although Vietnam is allowing wide internet access, it is filtering and controlling the content, and punishing offenders. This becomes visible when looking at the current list of netizens in prison (as of July 2012).

For the list of “Netizens” imprisoned – see Appendix 8.4.
4.3.3. The Right to Press Freedom

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless frontiers.

(Article 19, Universal Declaration of Human Rights)

Restrictions upon press freedom operate similarly to the restriction of internet freedom in Vietnam. As Nguyen Tien Long (2003, p.199) points out “the media in Vietnam represent the voice of the state, the ruling party, political and social organizations, and a forum of people. The media keep people informed of state guidelines and policies and reflect people’s aspirations and their response to such guidelines and policies.”

There are several different newspapers, magazines, radios, TV stations, news websites and e-newspapers in Vietnam, but none of them is independent or privately run (FIDH, 2010a). All of them are controlled by the Communist party of Vietnam (CPV) Mobilization and Propaganda Department, which sets press guidelines. It does not seem as though there will be a change in the future: “Government officials have repeatedly declared that Vietnam will never allow any privately owned newspapers or “Western-style” press freedom” (FIDH, 2010a, p. 14).

The Constitution, and Article 69 of the Press and Publication Laws, strictly prohibits publications with contents that:

… oppose the State of the Socialist Republic of Vietnam or destroy the people’s solidarity block; ..disseminate reactionary ideas and culture..; destroy fine customs and habits; divulge secrets of the Party, State and security...; distort history, deny revolutionary achievements, hurt our great men and national heroes, slander or hurt the prestige of organizations, honor and dignity of citizens. (FIDH, 2010a, p. 14)

There is also a law that forces journalists to pay damages to people who have been hurt by their articles, even these are true. Decree 56 provides fines and suspensions for media and journalists, who write critical material regarding the state (FIDH, 2010a). Apart from the fines and suspensions, there are other, greater risks faced by journalists who write about
sensitive topics. The number of journalists beaten and harassed by police and security
officials is growing every day. Meanwhile, the penalties for state officials are pretty low and
the sanctions are rarely applied. An example of a journalistic repression is veteran journalist
Tran Quang Than, who suffered several facial burns and loss of sight in one eye as a result of
having acid thrown at him after writing about corrupt officials in Hanoi. He lodged a
complaint, but the authorities remained silent about the incident. With this in mind, it is
quite obvious that most journalist choose self-censorship rather than to risk their health and
even their life. Yet there are still offenders, who continue writing about corruption or ‘social
evils’, and due to such brave actions, massive corruption scandals have been detected, such
as the PMU-18 Scandal, even though six newspapers received warnings, 252 journalists were
punished, 15 journalists had their press cards withdrawn, six journalists were prosecuted
and two journalists were imprisoned.

Foreign journalists also face strict controls. To carry out any journalistic activities they must
submit a request five days in advance. Without authorization from the Ministry of Culture
and Information, no article, picture, etc. is allowed to leave the country. Although most
journalists have little respect for that law and it appears ignored and unused, it is there and
remains ready to use in the right instance (FIDH, 2010a). Another subject of censorship is
overseas newspapers. These are on sale in Vietnam but are censored by silver paint being
sprayed across articles or by a lack of pages. Satellite dishes were also banned in 1997,
except for certain government offices, large hotels and news agencies. And the international
channels of cable TV run with a 30-minute delay, apparently to stop the broadcast of
‘dangerous content’.

The laws on the press in Vietnam are as follows:

**The Press Law:** The 1990 law provides: “‘The press in the Socialist Republic of Vietnam
constitutes the voice of the Party, of the State and social organizations’ (Article 1). ‘No one
shall be allowed to abuse the right to freedom of the press and freedom of speech in the
press to violate the interests of the State, of any collective group or individual citizen’ (Article
2:3). Article 15 on the ‘rights and obligations of journalists’ provides that journalists have the
obligation ‘to defend the Party’s lines, directions and policies and the State’s laws’. Chapter
V of the Press Law on ‘State management over Press’ defines the contents of state management, such as: ‘organizing the provision of information for the press; managing the press’s information’ (Article 17:3).” (UNHR, 2009, p.1)

**The Publishing Law:** The law from 1993 provides: “Publications with the following contents are strictly prohibited: ‘opposing the State of the Socialist Republic of Vietnam; destroying the people’s solidarity block; disseminating reactionary ideas and culture...; destroying fine customs and habits; divulge secrets of the Party, State, and security...; distorting history, denying revolutionary achievements, hurting our great men and national heroes, slander or hurting the prestige of organisations, honour and dignity of citizens’ (Article 22).” (UNHR, 2009, p. 1)

**The role of the domestic media:** is to combat "the false ideas and plans of enemy forces and other political opportunists, and to protect the ideas, agenda and fundamental leadership of the party." (Do Quy Doan, Deputy Minister of Culture, 20 June 2008, as cited UNHR, 2009, p. 1)

**Ordinance 44:** Came into force in 2002 through the National Assembly’s Standing Committee, after the UN Human Rights Committee called for the repeal of Decree 31/CP. UNHR (2009, p. 1) reports about it as follows:

It empowers provincial and district-level People’s Committees to detain without trial, for periods of 6 months to 2 years, citizens “who have violated laws on security, public order and social safety, but whose offence is not serious enough to justify prosecution”. Whereas Decree 31/CP allowed for administrative detention only, Ordinance 44 authorizes detention in “educational institutions” (Article 25); internment in “medical facilities” (Article 26), or administrative detention (Article 27). “Educational institutions” are usually rehabilitation camps or Social Protection Centres where “bad social elements” such as prostitutes, drug addicts, street children or dissidents may be held without charge, often in inhumane conditions. “Medical facilities” include mental hospitals and psychiatric institutions.
5. HOW DOES THE POLITICAL STRUCTURE IN VIETNAM MANIFESTS ITSELF?

The previous chapters explored the background to the theory of structural violence, as well as human right violations and structural violence in Vietnam. They have discussed how structural violence is embedded in the structures and political system of Vietnam, and how a programme of enforcement upholds this. This chapter addresses the question of what the consequences of that structure are. How does a structure of governance such as that in Vietnam manifest itself in the context of daily life? I will try to answer that question with two examples drawn from the form of structural violence that exists in Vietnam. Firstly, I wish to give a detailed account of the rights of ethnic and religious minorities to show how these processes work. Later on, I wish to discuss the existing problem of corruption in Vietnam, with the aim of providing a deeper understanding of the nature and degree of structural violence in Vietnam.

5.1. The Situation of Ethnic and Religious Minorities in Vietnam

According to the Universal Declaration of Human Rights (United Nations Department of Public Information), “everyone is entitled to all the rights and freedoms [...] without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status“ (UDHR, Article 2). Furthermore, “everyone has the right to freedom of thought, conscience and religion; this right includes freedom of change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance” (UDHR, Article 18). The violation of that right is a human right violation and may be connected with the concept of structural violence. Ho (2007) points this out as well with reference to racial inequality, social structures, particularly racism, systemic disadvantages and the suffering that results from having unequal life chances, which Galtung (1969, p. 171) highlights in his definition of structural violence, when he
claims that “the violence is built into the structure and shows up as unequal life chances”. Racial inequality, often coupled with poverty and experienced by minority groups – be it ethnic or religious minorities – is an institutionalized social structure, which reduces the actual fulfilment of one’s fundamental needs and their potential in relation to that of other citizens in the same country (Ho, 2007). It is therefore important in the context of structural violence in Vietnam to point out potential and actual inequalities among ethnic and religious minorities.

5.1.1. Ethnic Minorities

12.25 million people in Vietnam (14.3 per cent of the population) belong to ethnic minorities (McDougall, 2011). There are 54 registered distinct ethnic groups with unique religious, linguistic and cultural characteristics and identities. Only five of these ethnic minority groups number more than 1 million people: the Tay (1.63 million), the Thai (1.55 million), the Muong (1.27 million), the Khmer (1.26 million) and the Mong (1.1 million). But out of 64 provinces, 49 have an ethnic minority population of at least 30 per cent. The minority groups live mainly in highland regions, while the majority group – the Viet, or Kinh people who represent over 85 per cent of the population – live in the lowlands (VCHR, 2012).

According to the VCHR (2012), even though the Vietnamese government has made efforts to decrease the poverty rate across the country as a whole, ethnic minorities remain among the poorest citizens in Vietnam. Furthermore, the wealth disparity between the Kinh and ethnic minorities is increasing alarmingly. By 2008, an average of 56 % of ethnic minority peoples were living in poverty, and the rate of those in poverty in some groups amounted to over 80 per cent (Viet Nam MDG National Report 2010, as cited VCHR, 2012, p. 6).

The explanation provided by the government for the wealth gap between the major groups and the ethnic minorities has cited geographical remoteness and poor infrastructure in the highlands (VCHR, 2012). But according to the VCHR the reason why minorities face different ‘negative effects’ is because:
Official corruption and power abuse at the national, district and local levels, forced implementation of unsuitable development policies and the perpetuation of stereotypes that stigmatize ethnic minorities as backward, ignorant, superstitious, and “less civilized” than the Kinh. But they are also rooted in political factors such as the lack of civil and political rights, absence of a free press, free trade unions, independent civil society movements or an independent judiciary in Vietnam’s one-Party state. Without these crucial mechanisms and safeguards, ethnic and religious minorities have no means to defend their rights (VCHR, 2012, p. 6).

On the one hand, Article 5 of the 1992 Constitution provides the right to equality and non-discrimination:

The Socialist Republic of Viet Nam is the unified State of all ethnicities living on the territory of Vietnam. The State carries out a policy of equality, solidarity and mutual cultural assistance among all nationalities, and forbids all acts of ethnic discrimination and division. Every nationality has the right to use its own language and system of writing, to preserve its national cultural identity, and promote its fine customs, habits, traditions and culture. The State has a policy of comprehensive development and assistance, and gradually improves the material and spiritual living conditions of the national ethnic minorities. (McDougall, 2011, p. 5).

But apart from this Vietnam has no separate law on discrimination, and does not specify what constitutes discrimination under Vietnamese law (Mayer Brown, 2008). The provisions on discrimination are more generally formulated and provide only principles on equality and anti-discrimination.

UNPO (2012) also reports that there are high levels of perceived discrimination against indigenous and minority groups, particularly by government authorities and agencies. Examples include the banning of certain minority language publications, lack of compensation for land confiscation, lack of secondary education opportunities in specific languages, restrictions and interference in religious practices, harsh punishment and poor distribution of aid.
Significant minority groups in Vietnam:

**Khmer Krom**

The main settlement area of the Khmer Krom is the southwest and especially the Mekong Delta, where about 80 per cent of the 8 million people live (UNPO, 2012). The Khmer Krom have been present in Vietnam since the 1st century and rose to prominence under the Khmer Empire in the 9th century. Between the 13th and the 15th centuries, the empire declined and people were displaced by Chinese and Vietnamese and ended up mostly in the rural Mekong Delta. To diminish the empire and the Khmer people, Vietnam used the tactic of intermarriage after the departure of the French colonial rulers. Furthermore, between 1955 and 1963, all Khmer names were changed to Vietnamese ones and they experienced further displacement, for example from their traditional centre of commerce, Prey Nokor (now Ho Chi Minh City). The Khmer Krom are still not recognized as indigenous people of the Mekong Delta by the government of Vietnam.

**Degar Montagnard**

The around 1 million people of the Degar Montagnard minority are found in the central western mountains of Viet Nam (UNPO, 2012). Before the displacement to the central region by waves of Vietnamese and Cham people in the late 1600s, they resided in the north and in the eastern coastal plain. The communities at this time were characterized by “shared resources, strong kinship and developed systems of education and justice” (UNPO, 2012, p. 4). While in the mid of the 20th century various agreements about the right to self-determination of the Degar people were signed, the way of life of the people historically involved a struggle for autonomy. And alliances with the French and the US during the Vietnam War resulted in the Vietnamese ‘nickname’ of “moi” (savages) being applied to them, and to the view that they were a threat to national security. Since the reunification of Viet Nam, the Degar Montagnard people have experienced violations of their human and indigenous rights.
Hmong

The Hmong ChaoFa are indigenous people who lived formerly in the northern region of Laos (UNPO, 2012). Historically they have been subject to forced repatriation, targeted killings and discrimination. Most came to Viet Nam while fleeing from the repressive policies towards them in Laos and because of their participation in the War, including collaboration with the American forces, they continue to face retaliation and persecution in Vietnam as well. The biggest issue is the agreement of the Vietnamese and Laotian government to return individuals and families seeking refuge in Viet Nam to Laos, where they face the threat of further abuse.

Problems of minorities

These are the problems faced by minorities and indigenous people in Vietnam arising from the consequences of the current governmental structure (UNPO, 2012):

- Lack of a “racial discrimination” definition

- Lack of recognition as indigenous people – Vietnam does not recognize the Khmer Krom and Degar Montagnard, therefore they have no special protection in Vietnamese law, despite their historic status and contemporary marginalization.

- No equal treatment before the law – not only do many face long prison terms, but defence lawyers are pressured to not represent clients who are religious or democracy activists.

- Lack of rights to security of the person – there are numerous reports of extreme use of force by police against indigenous people exercising their rights and engaging in peaceful protest.

- Lack of observation of the principle of non-refoulement, and non-expulsion of refugees – Laos and Vietnam use collaboration to track down all refugees and bring them back, where for example Hmong people face numerous human right abuses in
Laos. And Degar Montagnard trying to escape from oppression in Vietnam have been forcibly repatriated to Vietnam.

- Lack of rights to property and employment opportunities – there are high unemployment rates among indigenous and minority people. Because of the land reforms in 1975, land ownership pertains to the state, only providing usage rights to individuals. Indigenous groups faced large-scale land confiscations without fair compensation and many indigenous families have been relocated to areas that lack access to basic infrastructure and services.

- Lack of freedom of expression, religion and the right to peaceful assembly – Freedom of assembly is limited by the law. All forms of protests and gatherings are restricted and monitored by the government. Religious minorities are subject to severe restrictions.

- Lack of rights to education in one’s own language

5.1.2. Religious Minorities

According to the most recent population census in 1999, 9.3 % of Vietnamese were Buddhists, 6.7 % Catholic, 1.5 % Hoa Hao, 1.1 % Cao Dai, 0.5 % Protestants and 0.1 % were Muslims (My Giang et.al., 2012). Meanwhile, 80.8 % of Vietnamese officially practiced no religion, which is not unusual in Communist countries. In fact, however, according to unofficial estimates, the number of people who adhere to a religion is significantly higher than the official figures suggest. The US foreign ministry estimated in 2008 that about 50 % of the population are Buddhists, 8-10 % Catholic, 1.5-4 % Hoa Hao, 1.5-3 % Cao Dai, 0.5-2 % Protestants and 0.1 % Muslims.

With the end of the Vietnam War and the reunification of the country in 1976 came a mass expropriation and collectivization especially in the south, which had previously not been under Communist rule (Dietrich, 2001). Victims of these policies were mostly religious communities and their properties, as well as their schools, hospitals and other institutions. There were also a large number of political prisoners and executions.
With the political opening and the doi moi reforms of the 1990s, the official politics of extermination and persecution came to an end, yet it was replaced by an extreme level of control by the state (Dietrich, 2001). It created a dualism in political life as well as in the legal situation. There is a distinct separation between the ‘official’ religion and the illegal religious communities, and there are large control and legalization differences between the various provinces. The impact of this is particularly felt by minorities and their religions.

To avoid attracting international attention and critique, the government has abandoned brutal repression and outstandingly controversial sanctions such as torture or judgment without trial in favor of more subtle and covert measures (Dietrich, 2001). Most sanctions are against individuals and employ “innocuous” methods such as executing a search warrant, interrogation, forced exile or house arrest over years, as in the case of the protestant Christian pastor Lap ma, who received 18 years of house arrest, or the example of several leading Buddhist monks. House arrest also involves being cut off from the rest of the world through the confiscation of telephone, fax, computer equipment, etc.

Religious freedom is guaranteed by the Vietnamese constitution, yet this also states that no one may “misuse beliefs and religions to contravene the law and State policies” (FIDH, 2010a, p. 20). Nonetheless, religion had always been a crucial element of Vietnamese society and has played a vital part in defending people’s rights and freedom (FIDH, 2010a). The Vietnamese State has therefore subjected religions to a system of control. “Only ‘recognized’ religions or State-sponsored religious groups belonging to the Vietnam Fatherland Front are allowed to practice religious activities” (FIDH, 2010a, p. 20). All other practice is ‘illegal’.

In the annual report of the US Commission on International Religious Freedom 2012, the USCIRF (2012, p. 260) claims that “the government of Vietnam continues to control all religious communities, restrict and penalize independent religious practice severely, and repress individuals and groups viewed as challenging its authority”. Although the Vietnamese government made some important changes in respond to international criticism of repression, individual religious activists continue to be imprisoned or detained. Independent religious activities also remain illegal and the law on legal religious organizations is vague and open to abuse. Because of these forms of systematic
discrimination, the USCIRF (2012) still recommends that Vietnam remains a ‘country of particular concern’ (CPC).

The USCIRF (2012) points out that there were increased numbers of arrests, detentions and harassment of groups and individuals, including violent use of force by police towards peaceful ethnic minority gatherings and Catholics protesting land confiscations and harassment. In 2004, the Vietnamese government responded to international concerns and began to release prisoners, expand certain legal protections for religious groups, prohibit the policy of forced renunciations of faith and expand the scope of toleration for legal religious groups. In some large urban areas, the Vietnamese government allows open religious activity and has supported the building of religious venues and training of religious leaders, as well as allowing some religious pilgrimages to take place. But the law on religion remains problematic and serious abuses especially against ethnic minority areas are still occurring, even if in some parts churches and meeting points have been re-opened and the government has tried to establish a working relationship with religious representatives.

The USCIRF (2012) claims that since the designation of Vietnam as a CPC was lifted in 2006, conditions have not improved. “The government continues a policy of control, suppressing independent religious activity and arresting and detaining individuals for publicly advocating for greater religious freedoms or engaging in independent religious activity” (USCIRF, 2012, p. 261). The existence of conditions of religious freedom often depends on “geographic area, ethnicity, relationships between religious leaders and provincial officials, or perceived “political” activity” (USCIRF, 2012, p. 261). And Vietnam is still marked by church demolitions, property confiscations, detentions, violent repression and imprisonment of individuals for practicing peaceful religious activity.

Implementation of Vietnam’s Legal & Policy Framework on Religion

Unfortunately, the governmental goal on religion policy is still about exercising control, strengthening property and land rights and limiting significant growth. For example, the USCIRF (2012, p. 262) reports that the Deputy Prime Minister “stressed the need to avoid religious ‘hot spots’ and counter ‘enemy forces’ that use religion to ‘destroy our nation’”.

- 78 -
Furthermore the organisation reports that there is an Interior Ministry Committee on Religion Affairs as well as special “religious police” forces.

The “religious police” unit (A41) monitors and sets policies towards groups the authorities consider “extremist”, and a Special Task Force of the Mobile Intervention Police (Unit PA43) in the Central Highlands assists local police to “detain and interrogate persons they identify as Dega Protestants... and neutralize the dangerous key actors.. in a clever way, in order to avoid the scrutiny of hostile forces on human rights issues”, according a story in the January 2011 Da Nang Police Journal. (as cited USCIRF, 2012, p. 262)

Since 2004, religious groups have been governed by the Ordinance on Religion and Belief and are allowed to operate without intrusion if they are government approved and succeed in getting national legal status (USCIRF, 2012). The religious organizations that do not meet the Ordinance's vague standards are technically illegal and can face harassment or be disbanded without warning. The procedure for obtaining legal status is not defined at all. The Ordinance is vague and some provincial authorities ignore registration applications. Furthermore religious groups are forced to include membership lists or are sometimes pressed to merge with other registered groups. The Government also provides two lower levels of legal status but these enjoy no “protection” as do those with national recognized status and they have to face intrusions in their daily religious activities.

Furthermore, the provision of national legal status does not meet international standards. Examples are "Article 8(2) of the Ordinance, which prohibits the “abuse” of religion to undermine national unity, “sow division among the people, ethnic groups and religions” or “spread superstitious practices,” and Article 15, which provides that religious activities will be suspended if they “negatively affect the unity of the people or the nation’s fine cultural traditions”.” (USCIRF, 2012, p. 262) Thus the government still limits the activities of independent religious groups and views individuals as a political threat. Most of those affected by these restrictions are minorities and their religions e.g. in the past year, the government decided to no longer allow any new religious meeting places in the Central Highlands. And if groups do hold an “illegal” meeting, they must reckon with a severe police response (USCIRF, 2012).
Examples of religious groups and their situation in Vietnam:

**Unified Buddhist Church of Vietnam (UBCV)**

According to the USCIRF (2012), the UBCV is the largest religious organization in the country and has faced harassment and repression for seeking independent status over a long period. On the one hand, the UBCV has a history of peaceful social activism and moral reforms yet on the other it has also had to fight with local authorities. There have been routine incidences of UBCV members being taken in for questioning, prevention of charitable activities, monitoring as well as assault and harassment not only of their religious activities but also of foreign visitors coming to Vietnam as guests of the UBCV. Buddhist festivals and pagodas have been blocked and followers are questioned and have to face arrest, losing their jobs or seeing their children expelled from school.

**Hoa Hao and Cao Dai**

Hoa Hao and Cao Dai are religious traditions that are unique to Vietnam and have a membership of between three and four million (USCIRF, 2012). Independent groups of adherents to these religions are still subject to banning by the Vietnamese government. There are continuing reports of repression that includes loss of jobs, imprisonment, discrimination and harassment. Both of these groups are under the strict oversight and control of the government, even extending to the government-approved organizations. For example, in 2005 eleven members of Cao Dai were arrested for protesting government intrusion, while five of them still remain in prison.

**Khmer Buddhism**

Khmer Buddhism, which is associated with the Theravada branch of the religion, has a religious and ethnic tradition that includes a specific language, culture, religion and ethnicity (USCIRF, 2012). There is a call for it to be recognized as a separate religious organization, despite the existence of the government-approved Vietnamese Buddhist Sangha (VBS), especially in the Mekong Delta where one million ethnic minority Khmer Buddhists are living.
A peaceful protest took place in 2007 at which Khmer Buddhist monks called for more education in Khmer language & culture, no restrictions in the number of days allowed for certain religious festivals and for monks to be allowed to make decisions about religious studies at pagoda schools. While provincial officials promised to address the concerns, at least 20 monks were defrocked and expelled from their pagodas; five (suspected of leading the demonstration) were sentenced to between one and five years in prison or were placed under house arrest or in police detention.

Another example is the crackdown on the Lang Mai Buddhists of the Bat Nha Monastery. The Lang Mai Buddhist order remains banned in Vietnam. The monks and nuns are dispersed and some are forced to live in exile in third countries (USCIRF, 2012). In 2009, the government took action and disbanded the order after an official call on the government to release all political prisoners and disband “political police”, as well as to establish an “independent Buddhist church”. Monks were beaten, degraded and sexually assaulted and over 200 monks and nuns had to seek temporary refuge in nearby districts. Some of the Lang Mai applied for asylum in different countries while those who returned to their homes are facing police harassment and threats to their family members.

Catholics

According to the USCIRF (2012), the relationship between the Vietnamese government and the Catholic Church continues to be tense, even though Catholicism is growing rapidly and there is an expansion in clerical training and charitable activities. The police continue to use tear gas and batons against peaceful prayer vigils and demonstrations at properties owned by the Catholic Church. “Government officials have employed “contract thugs” to assault and intimidate Catholics attending these vigils and attack individuals viewed as organizers” (USCIRF, 2012, p. 269).

The Vietnamese government is trying to retain control over the country's Catholics by punishing their attendance at religious meetings in third countries (USCIRF, 2012). In one example from 2011, Father Pham Trung Thang - the leader of the Redemptorists - was prevented from leaving the country. Later that year the Vietnamese police detained further
Catholic activists as they returned from abroad. There have been new waves of violent persecution targeting Catholics over recent years, even though the Vietnamese government is officially focused on normalizing relations between the State and Catholics and has been in contact in this regard with the then Pope Benedict.

Montagnara Protestants and Catholics: Central Highlands

Nationally recognized religions of the SECV have improved religious freedom conditions. Meanwhile, unregistered or independent religious groups are facing several restrictions including harassment, property destruction, arrests and forced renunciations of faith (USCIRF, 2012). As in many other cases, the government only tolerates religious activity within approved parameters, within which it has reopened religious venues, allowed some religious training classes and approved the building of new churches.

Yet religious groups have faced new problems when the Committee of Religious Affairs restricted any new “meeting point” in the Central Highlands (USCIRF, 2012), which suggests that the government is trying to stop or control the growth of the religious organizations. And in 2011 alone, at least 13 individuals have been arrested or simply ‘disappeared’ in the Central Highlands during religious celebrations such as Christmas in 2011.

There are also reports that funding and benefits, from the government as well as from non-governmental organizations (NGOs), are being cut off by officials (USCIRF, 2012). These benefits include not only financial support but also housing and medical assistance programs. Access to high school has also been denied to children of religious households and the elders have been threatened with having their government benefits taken away if they do not convince younger family members to renounce their faith.

Hmong Christians: Northwest Provinces

Similar to other religious groups, the Vietnamese government has watched the growth of Christianity in the northwest provinces with suspicion (USCIRF, 2012). Individuals have faced forced renunciations of faith and the threat of violence. But unlike ten years ago, Hmong
Protestants are now able to meet openly in some areas. Although forced renunciation of faith is prohibited by a national decree, the practice still occurs in the northern highlands. And the USCIRF (2012, p. 273) reports that “local officials continue to repress Protestant believers in some parts of the northwest provinces by forcing church gatherings to cease, closing house churches, confiscating property, and pressuring individuals to renounce their religious beliefs, though often unsuccessfully”.

An example of severe sentences imposed on religious leaders by the government

The case of Buddhist monk and leader of the UBCV Thich Quand Do (secular name Dang Phuc Tue) who spent more than 28 years in prison, internal exile and house arrest for his peaceful advocacy of religious freedom, democracy and human rights (VCHR, 2011) is an example of the strong use of force by the police against religious leaders. He is currently under house arrest at a monastery in Ho Chi Minh City and the VCHR (2011, p. 12) has reported that “although he is not under formal indictment, Thich Quang Do is denied his citizenship rights, forbidden to preach inside his own monastery and subjected to continuous Police surveillance”. Individuals who visited the monk without permission were either beaten up or had to pay a large fine.

Thich Quang Do, a monk from the age of 14 and an eminent writer and scholar, was first arrested in 1977 for denouncing human right abuses and had to spend 20 months in solitary confinement (VCHR, 2011). Five years later he was sent into internal exile for 10 years after protesting against a state-sponsored Buddhist church and the banning of the UBCV. For organizing a UBCV relief mission to aid victims of the flooding in Mekong Region and sending an open letter to the government criticizing government policies on religion, he was sentenced to 5 years in prison and 5 years of house arrest in 1995. He received an amnesty and was released in 1998 but his house arrest was “reactivated” in 2001 because of illegal communication and for issuing an “Appeal for Democracy in Vietnam”.

To address a demonstration against the state confiscation of land, he broke out of house arrest and together with others expressed solidarity with the democratic protests of Buddhist monks in Burma and Tibet as well as opposing a government project in the Central
Highlands, whereupon he had to face renewed arrest, interrogation, harassment and accusations of “violating national security” in 2010 (VCHR, 2011). He was nominated for the Nobel Peace Prize in 2011 for his lifelong efforts and was awarded the Rafto Memorial Prize by the Norwegian Rafto Foundation.

**Prisoners of Concern:**

As shown above, the government of Vietnam is using severe measures to fight against any dissidents, even peaceful demonstrators. These “disturbing factors” are mostly facing long prison terms, and are called “prisoners of concern” by human right organizations.

In the past, one of the reasons why Vietnam’s CPC designation was lifted in 2004 was that there were no longer any prisoners of concern. But USCIRF (2012) points out that currently dozens of prisoners remain detained in Vietnam for either their religious activity or their advocacy of religious freedom. Several individuals were arrested or disappeared because of their religious affiliations, religious activities or peaceful protest regarding to religious freedom restrictions. Among them were Hoa Hao Buddhists, Catholics, Protestants, and Falun Gong practitioners.

For examples of Prisoners of Concern – see Appendix 8.5.
5.2. Corruption

In the words of the ICHRP (2010, p. iii) “corruption seriously distorts efforts made to respect, protect and fulfil human rights”. It is identified as one of the biggest obstacles to development (ICHRP, 2010). If human rights – like freedom of expression and assembly - are not protected, the likelihood that corruption will flourish increases. It is getting much more difficult to hold government officials to account, which allows more room for corruption. “Corruption is an abuse of entrusted power that tends to benefit a narrow elite at the expense of those who are less able to defend their rights and interests” (ICHRP, 2010, p. vii).

Human rights issues concern abuses of power, and because corruption is an abuse of power, human right norms can contribute to anti-corruption strategies (ICHRP, 2010). If one wants to design effective anti-corruption policies, it is important to understand the social organization of power. It is mostly a social expression of power that makes it possible for certain people (e.g. government officials, business leaders) to control and oppress others, either economically, politically or culturally. “In such social environments, structural corruption is closely associated with structural violence, a notion that describes forms of oppression that deny disadvantaged groups equal access” (ICHRP, 2010, p. ix). But not only is corruption linked to structural violence, more fundamentally corruption is a consequence of the existing structure, just as behaviour is a consequence of the structure. This makes corruption simply a form of behaviour.

As in many other countries, corruption in Vietnam occurs at all levels and in all sectors. It ranges from administrative and political to judicial, from public to private sector and from petty to large-scale corruption (Gainsborough, Dinh & Phuong, 2009). There are various different explanations for this. They say that there is too much scope for discretionary behaviour by officials; that it is the result of a poor ethical outlook; that ethical standards became worse during the doi moi; and that it is a matter of insufficient reforms, low salaries and inadequate implementation of the country’s laws and regulations.

The level of corruption is reflecting in the Global Corruption Barometer of Transparency International. In the survey of 2010, 44 % of the people surveyed reported having had to pay
a bribe. The results of inquiring whether people feel that their government’s effort to fight corruption is effective or the percentage of people who feel that the anti-corruption efforts of the government has increased is unsatisfactory, as may be seen in the figures below.

Figure V. Percentage of people who feel their government’s effort to fight corruption is:

![Pie chart showing the percentage of people who feel their government’s effort to fight corruption is effective, ineffective, or neither effective nor ineffective.](http://www.transparency.org/country#VNM_DataResearch)

Source: Transparency International
http://www.transparency.org/country#VNM_DataResearch
According to the Transparency International surveys, the institution that is perceived to be most affected by corruption is the police, while perceptions of further institutions are contained in the survey:

Figure VII. The institutions viewed by the public as most affected by corruption
And if one examines the comparison of the International Index, the picture is not looking much brighter (Transparency International, http://www.transparency.org/country#VNM_DataResearch):

**Corruption Perceptions Index (2011)**
- Rank: 112 (183); Score 2,9
- (0 – highly corrupt; 10 – very clean)

**Judicial Independence (2011-2012)**
- Rank: 78 (142); Score 3,6
- (1- heavily influenced; 7 – entirely independent)

**Rule of Law (2010)**
- Percentile Rank: 39 %
- Score: -0.483048457
- (-2.5 to 2.5 – higher values stands for better governance outcomes)

**Global Competitiveness Index (2011-2012)**
- Rank: 65 (142)
- Score: 4,24 (7)

**Open Budget Index (2010)**
- Budget Openess: Scont or None
- Score: 14
- (0 – scant or no information; 100 – extensive information)

**Voice and Accountability (2010)**
- Percentive Rank: 9 %
- Score: -1,430262315

**Control of Corruption (2010)**
- Percentile Rank: 33 %
- Score: -0.580785952

**Press Freedom Index (2011-2012)**
- Rank 172 (179)
- Score: 114

Gainsborough et. al. (2009) note that the problem of corruption in Vietnam is a systemic problem. By systemic, Gainsborough et.al. (2009, p. 387) mean a “particular institutional logic or incentive structure which is self-perpetuating”. They explain their theory through three tendencies within the state: “(i) to view public office as a vehicle for personal enrichment; (ii) to pay attention to servicing one’s patronage network rather than working for some notion of the public good; and (iii) to use uncertainty and a lack of clarity in respect of regulations as an instrument of rule” (Gainsborough et.al., 2009, p. 380). Gainsborough et.al. (2009) argue that for (i), there have been instances where public office positions were purchased and of course the officials are expecting to get something in return after a seat was effectively bought. Regarding the (ii) argument, they claim that looking after your
immediate circle or patronage is regarded in the Vietnamese system as culturally the right thing to do, while not to do would be seen as behaving badly. Furthermore they maintain that in (iii) there is an inherent logic of the system and that the rules and regulations are not unclear because of poor capacities or inexperience. Moreover it is an exercising of power to create opportunities for private gains.

To Gainsborough et.al. (2009) it is important that corruption is seen as a systemic problem in Vietnam, in order to go to the heart of the problem. For example it would be insufficient to say that corruption is an ethical problem, because it is not that Vietnamese people are not decent but they are operating in a system that requires such behaviour in some cases to survive or to provide for their families. Furthermore to view corruption as a systemic problem makes clear that merely changing the rules would not actually change the behaviour. There have already been several Public Administration Reforms (PAR) but nothing has changed, not because of individuals but because of the system that works against it.

Different countries are fighting against corruption and there are different suggestions of how to do so (Gainsborough et.al., 2009). No two countries are the same and there is no universal cure for corruption. Every country has its own system and it is important to study that system to find the cause of corruption in order to be able to tackle it. However, in some respects a country is able to learn from the experience of others, as Gainsborough et.al. (2009) suggest for Vietnam:

- According to international literature on corruption, the impact of corruption on development is mixed. This can be seen in Vietnam’s strong economic performance during the doi moi period, despite the existence of high levels of corruption.

- For countries with a high corruption environment (like Vietnam), it has been found that certain measures have statistically very little impact in reducing corruption. These include raising public sector wages, awareness-raising, strengthening parliamentary oversight or creating a merit-based civil service.

- An effective means to fight against corruption involved measures that “strike at the heart of the incentive structure underpinning the system.” (Gainsborough et.al., 2009, p. 394). These include measures that strengthen accountability and
transparency, as well as “reducing the scope for discretionary decision-making by officials”. An important step is to increase the involvement of citizens and media in the fight against corruption.

Corruption is hard to measure; this is partly because there is no way to precisely measure the number of acts of corruption that occur and how much money is lost to corruption, partly because money is not always involved (Gainsborough et.al., 2009). But what can be said with some certainty is that corruption has increased since the doi moi. It is not that there was no corruption involved in central planning, but rather that the marketization and international integration of Vietnam has brought with it more opportunities and there is more money flowing around. Gainsborough et.al. (2009) consider too that corruption was seen as more “normal” while being wealthy is more socially acceptable and thus attracts less attention.

During the doi moi, corruption has been classified in three ways “namely grease or speed money, the illegal privatization of state property, and the selling of state power” (Vasavakul, 2008, as cited Gainsborough et.al., 2009, p. 404). Grease or speed money is the payment to state officials for faster or better service to citizens or other officials, which exists in a wide range of situations in Vietnam (Gainsborough et.al., 2009). The illegal privatization of state property occurs through public officials who exploit their situation for private gain through fraud, embezzlement, extortion, smuggling or illegal tax collection. And last but not least, the selling of state power involves payments to obtain positions or promotion in respect of public office as well as the sale of services by public officials to private individuals, including those involved in organized crime – as in the famous Nam Cam corruption scandal.

In fact, when it comes to the types of corruption in Vietnam, Gainsborough et.al. (2009, p. 401) say that “corruption in Viet Nam occurs at all levels of the Party and State and in all sectors, including both the public and the private sector.” It happens on a daily basis as well as at larger scales. They note that people sometimes have “no choice” but to pay bribes and have no idea that such behaviour is wrong. Furthermore, Gainsborough et.al. (2009) note
that corruption in Vietnam is predictable in that everyone knows the “going rate”, which makes it even harder to deal with and far more difficult to tackle politically.

The figure below underlines this problem.

Figure VIII. News Coverage of Corruption by Sector


Vietnam has to face the serious consequences of corruption: specifically, the great damage to the property of the State, community and citizens; obstacles to the development process; effects on ethical standards; the negative influence on civil servants; and the decrease in the people’s trust in the State. (Phuong, 2012, p. 172)
The fight against corruption has entailed several public administration reforms (PAR) and anti-corruption (AC) measures in Vietnam, but these did not produce the expected results (Gainsborough et. al., 2009). The focus of the Government of Vietnam has been upon creating a corruption-free and strong state machinery. The Government has focused explicitly on state power and the civil service, yet corruption is not something that only occurs in the public sector. Their solution was to clarify the responsibilities of different agencies, to improve the work of civil servants and to raise the low public salaries. The AC strategy focuses on institutional solutions for the problem as well. But although PAR and AC have a similar background, they do not deal with identical issues. AC has a broader focus than the PAR because corruption is broader than in the public sector. But Gainsborough et. al. (2009, p. 397) claim that the impact of the PAR and the AC has been small, the “PAR has generally not resulted in lower levels of corruption while neither has AC work led to strengthened administrative procedures”.

For example, to reduce bureaucratic corruption the Vietnamese government implemented a couple of Public Administration Reforms (PAR) to simplify company establishment procedures (Martini, 2012). But the problem is that it still requires a great investment of time to start up a business and public services for citizens still involve a high level of corruption. Furthermore, close relationships with the community, and party and family ties are still considered to be important for public administration or appointments in the police sector and judiciary. This shows that nepotism and favouritism are still widespread in Vietnam.

Corruption is still a serious issue in Vietnam and has led to the Vietnamese state taking some other specific actions to fight against the problem (Phuong, 2012). The General Inspector of the State of Vietnam signed the United Nations Convention against Corruption (UNCAC) in 2003. This is a commitment to cooperate with related countries within the framework of the Convention and bilateral treaties. Furthermore in 2009, the President of Vietnam signed a document approving the UNCAC.

The concept of corruption and corrupt acts under Vietnamese law is expressed as follows:
Article 1(2) of the Anti-Corruption Law say that: “Corruption’ means acts committed by persons with positions and/or powers which abuse such positions and/or powers for self-seeking interests” (as cited Phuong, 2012, p. 172). While after Article 1(3) “persons with positions and/or powers” shall include (as cited Phuong, 2012, p. 172):

(i) Public servants;

(ii) Officers, professional army men, defence workers in agencies or units of the People’s Army; officers, non-commissioned officers, professional-technical officers, non-commissioned officers in agencies or units of the People’s Police;

(iii) Leading, managerial officials in state enterprises; leading, managerial officials being representatives of the State’s contributed capital portions at enterprises;

(iii) Persons assigned tasks or official duties who have powers while performing such tasks or official duties”

And according to Government Decree No. 64/1998/ND-CP in 1998 – including the Ordinance Against Corruption (which replaced the Anti-Corruption Law) (as cited Phuong, 2012, p. 172):

Taking advantage of one’s position and power is an act committed by a position and power holder who uses his/her working position, working relations, his/her agency or organization’s name or uses the working position or influence of another position and power holder to gain illegal benefits or act against the law.

Further according to Article 2(5) of the Anti-Corruption Law, corrupt acts must be motivated by profit (as cited Phuong, 2012, p.173): “Self-seeking interests mean material and/or spiritual interests which are obtained or can be obtained by persons with positions and/or powers through corrupt acts.”

And according to Article 3 of the Anti-Corruption Law, corrupt acts include (as cited Phuong, 2012, p. 173):

- Embezzling properties;
- Taking bribes;
Abusing positions or powers to appropriate properties;

Taking advantage of positions or powers while performing tasks or official duties for self-seeking interests;

Abusing powers while performing tasks or official duties for self-seeking interests;

Taking advantage of positions or powers to influence other persons for self-seeking interests;

Committing forgeries in work for self-seeking interests;

Offering bribes or bribe brokerage by persons with positions and/or powers to settle affairs of agencies, organizations, units or localities for self-seeking interests;

Taking advantage of positions or powers to illegally use state properties for self-seeking interests;

Harassment for self-seeking interests;

Failure to perform tasks or official duties for self-seeking interests;

Taking advantage of positions or powers to cover up law violators for self-seeking interests; illegally hindering, intervening in examinations, inspections, auditing, investigations, prosecutions, adjudications or judgment executions for self-seeking interests.

The Penal Code of the Socialist Republic of Vietnam regulates crimes relating to position and includes crimes of corruption (Phuong, 2012). The seven articles of the Penal Code relating to crimes of corruptions are: embezzling property, receiving bribes, abusing positions and/or powers to appropriate property, abusing positions and/or powers while performing official duties, abusing positions and/or powers to influence other persons for personal profits, forgery in the course of employment. And the minimum amount of money for which a person can be held criminally responsible since 2009 is 2,000,000 dong (previously, this was 500,000 dong).
But even though Vietnam has signed the UNCAC, according to Phuong (2012) there are still some inadequacies in Vietnamese criminal law compared to the requirements of the UNCAC. For example Article 20 of the UNCAC relating to ‘illicit enrichment’ – shown as significant increase in the assets of public officials which can’t be explained – shall be adopted in the legislation as a necessary measure. But in the Vietnamese Penal Code, only persons who have committed crimes are considered under the legislation. Meanwhile, ‘illicit enrichment’ is not yet considered a criminal offence in Vietnam. Furthermore, the criminal offences of ‘bribery’ and ‘embezzlement of property’ in the private sector are not established in the Penal Code of Vietnam, even though this is referred to in Article 21 and 22 of UNCAC.

There are still many inadequacies in the fight against corruption and the number of corruption crimes coming before the Vietnamese courts is increasing. According to the Vietnam Supreme Court, from 2008 until the first three months of 2010 there were 690 corruption cases involving 1,624 offenders (Phuong, 2012). Among the 1,624 offenders:

36% were sentenced but placed on probation, 28% were sentenced to imprisonment for less than three years, 18% were sentenced to imprisonment for between three to seven years; 8% were sentenced to imprisonment for between seven to 15 years; and 2% were sentenced to imprisonment from between 15 to 20 years. (Phuong, 2012, p. 174)

Most of them were found guilty of embezzling property, receiving bribes and abusing positions as you can see in the table below:
Table III. Corruption Crimes 2008-2010

<table>
<thead>
<tr>
<th>Crime</th>
<th>2008</th>
<th>2009</th>
<th>1st 3 months 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Embezzling property</td>
<td>436</td>
<td>335</td>
<td>53</td>
</tr>
<tr>
<td>Receiving bribes</td>
<td>123</td>
<td>37</td>
<td>10</td>
</tr>
<tr>
<td>Abusing positions and/or powers while performing official duties</td>
<td>157</td>
<td>206</td>
<td>41</td>
</tr>
<tr>
<td>Abusing powers while performing official duties</td>
<td>7</td>
<td>23</td>
<td>6</td>
</tr>
<tr>
<td>Abusing positions and/or powers to influence other persons for personal profits</td>
<td>0</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Abusing positions and/or powers to appropriate property</td>
<td>55</td>
<td>105</td>
<td>15</td>
</tr>
<tr>
<td>Forgery in the course of employment</td>
<td>11</td>
<td>30</td>
<td></td>
</tr>
</tbody>
</table>

Source: Phuong, 2010, p. 174

5.2.1 Current situation and challenges in anti-corruption measures

Investigation

A specialized investigation agency against corruption – Investigation of Corruption Department of the Ministry of Security – has been established to assist the Director General of Police in directing and guiding police in the investigation of corruption cases, to directly investigate serious corruption cases and organize prevention and fighting of crimes of corruption (Phuong, 2012).
Unfortunately according to Phuong (2012), this agency is not capable of dealing with corruption effectively. The Ministry of Public Security is a governmental agency and the investigators rely upon the decisions of their superiors, otherwise they risk losing their jobs. And the superiors are often high-ranking officials from several levels of hierarchical bureaucracy, which implies that this agency is open to informal influence.

**Adjudication**

Although its independence is stipulated in law, the judiciary is not sufficiently independent and there is no guarantee of a fair trial, because even the judiciary itself is sometimes corrupt (Phuong, 2012).

**Low Salaries of Government Officials and Employees**

The combination of low government wages and a weak monitoring system opens the door for corruption in Vietnam (Phuong, 2012). The wages of public servants are insufficient for living and compared to private sector salaries are relatively low. It is barely enough to meet their regular expenses and means that they need to increase their income, often with corrupt activities. It should be said, however, that it is not a major cause of corruption, which becomes even more rampant and large-scale when it comes to high-ranking officials.

**Lack of Personnel in Anti-Corruption Agencies**

Because of the lack of personnel in anti-corruption agencies, investigators have to deal with more cases than they can effectively handle (Phuong, 2012). The main reasons for this are: low salaries, lack of recognition for their work and a working environment with a high level of job insecurity.

**Lack of Training and Skills in Anti-Corruption Investigation, Prosecution and Adjudication**
Because of the lack of budgetary support, the investigators, prosecutors and adjudicators who deal with corruption cases lack deep knowledge and specialist skills (Phuong, 2012). They often have only cursory training and have to learn from their experience.

**Difficulty in Supervision and Transparency of Income and Property of Public Officials**

Supervision and transparency are difficult to implement even if these would be effective anti-corruption measures (Phuong, 2012).

**Lack of Co-operation between Citizens and the Government on Anti-Corruption Measures**

For effective anti-corruption work to take place, there is a need for full cooperation by the public, but unfortunately this does not take place in Vietnam (Phuong, 2012). This is because of the fear of possible negative repercussions and retaliation and because of a lack of incentives. There is therefore a need to ensure protection and incentive measures for whistleblowers.

The Article 55(3) of the Criminal Procedure Code states (as cited Phuong, 2012, p. 176):

3. Witnesses shall have the following rights:

(a) To ask the bodies which have summoned them to protect their life, health, honour, dignity, property and other legitimate rights and interests when participating in the procedure;

(b) To complain about procedural decisions and acts of agencies and persons with procedure-conducting competence;

(c) To be paid by the summoning agencies the travel and other expenses as prescribed by law.

However, this provision is too general and therefore difficult to implement (Phuong, 2012).
Gainsborough et. al. (2009, p. 381) suggest that “the key objective over time is to make the system more accountable, and to increase the cost of corruption”. Furthermore Gainsborough et.al. (2009, p. 382) recommend:

- Establishing a watchdog body to review the work of AC agencies as a whole, including publication of an annual report to be debated by the National Assembly;

- Addressing problems of conflict interest with local inspectorates by ensuring that the head of the inspectorate retains sufficient independence from the People’s Committee chairman; and

- Establishing an independent complaints committee for the public to log complaints (with sufficient means for the committee to be able to act).

In addition, central to the government’s AC Strategy is its five groups of solutions: (i) transparency, (ii) PAR, (iii) business, including the private sector, (iv) enforcement and (v) strengthening the role of society and the media.

Gainsborough et.al. (2009) suggest that it would be far better to prioritize than to try a little bit of everything, because until now the impacts of PAR or AC have generally failed to reduce corruption.

To summarize: despite the efforts of the government of Vietnam, corruption is still widespread throughout the country, and Vietnam lags behind other Asian countries (Martini, 2012). The Anti-Corruption law adopted in 2005 has not brought the expected results, especially because of a large implementation gap and lack of enforcement. And furthermore due to the restricted capacity of media and civil society organization there is no one to hold the actions of the government to account.
Examples of major corruption scandals in Vietnam:

5.2.2. Nam-Cam Scandal

In 2002, one of the biggest corruption scandals in Vietnam’s history broke out (VNQDD, 2002). A large organized crime gang called Nam Cam that was operating nationwide was exposed. The gang operated mostly in Ho Chi Minh City but its activities spread into Hanoi and members were involved in many shady affairs including bribery, illegal transactions, contraband, fraud, blackmail, extortion, cock-fighting, the sex trade, homicide, etc.

Nam Cam, the head of the organization, was arrested and formally charged in 2001 with masterminding murders, assaults, usury, gambling den operations and bribery (VNQDD, 2002). For 15 years, Nam Cam had been considered one of the most powerful figures in Vietnam (BBC News, 2004). More than 150 people were put on trial with him. Because of his close connections with the local police department, officers from other provinces were sent to arrest him.

Truong Van Cam, alias Nam Cam, or “Cam the fifth sibling”, was a dishonourably discharged RVN soldier in Qui Nhon before 1975 with a history of law breaking. His first brush with the law was at the age of 15, when he was arrested for killing a man during a fight (BBC News, 2004). He moved to Ho Chi Minh City in 1975 and started his “business” (VNQDD, 2002). During this period several Communist officials and state security officers became his close associates. Officially, he was seen as a good citizen who faithfully supported the Communist regime. In fact, his gang was growing fast and he became the “godfather” of a mafia-type syndicate with earnings of several million dollars.

In 1995 he was arrested for the first time but released two years later. But his influence became even greater after his first time in jail. According to the state-owned media he had more than 100 suspected collaborators, serving at all levels of the Party and the government hierarchy. Most of them were in the Ho Chi Minh area and were in charge of criminal investigation, members of the anti-crime task force of chiefs of state security departments. Without the support of high-ranking officials, such a wide and influential range of criminal businesses would not have been possible to establish in Vietnam.
Nam Cam went on trial in 2003 charged with murder, assault, gambling, organizing gambling, organizing bribery, abetting criminals and organizing illegal emigration (BBC News, 2004). He was found guilty and executed in 2004 by firing squad.

5.2.3. PMU 18 Scandal

In 2005, the midfielder Quoc Vuong of Vietnam’s national football team was arrested because of the role he played in fixing the results of the final match of the South East Asia Games (Quinn, 2006). He was apprehended after losing the game and to the disappointment of the whole nation it came out that he had accepted 6,300 USD from a betting agent in a Ho Chi Minh City hotel. Other players in the national team followed his lead soon after. But this was just the beginning of one of the biggest public corruption scandals in Vietnam, known as the PMU 18 scandal.

The PMU 18 was a Transport Ministry project management bureau and appeared to be the government’s richest state agency (Harkey, 2006). It was entrusted with about 2 billion USD that was to be used for road construction and other infrastructure projects. The money was governmental money as well as funds from overseas donors like Japan, the European Union, Australia and the World Bank. The Corrupt activities of the PMU 18 included embezzlement, bribery, nepotism and gambling with public funding (Sato, 2009). Bui Tien Dung, the director of PMU 18, was one of the most prominent officials involved in the scandal (Quinn, 2006). He was believed to have bet over 2.6 million USD and later attempted to pay around 100,000 USD to persuade criminal investigators to bury the case. Both the director of the project and the Deputy Minister of Transport were arrested (Sato, 2009). Others involved included members of the Prime Minister’s Office, a relative of the Communist Party’s Secretary General and a vice chief of police. However, in 2008, charges against the Deputy Minister of Transport were dropped and he had his membership at the Communist Party reinstated.

Two reporters working for Vietnam’s biggest newspapers were arrested for reporting on the scandal (BBC News, 2008). The journalists had to face trial on charges of “abusing democratic freedom” and propagating “false information”. The outcome was a two-year jail
sentence for one of the journalists and freedom for pleading guilty and serving his sentence for the other one.

For the authorities, this became a key topic and they promised to fully investigate the scandal, which involved a rather delicate balancing act because the scandal not only threatens to undermine public confidence, but also places much-needed foreign aid at risk (Harkey, 2006).

5.2.4 Impunity

In contrast to the severe penalties meted out to the Vietnamese citizens, the penalties for public officials are extremely lenient relative to the crimes involved. Furthermore, they are often treated with virtual impunity (FIDH, 2010a). Under Article 298 of the Vietnamese Penal Code, prison guards, police and security agents who ill-treat prisoners or violate their rights face six months to a maximum of twelve years (in cases where ill-treatment results in death) in prison. Yet in practice, penalties look rather different. For example, in July 2010, Nguyen Van Khuong, aged 21 was stopped by the police for not wearing a helmet, after which the police confiscated his bike and took him to the police station, where they beat him to death. There were several demonstrations because of the incident and the family demanded justice for their son. In August 2010, a police sub-lieutenant was arrested on suspicion of having caused the death of the young man. Officials stated that the policeman would face a prison sentence of two to seven years if found guilty, which indicated that the offence did not fall under the category of “particularly serious consequence”, which by law would mean up to 12 years in prison if found guilty.

This case is not exceptional. According to FIDH (2010a), there are several reports of security police assaulting and even firing on citizens for not wearing helmets.
6. **Conclusions**

In this thesis I have attempted to illustrate the theory of structural violence and to apply it to Vietnam. I have elaborated the faces of structural violence that are shown in Vietnam. Firstly, I made an excursion into the theory of structural violence proposed by Johan Galtung and combined this with evidence of human rights violations as a tool to identify structural violence. In my case study, I set out to examine and explore some of the behaviours exhibited by the structure in Vietnam and focused on issues of religious and ethnic minorities and corruption to show the consequences of this structure of violence.

The state of Vietnam is an instructive subject for a case study. Because of its hierarchical system it was very likely that different faces of structural violence could be discovered. Following my research, it is possible to answer the question of whether Vietnam is using structural violence with a definite yes. Yet it is important to separate the structure from the processes. The structure refers to how the system is built while the processes are the consequences of this violent structure.

The structure in Vietnam was shaped by the long and painful history of that country. After decades of occupation, the communist political system operated rather like a final clearance of historic issues and was a development that came for the first time from inside the country. Because of this, the communist system is seen by many Vietnamese as something good, as something that is their own. Yet communism also entails a one-party system in which the party exercises hegemonic control over the state and power is monopolized by a small group of people. A strict system of control is used to shore up this power, a system in which the government controls almost every aspect of reality, a system that is built to retain exclusive access to power by all available means and around which all the laws and regulations are built. Civil society in Vietnam is deprived of access to the structure of government. All attempts to change the system are immediately repressed by the state authorities. To secure a monopoly on power, the state of Vietnam uses an apparatus of repression, of authoritarian rule. The core of that apparatus consists of the vaguely worded Articles of the Penal Code on propaganda against the state. There is no distinction between
violent acts and peaceful exercises of freedom of expression. The offences in the Penal Code are broadly defined and therefore open to interpretation. Interpretations of this law can be used in any way that is needed to repress dissidents and to get rid of any critical voice. The tools the Socialist Republic of Vietnam uses to repress any possible threat are: monitoring and surveillance, harassment, intimidation and violence, arrest, detention, trial and sentencing. And even though there is just a small group of political dissidents, the state employs enormous resources to monitor and repress this group. To avoid international interest in this repression, the state has also created “legal” mechanisms to detain citizens without due process. These mechanisms are the national security legislation and the so-called “three-fold system”. Through the “three-fold system”, the state is able to suppress opposition activists and to keep the population under surveillance and control. With the family residency permit, the state is not only in possession of information about the religious and political background of every family member, but any citizen can be given an “illegal” status through the refusal of the permit. This permit is required for all kinds of administrative procedures, meaning that a refusal to grant the permit, which is very common in the case of political and religious dissidents, puts people into a permanent state of insecurity. Given the key state organs and the tools these employ to retain control over citizens, Vietnam clearly has a repressive structure. And even if those systems and mechanisms are not always used, their very existence represents a constant threat that those laws and mechanisms might be evoked and used against anyone who does something the state considers wrong. And according to Galtung the threat or the fear of violence is also a form of violence. People are cowed by the power wielded by the state and thus deprived of any power in relation to the political elite.

The same can be observed by taking a closer look at the censorship that is used to secure the unchallenged power of the Communist Power of Vietnam (CPV). Despite the fact that freedom of association is guaranteed by the Vietnamese constitution, all organizations are controlled by the Communist Power of Vietnam and are guided by the Vietnam Fatherland Front. They prevent any independent civil society organizations from emerging. Even international NGOs are affected by these laws, restrictions and regulations. Another important field that is used to exercise continuing control is communication. The Internet is a tool that should provide new horizons for communication, social exchange, on-line
journalism and to bypass the official media. It should be a tool to organize alternatives to the political elite and to bring the power back to the people. But in reality, even though Vietnam allows wide Internet access, the authorities are filtering and controlling the content and punishing offenders. Vietnam is one of the world’s worst Internet censors and has one of the largest prison populations of netizens. The same applies to the right to press freedom. The media is used to represent the voice of the state. No newspaper, magazine, radio, TV station, news website or e-newspaper is independent or privately run - they are all controlled by the Communist Party of Vietnam and because of the laws created to regulate it there seems no prospect that things will change in the near future. Journalists run various risks by writing about sensitive topics, including the risk of losing their lives and they thus have a very real incentive for staying within existing guidelines.

To summarize, Vietnam has a strict system in place to suppress any critique of the governing authorities. They have created a framework of laws, regulations and an apparatus of repression to keep their position of power. There are numerous violations of human rights, that represent an implementation of violence and, because they are built into the system, of structural violence. Fundamentally, these have created a violent structure within the Vietnamese system, which can be evoked whenever it is needed. It is always there even if it is not always visible. Only if you dig deep enough into these regulations can you detect the violence within. It is clear how the ranking of the ‘actors’ functions as a system, which shores up the hegemonic system with the help of several tools and mechanisms. This involves not only surveillance, severe penalties or violence, but also the fear of the tools that Vietnam is using to repress their citizens. The Vietnamese state is severe in dealing with dissidents and invests a great deal of effort to suppress the small group of pro-democracy or religious activists, just to ensure that no-one questions the system and that the political elite retain their hold on power.

Of course it can be argued that the police, state security and the army, among others, employ direct violence and therefore cannot be seen as part of a system of structural violence. But even though there may be pure forms of direct or structural violence, this does not preclude a causal relationship between them. It is rather the case that the manifest structural violence often presupposes latent personal violence. The processes of structural
violence cause direct violence, and thus processes are the consequences of the structure, whenever a violent structure is evoked. To obtain a deeper understanding of how the violent structure may be used and what consequences it can produce, I chose two examples of such processes. Racial inequalities are signs of structural violence and are produced by the violent structure. Latent violence already exists before any consequences occur. Ethnic and religious minorities are seen as a threat by the Socialist Republic of Vietnam, and there are reports about high levels of discrimination against ethnic and religious minorities, particularly by government authorities and agencies, even though a constitution provides for the right of equality and non-discrimination. Yet Vietnam has no separate law on discrimination and the provision is generally formulated and therefore open to interpretation. And because these minorities are seen as a threat to the communist system, they experience restrictions, regulations and social injustice. An example of these regulations is the separation between the ‘official’ religion and the illegal religious communities. Religious freedom is guaranteed by the Vietnamese constitution, but there are regulations against the ‘misuse’ of a religion against state policies. Because religion is a crucial element of Vietnamese society and as such cannot be eradicated, the state has subjected religions to a strict system of control. The government suppresses independent religious activity and arrests and detains citizens who engage in independent religious activity or raise their voices in favour of greater religious freedom. Numerous examples of severe sentences and reported measures against religious activists can be found.

Another process that arises from the violent structure is corruption. If human rights are not protected, corruption is very likely to increase. Corruption is an abuse of power that makes it possible for certain people to oppress others. In Vietnam corruption occurs at all levels and all sectors and it is able to exist because of the violent structure. Corruption entails exercising power to create opportunities for private gain. Despite the efforts of the Vietnamese government, corruption remains widespread because of large gaps in implementation of anti-corruption measures and a lack of enforcement. Meanwhile, the restrictions on the media and civil society organisation mean that there is no one to hold the actions of the government to account.
Through my research I detected that structural violence does indeed exist in Vietnam. I also identified the different faces shown by structural violence in the country. The violent structure of the governmental system exists, together with the processes that appear because of the structure. The question now is whether there is going to be a change in the future. On the one hand, there has been a rise of civil society activities in recent years. A civil society presence has always existed in politics, but in recent years there has been an increased effort to form political organizations dedicated to democracy, human rights and religious freedom. Yet those organizations are illegal in the context of the Vietnamese one-party state and there is no sign that they may transform into a major force capable of challenging the governmental structure, especially because of the system the state has built to secure its monopoly on power. With the restrictions on the media, the censorship, the monitoring of dissidents and minorities and the harsh sentences given to political opponents, it is almost impossible to establish a strong opposition party. Nonetheless they do still exist and may be a harbinger of change in the future. But another big problem that may lower the chances of positive change is the attitude towards democracy. For the majority of the population the term ‘democracy’ is linked to repression, westernization and corruption and is not seen as an unqualified good. In the popular view, democracy is connected with the long period of occupation and the (western) regimes under which they had to suffer. Vietnamese communism is not imposed from the outside as it was in many East European countries but is instead a movement that came from within Vietnam. The movement was a final break from the imperialism and colonialism against which Vietnam had to struggle over a long period of time. Because of this and the communist indoctrination in schools, democratization is not a realistic prospect at the present time. Equally, it does not seem as though there will be any profound change in the structure in the near future either.
7. References


Shannon, Kate; Kerr, Thomas; Allinott, Shari; Chettiar, Jill; Shveller, Jean & Tyndall, Mark W. (2008). Social and structural violence and power relations in mitigating HIV risk of drug-using women in survival sex work. *Social Science & Medicine* 66. 911-921


UNPO (Unrepresented Nations and Peoples Organization) (2012). *Alternative Report submitted to the UN Committee on the Elimination of Racial Discrimination at the 80th Session during the consideration of the 10th to 14th Periodic Reports of the Socialist Republic*


8. APPENDIX

8.1. Universal Declaration of Human Rights


PREAMBLE

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 commonpeople,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,
Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore,

THE GENERAL ASSEMBLY

proclaims

THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1.

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2.

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3.

Everyone has the right to life, liberty and security of person.
Article 4.
No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5.
No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6.
Everyone has the right to recognition everywhere as a person before the law.

Article 7.
All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8.
Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9.
No one shall be subjected to arbitrary arrest, detention or exile.

Article 10.
Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11.
(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

**Article 12.**

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

**Article 13.**

(1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

**Article 14.**

(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

**Article 15.**

(1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.
Article 16.

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17.

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18.

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19.

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20.

(1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.
Article 21.

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right to equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22.

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23.

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24.

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.
Article 25.

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26.

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27.

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28.

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.
Article 29.

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30.

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.
8.2. Manifesto on Freedom and Democracy for Vietnam


Manifesto on Freedom and Democracy for Vietnam in 2006

(Manifesto 8406)

by Group 118 in Viet Nam on 8 April 2006

Vietnam, April 8th, 2006

Dear respected fellow-countrymen inside and outside Viet Nam,

We, the undersigned, representatives of Peaceful Democratic Fighters for democracy in Viet Nam, and all People who are craving for an authentic Democracy for our beloved Fatherland, Viet Nam, unanimously declare:

Chapter I – The real situation in Viet Nam

1- In the Revolution of August 1945, the choice of all Vietnamese was National Independence, not Socialism. The Declaration of Independence, dated September 2nd, 1945, by Ho Chi Minh, did not mention a single word about Socialism or Communism. Two main causes that made that August Revolution successful were the People’s Aspiration for National Independence and The gap of power in Viet Nam during that time (The French colonists were unseated from power by the Japanese on March 9th, 1945, and the Japanese surrendered to the Allied Forces on August 15th, 1945).
Obviously, the objective of that August Revolution has been deviously redefined by the Communist Party. And, naturally, the Right of Self-Determination for the Vietnamese People has been totally abolished. There were at least two historical opportunities, one in North Viet Nam in 1954, and the other for the whole of Viet Nam in 1975, for all Vietnamese People to realize their Right of Self-Determination. But that has never been implemented by the malicious Communist Party of Viet Nam (CPV), because according to Lenin, when the dictatorship of the proletariat is established, its very first function is Violence, Terrorism, and Suppression.

2- On September 2nd, 1945, in Ha Noi, Ho Chi Minh, President of the Provisional Government of the Democratic Republic of Viet Nam, solemnly declared to the Vietnamese People and to the whole world: “All men are created equal. They are endowed by their Creator with certain unalienable Rights. Among these are the rights to Life, Liberty and the pursuit of Happiness.” That immortal statement is from the Declaration of Independence of the United States of America, written in 1776. Generalized, it means that all People in the world are born equal, have the right to live, the right to seek happiness and the right to be free. The Declaration of Human and Civil Rights of the French Revolution in 1791 also says: “Men are born and remain free and equal in rights and must always remain free and equal in rights.” This is the Righteousness which no one can deny.” (Excerpts of Viet Nam Declaration of Independence dated September 2nd, 1945).

However, all of these sacred Rights of the Vietnamese People have been brazenly trampled immediately after the Communist government had been formed.

3- In February 1951, the Declaration of the Labor Party of Viet Nam (now the CPV) in the Second General Assembly stated: “The Party’s Ideology is Marxism-Leninism”. And in the party’s Regulations, the Objectives and Guiding Principles section clearly stated: “The Labor Party of Viet Nam utilizes Marxism, Engelism, Leninism, Stalinism and the thoughts of Mao Tse Tung, combined with the realities of the Vietnamese Revolution, as the foundation of its thoughts, and the lodestar for all of the Party’s actions...”
Since then, especially in North Viet Nam after 1954, and in the whole nation after April 30, 1975, the phantom of communism always has oppressed and haunted the minds of the Vietnamese People. It is that phantom, and nothing else, which has destroyed every one of the Vietnamese People’s Rights. Even today, that phantom still claims both the spirit and the body of the Vietnamese People throughout the whole country.

Chapter II - Universal Rule

1- History has proved that under any totalitarian government, communist or otherwise, rights of freedom and democracy have always been mercilessly trampled, differing only in degree. Unfortunately, Viet Nam is one of the few nations in the world which is still governed by a totalitarian Communist regime. This is, in fact, reflected in the fourth article of the Constitution of the Socialist Republic of Viet Nam of 1992: “The CPV...following Marxism-Leninism and the thoughts of Ho Chi Minh, is the force leading the government and the society”. As a result, the rights of freedom and democracy of the Vietnamese People have been completely abolished. At most, only a few tiny broken pieces of these rights still exist.

2- It is this monopolization of power, which by nature never accepts competition or replacement, that has strongly driven the system toward backwardness and degeneration. Because there are no regulations or principles for fair competition in the political arena, the People cannot select the most suitable officials or political groups, since elections are completely orchestrated by the government. Hence, the leadership and management of the country have become more and more corrupt and dismantled from the central government to the local authorities. Consequently, Viet Nam has become a nation lagging far behind other nations in the region and around the world. The resulting national shame and the nationwide catastrophes caused by government mismanagement are extremely difficult to eradicate. The issue of all issues and the cause of all causes is that: the CPV is the sole political force which assumes leadership in our country! Reality has shown that every country which has fallen into the orbit of Communism has been tragically devastated. The Union of Soviet Socialist Republics (USSR), the cradle of Communism, and other socialist
nations in Eastern Europe, have bravely overcome their past and turned themselves around to find the right path for their People.

3- We all understand: no one can correct history, but history can be redirected. From history, we learn that the most important thing we can do is to set the right direction for the future. In the past, the direction of our country was hastily and immaturity chosen by the CPV and imposed by force on our People. Reality has proved that direction to be completely wrong. Therefore, today, we, the Vietnamese People, must again choose our way. And surely, the choice of the whole People will be far superior to that of one single person or any small group. The CPV is only a small subset of the Vietnamese People. Therefore it cannot in the name of the People impose its own choice of direction. Before the People and History throughout more than half of the past century (1954-2006), the CPV has usurped the name but had never the righteousness. The simple reason is that there has never been a truly free election in Viet Nam under the Communist regime.

From the above-mentioned situation and universal laws, with the consciousness of responsible citizens toward the destiny of our beloved country, we beg to make known our thoughts to our fellow-countrymen inside and outside Viet Nam, as follows:

Chapter III - Goals, methods and meanings of the fight

1- The paramount goal in the fight for Freedom and Democracy for our People today is to replace completely the current political regime, not to renovate it partially or to only “adjust” it minutely. Specifically, the current oligarchic, one-party political regime, without competition in the political arena, must be converted to a pluralist, multi-party political system, incorporating wholesome competition, to meet our Country’s legitimate needs. In this regime the three branches, the Legislative, the Executive and the Judiciary, must be clearly separated, in accordance with international standards and with the wisdom that humanity has gained at a very high cost in the building of successful democracies.
Our concrete goals are to re-establish fundamental rights for the Vietnamese People as follows:

- Freedom of Speech in accordance with the International Covenant on Civil and Political Rights, ratified by the United Nations on December 16, 1966 and by the Socialist Republic of Viet Nam on September 24, 1982, article 19.2: “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.” This means that political parties, organizations and individuals have the right to freedom of speech via newspapers, radio, television, or any other form of mass media, without requiring the permission of the government.

- Freedom of meeting, of creating associations and political parties, and of voting in and running for elections in accordance with the International Covenant on Civil and Political Rights, article 25: “Every citizen shall have the right and the opportunity... (a) to take part in the conduct of public affairs, directly or through freely chosen representatives ; (b) to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.” This means that political parties of all ideologies may compete fairly in an authentic pluralist, multi-party democracy.

- Freedom to organize trade unions and legitimate strikes in accordance with the International Covenant on Economic, Social and Cultural Rights, ratified by the United Nations on December 16, 1966 and by the Socialist Republic of Viet Nam on September 24, 1982, articles 7 and 8: “The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work... The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests....(with) the right to strike.” These trade unions must be organizations free to act independently; there must never be any kind of trade union that benefits solely the government at the expense of the workers.
- Freedom of religion according to the International Covenant on Civil and Political Rights, article 18: “Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.” These religions must be independent in their activities and cannot be transformed into instruments of the government.

2- The Method of this fight is peace and non-violence. It is the Vietnamese People who must take the initiative in carrying out this fight. However, we profoundly appreciate the passionate and increasingly effective support of our friends in other nations around the world. Through modern means of communication and increasingly open international relations, we will use these means to find ways to help our fellow-countrymen to complete their knowledge. Once having a clear and correct realization, the Vietnamese People will act appropriately and effectively.

3- The meaning of this fight is to make “the Right subdue the Wrong”, to make progress subdue backwardness, to allow the People’s forces which are correctly applying the principles of life and the trends of our times, to subdue the evil forces which are trying to counteract these trends and principles. The CPV, whether going along with the Vietnamese People or not, depends on the degree to which the CPV is objective, fair, lucid and humble enough to accept the principles of fair competition. Only the one-party political regime must be permanently and definitely buried in the grave of the past. Only then, will the People find only the best persons and parties after each election to lead our nation. The principle “The Righteousness triumphs!” will be established and individual life will become much better, society will become more human and our fellow-countrymen will live together much more amicably.

We sincerely hope that this Manifesto will encourage enthusiastic cooperative action from our fellow-countrymen inside and outside Viet Nam, and the support of our friends around the world. We profoundly thank and call on the United Nations, the Congresses and Parliaments, the Governments, the International Organizations and our friends worldwide to continue their passionate and effective support of this just fight, contributing to help us lead
our Vietnamese Fatherland to join soon with other civilized, ethical, prosperous and free nations in the international community.

Unanimously declared in Viet Nam April 8, 2006

Interim Representatives

of the 118 Peaceful Democratic Fighters on 15 April 2006

Đỗ Nam Hải, Engineer, Sài Gòn.

Trần Anh Kim, Former Military Officer, Thái Bình.

Nguyễn Văn Lý, Catholic Priest, Huế.

The First 118 Peaceful Democratic Fighters

(who have been the first members of Bloc 8406 since the beginning on April 8, 2006)

1. Bs Nguyễn Xuân An, Huế

3. Gv Đặng Văn Anh, Huế

5. Gs Nguyễn Kim Anh, Huế

7. Nv Trịnh Cánh, Vũng Tàu

9. Gv Lê Cẩn, Huế

11. Gv Trần Thị Minh Cẩm, Huế

13. Gv Nguyễn Thị Linh Chi, Cần Thơ

15. Gv Nguyễn Việt Cử, Quảng Ngãi

17. Nv Nguyễn Đặc Cường, Phan Thiết
19. Gv Trần Doãn, Quảng Ngãi
21. Gv Hồ Anh Dũng, Huế
23. Bs Hà Xuân Dưỡng, Huế
25. Ls Nguyễn Văn Đại, Hà Nội
27. Bs Hồ Động, Vĩnh Long
29. Dn Trần Văn Hà, Đà Nẵng
31. Bs Lê Thị Ngân Hà, Huế
33. Vũ Thuỷ Hà, Hà Nội
35. Gv Trần Thạch Hải, Hải Phòng
37. Ks Đoàn Thị Điều Hạnh, Vũng Tàu
39. Gv Phan Thị Minh Hạnh, Huế
41. Nv Trần Hào, Vũng Tàu
43. Giáo viên Lê Lê Hằng, Thừa Thiên-Huế
45. Yt Chế Minh Hoàng, Nha Trang
47. Gv Lê Thu Minh Hùng, Sài Gòn
49. Lm Gk Nguyễn Văn Hùng, Huế
51. Gv Lê Thị Thanh Huyền, Huế
53. Ths Mai Thu Hường, Hải Phòng
55. PTs Nguyễn Ngọc Kế, Huế
57. Ths Nguyễn Quốc Khánh, Huế
59. Cựu Thiếu tá Vũ Kính, Hà Nội
61. Gv Tôn Thất Hoàng Lân, Sài Gòn
63. Bs Vũ Thị Hoa Linh, Sài Gòn
65. Lm Phêrô Phan Văn Lợi, Huế
67. Gv Nguyễn Văn Lý, Hải Phòng
69. Gv Cái Thị Mai, Hải Phòng
71. Gv Nguyễn Văn Mai, Sài Gòn
73. Gv Phan Văn Mẫu, Huế
75. Gv Ma Văn Minh, Huế
77. Bs Huyền Tôn Nữ Phương Nhiên, Đà Nẵng
79. Ths Đặng Hoài Ngân, Huế
81. Ms Ngô Hoài Nở, Sài Gòn
83. Lm Đà Minh Phan Phước, Huế
85. Lm Giuse Cái Hồng Phường, Huế
87. Ks Tạ Minh Quân, Cần Thơ
89. Lm Giuse Trần Văn Quý, Huế
91. Bs. Trần Thị Sen, Nha Trang
93. Ks Hoàng Sôn, Hải Phòng
95. Gs Nguyễn Anh Tài, Đà Nẵng
97. Bs. Tạ Minh Tâm, Cần Thơ
99. Ms Phạm Ngọc Thạch, Sài Gòn
101. Gv Văn Bá Thành, Huế
103. Ths Trần Mạnh Thu, Hải Phòng
105. Nhà văn Hoàng Tiến, Hà Nội
107. Lm Têphanô Chân Tín, Sài Gòn
109. Nv Tôn Nữ Minh Trang, Phan Thiết
111. Bs Nguyễn Anh Tú, Đà Nẵng
113. Gv Lê Trí Tuệ, Hải Phòng
115. Gv Ngô Thị Tường Vi, Quảng Ngãi
117. Ths Hồ Ngọc Vĩnh, Đà Nẵng

2. Gv Đặng Hoài Anh, Huế
4. Bs. Lê Hoài Anh, Nha Trang
6. Gs Nguyễn Ngọc Anh, Đà Nẵng
8. Lm F.X. Lê Văn Cao, Huế
10. Lm Giuse Hoàng Cẩn, Huế
12. Lm Giuse Nguyễn Văn Chánh, Huế
14. Gs Hoàng Minh Chính, Hà Nội
16. Ths Đặng Quốc Cường, Huế
18. Dn Hồ Ngọc Diệp, Đà Nẵng
20. Lê Thị Phú Dung, Sài Gòn
22. Gs Trương Quang Dũng, Huế
24. Cựu Đại tá Phạm Quế Dương, Hà Nội
26. Kt Trần Văn Dọn, Phan Thiết
28. Lm Phêrô Nguyễn Hữu Giải, Huế
30. Gv Lê Thị Bích Hà, Càm Thơ
32. Gv Lê Nguyễn Xuân Hà, Huế
34. Ks Đỗ Nam Hải, Sài Gòn
36. Kt Trần Việt Hải, Vũng Tàu
38. Dn Nguyễn Thị Hạnh, Đà Nẵng
40. Gs Đặng Minh Hảo, Huế
42. Nv Trần Mạnh Hảo, Sài Gòn
44. Lm Giuse Nguyễn Đức Hiếu, Bác Ninh
46. Gv Văn Đình Hoàng, Huế
48. Gs Nguyễn Minh Hưng, Huế
50. Gv Phan Ngọc Huy, Huế
52. Gv Đỗ Thị Minh Hương, Huế
54. Yt Trần Thu Hương, Đà Nẵng
56. Gs Nguyễn Chính Kết, Sài Gòn
58. Gv Nguyễn Đảng Khoa, Huế
60. Nv Bùi Lăng, Phan Thiết
62. Hội trường PGHHTT Lê Quang Liêm, SGN
64. Lm G.B. Nguyễn Cao Lộc, Huế
66. Gv Ma Văn Lựu, Hải Phòng
68. Lm Tạ Đẹp Nguyễn Văn Lý, Huế
70. Gv Cao Thị Xuân Mai, Huế
72. Nv Hà Văn Mẫu, Cần Thơ
74. Nv Lê Thị Thu Minh, Cần Thơ
76. Gv Nguyễn Anh Minh, Sài Gòn
78. Bùi Kim Ngân, Hà Nội
80. Lm G.B. Lê Văn Nghiêm, Huế
82. Gv Lê Hồng Phúc, Hải Phòng
84. Ks Võ Lâm Phước, Sài Gòn
86. Ms Nguyễn Hồng Quang, Sài Gòn
88. Lm Augustinô Hồ Văn Quy, Huế
90. Bs Võ Văn Quyên, Vĩnh Long
92. Cự sĩ PGHHTT Lê Văn Sóc, Vĩnh Long
94. Lm Phaolô Ngô Thanh Sơn, Huế
96. Ks Đỗ Hồng Tâm, Hải Phòng
98. Gs Nguyễn Thành Tâm, Huế
100. Gv Nguyễn Bình Thành, Huế
102. Cự sĩ PGHHTT Ng Văn Thọ, Đồng Tháp
104. Gs Ts Trần Hồng Thư, Sài Gòn
106. Cựu Sĩ quan Trần Dũng Tiến, Hà Nội
108. Gv Nguyễn Khắc Toàn, Hà Nội
110. Gv Chế Thị Hồng Trinh, Huế
112. Bs Đoàn Minh Tuấn, Sài Gòn
114. Yt Trần Thị Hoài Vân, Nha Trang
116. Gv Nguyễn Lê Xuân Vinh, Cần Thơ
118. Ks Lâm Đình Vĩnh, Sài Gòn
8.3. Examples of the use of Death Penalty in Vietnam


Death penalty for drug-related crimes

June 26, 2012: A court in Ho Chi Minh City sentenced a Thai college student to death for her role in a methamphetamine ring that spans two continents. Preeyanooch Phuttharaksa, 23, admitted in court that she flew as far as Togo and Benin to help several African men smuggle 3 kilograms of the drug into Vietnam last year. After meeting a Nigerian known only as Nalin at a Bangkok shopping mall, Phuttharaksa said she agreed in January 2011 to make the delivery for US$1,572, plus $1,000 for expenses. In October, she flew from Thailand to Togo, and then hopped on a bus to Benin to pick up the shipment from two men. Later that month, after layovers in Casablanca and Doha, Phuttharaksa arrived with the illegal suitcase in Ho Chi Minh City. Customs officials at Tan Son Nhat International Airport arrested her upon discovering the methamphetamine. Phuttharaksa is believed to be part of a transnational drug trafficking ring run by Africans in Vietnam who recruit schoolgirls. Before her arrest, Phuttharaksa had sneaked drugs into Vietnam twice, according to the indictment. (Sources: Tuoi Tre, 26/06/2012)

June 20, 2012: A former schoolgirl, 23-year-old Tran Ha Duy, who has been charged with drug trafficking, saw her life sentence increased to the death penalty at the appeal hearing in Ho Chi Minh City. The hearing was opened by the appeal court of the Supreme People’s Court in HCMC, since the Supreme People’s Procuracy had protested the life sentence given to Duy by the City People’s Court on March 27, 2012. The Procuracy claimed that the sentence was inappropriate in light of the nature of her crime. According to the indictment, in October 2010 Duy, then a student at HCMC-based Hong Bang University, engaged in a transnational drug trafficking ring run by foreigners. She later lured her younger sister, 21-
year-old Tran Ha Tien, also a student, to join the ring’s activities. They were paid US$500-1,000 for each international trafficking trip. Tien was arrested at Tan Son Nhat Airport in HCMC in July 2011 after being caught carrying 4 kg of methamphetamine hidden in the bottom of a suitcase from Doha, Qatar. After Tien’s arrest, Duy surrendered herself to police. Duy confessed that in 2007 she happened to meet a Kenyan man, named Francis, on a bus in HCMC. The man later suggested that Duy deliver sample goods, including garments and footwear, from Vietnam to other countries for his company, which would pay her US$1,000 for a delivery to Benin, a West African country, and $500 for delivery to Malaysia. Francis said he would pay for all expenses related to Duy’s trips abroad. She said that after taking a few trips she knew that drugs had been hidden in the goods sent from Vietnam, but she continued working for Francis to enjoy the high reimbursements. At the first instance hearing, Duy and Tien told the court that they had decided to work for the drug ring since they wanted money for their daily needs. Tien was sentenced to 20 years imprisonment, and the sentence was not protested by the Supreme People’s Procuracy. (Sources: tuoitrenews.vn, 21/06/2012)

April 25, 2012: The leader of a drug gang that transported 11 kilograms of synthetic heroin besides marijuana from Ho Chi Minh City to Hanoi in 2009-10 was sentenced to death by a court in the Vietnamese capital. Doan Thi Thuy Hong, wife of the boss Nguyen Ba Thuy, got 20 years for her involvement with the 21-member gang, news website VnExpress reported. Pham Quang Hung, who was in charge of major deliveries by air, got a life sentence, 16 active members got terms of four to 20 years, while the remaining two received suspended sentences of 18 and 24 months. The indictment said the gang only operated for a short time between late 2009 and April 2010, but proved to be “sophisticated and professional.” Thuy would travel frequently to HCMC to get supplies from Cambodia, and Hung would bring them to Hanoi, where Hong would deliver the drug to “retailers” or directly to addicts. The gang successfully did more than 80 trips with drugs before Hung was caught at Noi Bai Airport in Hanoi on April 20. (Sources: Thanh Nien News, 29/04/2012)
April 9, 2012: a Ho Chi Minh City court, Vietnam, sentenced a 30-year-old woman to death for trafficking heroin and other drugs. Le Thi Thu Thao, a native of the Mekong Delta province of Ben Tre, appeared calm and at ease during the three-day trial including after the verdict was announced. Two key members of her 13-strong gang, Pham Thi Hien and her 25-year-old boyfriend Tran Ngoc Thinh, got life sentences. The others got between four and 20 years. Thao left her parents and six siblings for HCMC when she was 16 and got married. After buying heroin for her addicted husband, she realized the massive profits the drug could generate, and walked out on her husband to start a business she believed would make her rich quickly. Herself an addict, she used her good looks and charm to push drugs to customers at night clubs. In 2010 she met Hien at a casino in Cambodia where the latter was selling foreign currencies and persuaded her to find sources to supply heroin to her gang in HCMC. The law caught up with her in August 2010 when police officers in HCMC seized a consignment of 10,000 ecstasy tablets from Cambodia. (Sources: www.thanhniennews.com, 10/04/2012)

February 28, 2012: a Vietnam court has sentenced a man to death after he mistakenly choked to death his cousin in stead of his girlfriend. A court in Ho Chi Minh City sentenced Dao Van Con, 26, to death for the crime, arguing that the crime was premeditated and should have the full force of the law brought down upon the man. According to court records, the 26-year-old man woke his cousin on the evening of October 9, 2010, mistaking her for his girlfriend who was sleeping in the same home, and asking her for sex. His cousin shouted at him and kicked him. In response, he held her mouth and nose shut, suffocating her, according to news reports. Con then stole valuables from the cafe and went on the run with his girlfriend, Thanh Nien newspaper reported. The pair gave themselves up to police after spending all the money. The court gave the waitress five years in jail for failing to report her boyfriend. (Sources: http://bikyamasr.com, 29/02/2012)

**Death penalty for violent crimes**
July 27, 2012: An appeals court in Quang Ninh Province in northern Vietnam upheld the death sentence awarded to a gangster and company director who ordered his people to kill two rivals in a business conflict. Nguyen Tien Phuong, 55, was the director of Quang Phat Company, notorious for dominating the border gate food export market to China from 2000 onwards by intimidating competitors. Phuong had on hand a gang of around 70 people willing to follow his orders. The court of first instance had in August 2010 sentenced Phuong's brother, Nguyen Tien Chung, 49, to death and his employee Bui Hai Bai, 48, to life for their involvement in the murder. They filed an appeal, asking for lighter sentences. While upholding the death sentence for Phuong, the appeals court reduced Chung's sentence to life imprisonment, and Bai's to 20 years in jail. (Sources: thanhniennews.com, 27/07/2012)

June 12, 2012: In Vietnam, the People’s Court in Hanoi opened trial of defendants Phan Thanh Tung and accomplice Truong Trung Hieu, both from Vinh Quynh Commune of Thanh Tri District in Hanoi, for murder and robbery. According to the indictment, on the evening of December 24, 2011, Tung (born 1993) invited Hieu (born 1994) to join hands with him in murdering his grandmother so that he could acquire her gold earrings. Hieu agreed to help Tung in this heinous act and borrowed a motorbike from his father to pick up Tung’s 74-year-old grandmother, Nguyen Thi Nhan. After Hieu arrived, Tung told grandmother Nhan that some people wanted to meet her. Deceived by her grandson, she immediately got on the motorbike and sat between Hieu and Tung. Hieu and Tung drove her to a deserted bridge in Vinh Quynh Commune, where there are several lakes and very few people. In this isolated location Tung choked his grandmother to death, removed her gold earrings, emptied her pockets of 30,000 dong and then with the help of Hieu, threw her body into the lake nearby. At the trial both the defendants expressed remorse and regret for their act, but the judge ruled the offence as very serious and immoral. The trial ended with a death sentence for Tung, and 17 years in prison for Hieu in supporting the crime to rob an old woman. When Hieu had committed the crime he was below 18 years of age and accordingly sentenced to 14 years in prison for murder and three years in prison for robbery. (Sources: talkvietnam.com, 13/06/2012)
May 11, 2012: In Vietnam, a Ho Chi Minh City court has handed the death sentence to the leader of a violent revenge fight that killed two bystanders in 2007. Le Hoang Du Tien, 31, received the death sentence for murder. The same charges gave his gang member Do Van Giau, 36, a life sentence, and Nguyen Minh Thuan, 32, a 20-year jail term. The three were identified as the planners and instigators of the fight at an eatery in District 9 in 2007, Tuoi Tre reported. Tien was from Binh Duong Province, which neighbors HCMC, and so were most of the men than joined his side of the fight, which involved a large number of falchions, which are swords similar to kitana blades. Tien and his men attacked a man named Tuan, the eatery’s owner, and several people who were sitting with him at the restaurant. Tuan had attacked Thuan’s older brother earlier, causing “only slight injuries,” according to the jury. But Tien and his men spared no one in the eatery and killed two people who were, by chance, sitting with Tuan. The judges said the gang members had frightened local residents and showed a disrespect for the law only to show off their power, attacking anyone in the eatery regardless of whether or not they were involved in the previous attack. Three other men involved in the fight received ten years in jail and three others received seven years each. All were charged with murder. (Sources: thanhniennews.com, 11/05/2012)

January 12, 2012: in Vietnam, State President Truong Tan Sang denied clemency for a man who was sentenced to death in Hanoi, for beheading and robbing his ex-girlfriend. Nguyen Duc Nghia, 28, on November 15, 2011, sent a letter to the State President seeking a pardon, but the appeal was rejected. In his appeal, Nghia asked for a review of the indictment from the first trial, which concluded that he had killed his ex-girlfriend Nguyen Phuong Linh in a deliberate, cruel act that deserved the death penalty. According to the indictment, on May 4, 2010, Nghia asked Linh, then 26, to meet him at his new girlfriend’s apartment, he stabbed her to death, then he cut off her head and fingers before wrapping her torso in a blanket, he disposed of the body parts in different places and pawned her motorbike, laptop and mobile phone. Nghia was arrested on May 22, 2010. He was sentenced to death and was ordered to pay VND113 million (US$5,931) in compensation to Linh’s family. The Supreme People’s Court upheld the death penalty in November 2010. (Sources: Thanh Nien News, 1/13/2012)"
8.4. List of Netizens imprisoned


&


Nguyen Van Duyet

Activity: Blogger, social activist

Birth date/Age: September 14, 1980

Date of arrest: August 7, 2011

Sentence: Detained without trial

Charge: Attempting to overthrow the government (Article 79)

Nguyen Van Duyet is the President of the Association of Catholic Workers of Vinh in Hanoi. He also attended courses in citizen journalism organized by Vietnam Redemptorist News and regularly writes for the media network, recently covering the trial of legal scholar Cu Huy Ha Vu in April 2011.

Nong Hung Anh

Activity: Blogger, Hanoi University student

Birth date: 1988
Nong Hung Anh is a fourth year student at Hanoi University, where he is currently studying foreign languages. He writes for prominent blogs such as www.boxitvn.net, a widely popular site founded by environmental activists and baokhongle.wordpress.com. Nong Hung Anh was arrested as part of a larger crackdown currently totaling 17 human rights defenders.

Paulus Le Son
Activity: Blogger, social activist
Birth date: October 10, 1985
Date of arrest: August 3, 2011
Sentence: Detained without trial
Charge: Attempting to overthrow the government (Article 79)

Paulus Le Son is a community organizer and prominent writer for Vietnam Redemptorist News (VRNs). A resident of Hanoi, he is an active community organizer for issues such as HIV, public education, and serves as member of the John Paul II Group for Pro-Life. His popular personal blog (paulusleson.wordpress.com) covers issues of social justice, human rights and sovereignty. He was arrested as part of a larger crackdown currently totaling 17 human rights defenders (mostly from Vinh Province).

Dang Xuan Dieu
Activity: Blogger, social activist, engineer
Birth date: July 8, 1979
Date of arrest: July 30, 2011

Sentence: Detained without trial

Charge: Attempting to overthrow the government (Article 79)

Dang Xuan Dieu is an engineer and community organizer, active in mobilizing access to education for poor students and assistance for victims of typhoons and disabled persons. He is a contributing citizen journalist for Vietnam Redemptorist News and is a member of the Congregation of the Most Holy Redeemer. He was arrested upon arriving at Tan Son Nhat Airport in Saigon, as part of a larger crackdown currently totaling 17 human rights defenders (mostly from Vinh Province).

Ho Duc Hoa

Activity: Blogger, community organizer

Birth date/Age: March 6, 1974

Date of arrest: July 30, 2011

Sentence: Detained without trial

Charge: Attempting to overthrow the government (Article 79)

Ho Duc Hoa is a community organizer and a contributing journalist for Vietnam Redemptorist News. A member of the Vinh Diocese, Hoa is also a member of the John Paul II Group for Pro-Life and is active in mobilizing access to education for poor students and assistance for victims of typhoons and disabled persons. His detention is part of a larger crackdown currently totaling 17 human rights defenders (mostly from Vinh Province).

Nguyen Van Ly

Activity: Catholic priest
Age: May 14, 1946

Date of arrest: February 19, 2007

Sentence: Sentenced to 8 years imprisonment on March 30, 2007; released on medical parole on March 15, 2010 and re-jailed on July 25, 2011

Charge: Propaganda against the socialist state (Article 88)

Father Nguyen Van Ly has spent over 15 years in prison for the causes of democracy and human rights. Initially arrested in September 1977 and sentenced to 20 years in a labor camp near Hue, he was later released but prohibited from engaging in religious activities. On March 30, 2007, in a broadcasted show trial, authorities muzzled him while he tried to defend himself. He is a one of the founders of Bloc 8406 and past editor of an underground publication.

Nguyen Ngoc Cuong

Activity: Land rights activist

Birth date: 55 years old

Date of arrest: April 2011

Sentence: Sentenced to 7 years imprisonment on October 21, 2011

Charge: Propaganda against the socialist state (Article 88)

Current location: Dong Nai Province

Nguyen Ngoc Cuong publicized the plight of dispossessed farmers by passing out leaflets and giving interviews on online forums. At his trial, he was accused of creating a politically-oriented chat room on Paltalk where he "spoke against the people’s government, misrepresented the direction and policies of the party and state."
Cu Huy Ha Vu

Birth date: December 2, 1957

Activity: Human rights lawyer

Date of arrest: November 5, 2010

Sentence: Sentenced to 7 years imprisonment followed by 3 years house arrest on April 4, 2011

Charge: Propaganda against the socialist state (Article 88)

Cu Huy Ha Vu is a prominent government critic and human rights lawyer. He filed unprecedented lawsuits against the government—including suing Prime Minister Nguyen Tan Dung for violating laws on environmental protection, national security and cultural heritage by approving a Chinese-run bauxite mining project in the Central Highlands. His law firm provided legal assistance to democracy activists and, prior to his arrest, to six Catholics from Con Dau parish who had protested government confiscation of Church properties.

Vi Duc Hoi

Birth date: August 12, 1956

Activity: Writer, former Communist Party member

Date of arrest: October 27, 2010

Sentence: Sentenced to 8 years imprisonment (later reduced to 5 years) followed by 5 years house arrest on January 26, 2011

Charge: Propaganda against the socialist state (Article 88)

A Communist Party member from 1980 to 2007, Vi Duc Hoi attended the elite Nguyen Ai Quoc Party School in Hanoi. He is the most senior Communist Party member tuned democracy activist. He has written extensively on the need for political pluralism and documented the failings of the current system. Hailing from the remote province of Lang Son...
in the north, Vi Duc Hoi belongs to the largest minority group in the country. He is a recipient of Human Rights Watch’s Hellman/Hammett award.

**Phan Thanh Hai**

Birth date: 1969

Activity: Blogger, attorney

Date of arrest: October 18, 2010

Sentence: Detained without trial

Charge: Propaganda against the socialist state (Article 88)

Phan Thanh Hai, a well-known figure in the Vietnamese blogosphere, writes under the pen name AnhBaSG (Saigon Brother Three). He is a member of the unsanctioned Club of Free Journalists of which prominent bloggers Dieu Cay and Ta Phong Tan are also members. He is a recipient of the Hellman/Hammett award from Human Rights Watch

**Nguyen Xuan Nghia**

Birth date: 1950

Activity: Writer

Date of arrest: September 11, 2008

Sentence: Sentenced to 6 years imprisonment followed by 6 years house arrest on October 9, 2009

Charge: Prison Camp K3, Ha Nam Province

Current location: Prison Camp 6, Nghe An Province
Nguyen Xuan Nghia is one of the leaders of Bloc 8406. He was arrested on the night of September 11, 2008 for organizing peaceful protests against China. He had been previously detained in Hanoi while preparing for a peaceful demonstration against the Beijing Olympic Torch Relay on April 29, 2008. He is a recipient of Human Rights Watch’s Hellman/Hammett award.

**Nguyen Manh Son**

Birth date: 1943

Activity: Blogger

Date of arrest: September 2008

Sentence: Sentenced to 3 years, 6 months followed by 3 years house arrest on October 9, 2009

Charge: Propaganda against the socialist state (Article 88)

A former member of the Vietnamese Communist Party, Nguyen Manh Son became a dissident in the late 1980s. From 1995 to 2008, he wrote 22 articles and poems calling for political pluralism and the abolition of Article 4 of the Constitution, which gives monopoly power to the VCP. In September 2008, he participated in the hanging of a banner in Hai Phong calling for the defense of territorial integrity and a multiparty system for Vietnam.

**Nguyen Van Tuc**

Birth date: 1964

Activity: Farmer, poet

Date of arrest: September 10, 2008

Sentence: Sentenced to 4 years imprisonment followed by 3 years house arrest on October 9, 2009
Nguyen Van Tuc is known for his writings against social injustice, especially an August 2006 letter denouncing the corruption of communist officials in Thai Binh province and an article titled “The Party, then and now” where he criticizes the current policies of the Vietnamese Communist Party. Arrested in September 2008 for participating in the hanging of banners calling for democracy, Nguyen Van Tuc was detained without trial for over a year.

**Nguyen Kim Nhan (IGFM, 2012)**

Age: 62

Activity: human rights activist

Date of arrest: 9 October 2009

Sentence: Sentenced to 5,5 years imprisonment followed by 4 years house arrest

Charge: conducting anti-governmental propaganda

**Pham Van Troi**

Birth date: 1977

Activity: Engineer

Date of arrest: September 10, 2008

Sentence: Sentenced to 4 years imprisonment followed by 4 years house arrest on October 7, 2009

Charge: Propaganda against the socialist state (Article 88)

A member of the Committee for Human Rights in Vietnam, Pham Van Troi was subjected to public denunciation in June 2008 by an organized group of 300 Communist Party members and beaten up in the presence of police officers. Despite constant police intimidation, he
travelled to meet other democracy activists and wrote about the harassment from authorities. He is a recipient of Human Rights Watch’s Hellman/Hammett award.

Nguyen Tien Trung (threatened Voices, 2012)

Activity: Blogger

Blog: http://360.yahoo.com/blog-i3Ms.X8lfKiENE1VLHg8

Date of Arrest: 07 Jul 2009

Nguyen Tien Trung, an active member of the Vietnam Democratic Party, was arrested on 7 July, just a few hours after being discharged from the army for refusing to take an oath. The Vietnam Democratic Party was revived in 2006, after being disbanded for 20 years. The policemen who took him away from his home in Ho Chi Minh City were led by the same officer who arrested dissident lawyer Le Cong Dinh last month.

Aged 25, Nguyen Tien Trung could be charged under Article 88 of the criminal code although relatives and friends insisted to Reporters Without Borders that he has never been involved in any anti-Vietnamese activity. (RSF)

Le Cong Dinh

Birth date: October 1, 1968

Activity: Attorney

Date of arrest: June 13, 2009

Sentence: Sentenced to 5 years imprisonment followed by 3 years house arrest on January 20, 2010

Charge: Attempting to overthrow the government (Article 79)
A renowned commercial lawyer and former Fulbright scholar, Le Cong Dinh successfully represented Vietnamese interests in a landmark trade suit with the United States. He wrote articles on political reform that were published by progressive newspapers in Vietnam. Beginning in 2007, he provided legal counsel to prominent dissidents on trial. He was convicted of subversion in 2010 based on his participation in the Democratic Party of Vietnam and attendance at a training session on nonviolent struggle organized by Viet Tan

**Nguyen Van Hai**

Birth date: September 23, 1952

Activity: Blogger

Date of arrest: April 19, 2008

Sentence: Sentenced to 2.5 years imprisonment on September 10, 2008; detention period extended without trial

Charge: Tax evasion (Article 161)

Writing under the pen name Dieu Cay (peasant’s water pipe), Nguyen Van Hai is one of Vietnam’s pioneering citizen journalists. Through his Yahoo360 blog, Dieu Cay exposed government corruption, called for freedom of expression and was among the first Vietnamese to criticize China’s annexation of the Paracel and Spratly Islands. He was arrested while calling for a boycott of the Beijing Olympic Torch Relay. Convicted originally for tax evasion, he remains in jail under new charges of anti-state propaganda
8.5. Further religious prisoners of concern

Source: USCIRF, 2012, p. 264 f

Father Nguyen Van Ly was returned to prison in July 2011 to serve the rest of his eight-year sentence. He had been granted a medical parole in March 2010 after suffering several strokes in prison that left him partially paralyzed. Father Ly has been imprisoned numerous times for his religious freedom and human rights advocacy, including after he submitted testimony to a 2001 USCIRF hearing on Vietnam. A USCIRF delegation was allowed to meet with Fr. Ly in May 2009.

Hoa Hao activists Nguyen Van Lia and Tran Hoi An were sentenced to five and three years, respectively, for —abusing democratic freedom‖ (Article 258 of the Criminal Code). The two were arrested in November 2011 for allegedly possessing printed materials, CDs, and DVDs criticizing the Vietnamese government’s religious record. Both men are part of an independent Hoa Hao community in An Giang province and met with USCIRF in 2009 to discuss religious freedom violations. At least twelve other Hoa Hao are serving sentences for peaceful public protests against religious freedom restrictions.

Falun Gong practitioners Le Van Thanh and Vu Duc Trung were each sentenced in September 2011 to two years for —illegally using information in computer networks‖ (Article 226 of the Criminal Code). The two men operated a short-wave radio broadcast called Sound of Hope broadcasting information about human rights abuses in China. Thirty Falun Gong practitioners were beaten and briefly detained for staging a peaceful meditation protest outside the Chinese embassy. Falun Gong is not explicitly banned in Vietnam.

On December 30, 2011 Pastor Nguyen Trung Ton, the head of the Full Gospel Church in Thanh Hoa province, was sentenced to two years’ house arrest for —collecting documents and writing articles which tarnished the reputation of the Communist Party and the Socialist regime.‖
In April 2011, Pastor Nguyen Cong Chinh, a long-time government critic and religious freedom advocate, was arrested for allegedly — disrupting national unity’s policy — according to Article 87 of the penal code. His current whereabouts are unknown.

Two ethnic minority Protestant pastors Ksor Y Du and Kpa Y Ko remain in prison for — undermining national unity — after being sentenced in 2011 for allegedly being part of anti-government organizations and making calls to relatives in North Carolina. The family and the leaders of the Good News Mission denomination claim that the charges are completely fabricated and due to the growing number of converts achieved by the two pastors. Ksor Y Du was reportedly handcuffed and dragged behind a motorbike to the police station and both men were repeatedly tortured in prison in order to elicit a confession. In addition, family members were asked to provide evidence against the two religious leaders in exchange for money and food, but refused.

Also remaining in prison is Cam Tu Huynh, a leader of an unrecognized sect of the Cao Dai faith who was arrested in 2010 for criticizing several police officers for breaking up a public protest against the government-sanctioned Cao Dai Administrative Board, as well as two Catholic residents of Con Dau village, arrested for staging a banned burial ceremony on land the government wanted to buy to build an eco-tourism resort.

Over a dozen religious leaders are being held under long-term administrative detention (house arrest) orders, including UBCV leader Thich Quang Do and other UBCV leaders, Catholic Fr. Phan Van Loi, Hoa Hao leader Le Quang Liem, Protestants Nguyen Van Dai and Le Thi Cong Nhan, and Mennonite leader Nguyen Thi Hong.

Khmer Buddhist abbot Thach Sophon continues to serve a house detention sentence given in 2010. The situation of the ethnic Khmer Buddhists has been an underreported problem in the State Department’s Religious Freedom report.

Hundreds of Montagnard Protestants arrested after 2001 and 2004 demonstrations for religious freedom and land rights remain in detention in the Central Highlands. Authorities in the Central Highlands have targeted independent Protestants and Catholic religious groups to prevent future demonstrations. Montagnard Protestants who engage in independent religious activity have been subject to a number of short-term detentions, disappearances,
forced renunciations of faith, and mistreatment in custody. According to Human Rights
Watch, as many as 70 people were detained in 2010 in the Central Highlands, many for
conducting —illegal religious services. In the past year, USCIRF has been able to confirm
police detention and disappearance of at least 11 ethnic minority Protestants and Catholics
in Gai Lai province. The number may be much higher given the intensity of the government’s
ongoing campaigns to curtail —illegal religious activity.
SUMMARY

Most scientific work about Vietnam is focused around the Vietnam War, the reform course (Doi Moi) or human right violations, yet there is nothing to find about structural violence in Vietnam. In this work, Johan Galtung’s theory of structural violence is applied to the case of Vietnam. It provides an excursion into the theory of structural violence combined with human right violations to identify structural violence. This thesis provides an insight into the one-party system in Vietnam and the various instruments of control and repression employed by the party to retain power. It explores and examines some of the behaviors shown by the structure in Vietnam and in particular taking up the case of ethnic and religious minorities as well as corruption as examples of processes or consequences of that structure.

Vietnam has a strict system in place to suppress any critique of the status quo. The communist party exercises hegemonic control over the state and power is monopolized by a small group of people. The government controls almost every aspect of public life and civil society is deprived of access to the structure of the government. All attempts to change the system are quickly repressed by the state authorities. To secure power, the state of Vietnam uses an apparatus of repression, of authoritarian rule. At the centre of this apparatus are the vaguely worded Articles of the Penal Code on propaganda against the state. Offences according to the Penal Code are broadly defined and therefore open to interpretation. The tools the Socialist Republic of Vietnam uses to repress any possible threats comprise: monitoring and surveillance, harassment, intimidation and violence, arrest, detention, trial and sentencing. Even though there is the group of political dissidents is small, the state invests enormous resources in monitoring and repressing this group.

Structural violence causes direct violence through its processes. And thus processes are the consequences of the structure, where the violent structure becomes evident. To obtain a deeper understanding of how the violent structure can be used and what consequences it can produce, two examples are chosen to illustrate this. The first concerns the right of ethnic and religious minorities. Racial inequalities are signs of structural violence and are produced
by the violent structure itself. Latent violence is already in existence before any consequences are evident. Ethnic and religious minorities are viewed as a threat by the Socialist Republic of Vietnam, and there are high levels of discrimination against ethnic and religious minorities, particularly by government authorities and agencies, even though the constitution provides for the right of equality and non-discrimination.

Another process that stems from the violent structure is corruption. If human rights are not protected, corruption is very likely to increase. Corruption is an abuse of power and makes it possible for certain people to oppress others. In Vietnam, corruption occurs at all levels and all sectors and it is able to occur because of the violent structure that is in place. Corruption is the exercising of power to create opportunities for private gain. Despite anti-corruption measures taken by the government of Vietnam, corruption is still widespread because of large gaps in implementation and a lack of enforcement. Furthermore, because of the restrictions placed upon the media and civil society organizations there is no one to hold the actions of the government to account.
ZUSAMMENFASSUNG


Strukturelle Gewalt verursacht direkte Gewalt aufgrund ihrer Prozesse. Diese Prozesse sind Konsequenzen der Struktur, anhand derer die gewaltvolle Struktur sichtbar wird. Um ein

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