



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of Racial Discrimination**

**Reports submitted by States parties under article  
9 of the Convention**

**Tenth to fourteenth periodic reports of States parties due in  
2009**

**Viet Nam\*, \*\*, \*\*\***

[14 June 2011]

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\* This document contains the tenth to fourteenth periodic reports of Viet Nam due in 2009. For the sixth to ninth periodic reports and the summary records of the meetings at which the Committee considered this report, see documents CERD/C/357/Add.2, CERD/C/SR.1480 and 1481, and CERD/C/SR.1490.

\*\* In accordance with the information transmitted to the States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

\*\*\* Annexes can be consulted in the files of the Secretariat.

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## Introduction

1. Viet Nam's combined tenth to fourteenth periodic reports on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) for the period 2000–2009 was prepared in accordance with the guidelines of the Committee on the Elimination of Racial Discrimination.

## Part One: General information

### I. Viet Nam: country and people

2. Viet Nam covers a total area of 331,216.6 km<sup>2</sup>, consisting of landmass situated in the Indochina Peninsula and numerous islands and archipelagos in the Eastern Sea (South China Sea). The country is geographically long with diverse areas and regions, of which mountainous areas make up three quarters of the total area, resulting in the distinctive characteristics and the rich and diverse culture. Currently, Viet Nam has 63 provinces and cities under the administration of the central government with 673 districts and 10,095 communes/wards/towns.<sup>1</sup> Viet Nam's population stands at 85,846,997 people (as of April 2009), 73% of whom live in rural areas. The population growth rate declined from 1.7% during 1989–1999 to 1.2% during 1999–2009.<sup>2</sup>

3. Viet Nam is a unified nation comprising 54 ethnic groups living side by side with each other, of which the Kinh group accounts for the majority (85.7%). The remaining 53 ethnic groups amount to 12.253 million, accounting for 14.3% of the total population.<sup>3</sup> The community of the different Vietnamese ethnic groups was founded and grew together throughout the history of thousands of years of nation-building and defence, which helped form a unified Vietnamese nation. Some of the 53 ethnic groups have a population of over one million, others have a very small population, and five groups have less than 1,000 people. The ethnic minorities are distributed throughout the country, mostly living in the mountainous regions, sharing the same area with others without ethnic-specific areas. This reflects the harmony of the community of Vietnamese ethnic groups, which dates back a long time, and has become their historical and cultural characteristic. It also helps them understand one another better, as well as unite and assist one another for common development.

4. Viet Nam has a long-standing cultural tradition and is a multi-ethnic and multi-religious country. Each of the 54 ethnic groups in Viet Nam has its own traditional religion and beliefs closely associated with economic, cultural and social life. In Viet Nam, there are exogenous religions, such as Buddhism, Catholicism, Protestantism, Islam, Bahá'í, as well as endogenous ones, such as Cao Dai, Hoa Hao Buddhism, Tu An Hieu Nghia, etc. Religions in Viet Nam have the traditions of harmony, adherence and companionship with the nation. Followers of different religions live together harmoniously in the community of the Vietnamese ethnic groups.

5. Following over 20 years of *doi moi* (reform policy), Viet Nam has made remarkable progress in economic growth, creating the momentum for national development and significant improvements in the people's living standards. The market economy and the

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<sup>1</sup> Data from the General Statistics Office (2007).

<sup>2</sup> 2009 Population and Housing Census.

<sup>3</sup> 2009 Population and Housing Census.

country's openness also have negative effects, such as an increasing income gap, urban-rural disparity in living standards, and the diminishing capacity of integration by vulnerable groups, such as women, children, ethnic minorities, persons with disabilities, etc.

6. These are the challenges that Viet Nam should address in striking the balance between economic growth and ensuring social security to enable all citizens to enjoy their fundamental rights. Viet Nam's efforts to protect and promote human rights will be reviewed comprehensively in the context of the particularities in terms of its history, the country, people and society.

7. Since 2000, Viet Nam has overcome many obstacles and gained encouraging achievements. The fact that Viet Nam has successfully implemented the 10-year socio-economic development strategy 2001–2010 and stopped being a low-income nation has reaffirmed its appropriate policies. The country has overcome the global crisis, sustained economic growth and social development, poverty reduction, environmental protection in a sustainable way. The average annual GDP growth during 2001–2010 reached 7.2%. Per capita income was US\$1,052, US\$1,064 and US\$1,170 in 2008, 2009 and 2010 respectively. Once among the poorest countries in the world, Viet Nam has moved to the status of a low middle-income country.<sup>4</sup>

8. Along with the fast and stable rate of economic growth, the economic structure of Viet Nam has changed substantially. The proportion of the agriculture, forestry and fishery sectors in GDP decreased from 23.2% in 2000 to 17% in 2009, while the proportion of the industry and construction sectors increased from 35.4% to 41.6%. In 2009, the shares of agriculture/forestry/fishery, industry/construction and services were 20.91%, 40.24% and 38.85% respectively. The figures for 2010 were 20.58%, 41.09% and 38.33% respectively.<sup>5</sup>

9. The change in economic structure has brought about significant changes in the labour structure. The proportion of workers in the agriculture, forestry and fishery sectors has decreased from 65% to about 50%; in the industry and construction sector, from 13% to 23%; and in the service sector, from 15% to 27%. The system of markets has been fundamentally established and gradually developed nationwide in connection with the world market. The business and investment environment has been significantly improved, moving towards a level playing field for all economic sectors. From an economy comprising primarily of State enterprises and cooperatives, the private economic sector now contributes over 60% of the GDP, employs 90% of the labour force, and accounts for over 70% of the total export value.

10. Viet Nam has recorded significant achievements in social development. The average number of jobs created each year has increased by approximately 1.7 million. Unemployment in the urban area is kept under 5% to 6%. The poor has gradually increased access to basic social services. Infrastructure in poor areas has been improved, especially in mountainous, remote ethnic minority areas. Therefore, the living standards of the poor have changed significantly. In 2009, the ratio of poor households nationwide decreased to 13.1%.<sup>6</sup> Much attention has been paid to health care, and the health network has been strengthened and upgraded. Prevention actions have been enhanced. New diseases have been promptly dealt with. Average life expectancy has risen from 71 years in 2002 to 73 years in 2009.<sup>7</sup> In addition to maintaining the universalisation of primary education, the universalisation of secondary education has recorded significant progress. Enrolment in universities, colleges, high schools and vocational schools has increased by 20% per

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<sup>4</sup> Viet Nam MDG Report 2010.

<sup>5</sup> Viet Nam MDG Report 2010.

<sup>6</sup> Viet Nam MDG Report 2010.

<sup>7</sup> 2009 Population and Housing Census.

annum. Notably, the human development index of Viet Nam rose significantly from 0.688 in 2002 to 0.733 in 2007 (ranking 105<sup>th</sup> out of 177 countries).<sup>8</sup>

11. Viet Nam has been pursuing the consistent foreign policy of independence, self-reliance, diversification and multilateralisation of international relations. Viet Nam is ready to be a reliable friend and partner of all countries in the international community and of international organisations, striving for peace, independence and development. External relations continue to expand. The increased role and stature of Viet Nam in regional and international integration has been manifested through its recently becoming the 150<sup>th</sup> member of the World Trade Organization and a non-permanent member of the United Nations Security Council in 2008–2009, and the assumption of the 2010 Chairmanship of the Association of Southeast Asian Nations (ASEAN). Viet Nam has proactively participated in and contributed to the resolution of international issues of common concern.

12. Despite significant achievements, there remain many challenges in socio-economic development relating to sustainable development, competitiveness, human resources, low per capita income, high poverty relapse rate, especially in mountainous, remote and economically disadvantaged areas. Besides, climate change, natural disasters and the global economic crisis have significantly affected production and people's lives. They also present significant challenges to Viet Nam's socio-economic development in the time to come.

## **II. Political system and State apparatus**

13. The Communist Party of Viet Nam provides the leadership for the State and the society. All the Party's organisations operate in accordance with the Constitution and the law.

14. The Fatherland Front of Viet Nam and its member organisations (Ho Chi Minh Communist Youth Union, Vietnamese Women's Union, Farmers' Association and Viet Nam's Confederation of Labour) constitute the political basis of the people's administration. The Fatherland Front builds on the tradition of unity, strengthens political and spiritual consensus among the people, participates in the building and consolidation of the people's administration and, together with the State, cares for and protects the legitimate interests of the people.

15. The State of the Socialist Republic of Viet Nam is a State of the people, by the people and for the people. All the power of the State belongs to the people, having at its core, the alliance of workers, farmers and intellectuals.

16. The National Assembly is the organ with the highest power. It is the highest representative body of the people, the only organ with the power to adopt the Constitution and laws, make decisions on the most important issues of the country, and exercise the supreme monitoring of all State activities. The Standing Committee of the National Assembly is the permanent body of the National Assembly. In recent legislative sessions, the National Assembly of Viet Nam conducted vigorous reforms with a view to improving the quality of its work, both in terms of substance and working method, and adopting laws and resolutions related to human rights.

17. The Government is the executive body of the National Assembly, the highest State administrative body of the Socialist Republic of Viet Nam. The Government assumes the unified administrative execution of all political, economic, cultural, social, national defence, security and external relations tasks of the State, ensures the effectiveness of the

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<sup>8</sup> 2007 Human Development Report.

State apparatus from the central to grassroots level, as well as respect for and observance of the Constitution and laws, promotes the mastership of the people in the cause of national construction and defence. The Government is accountable to the National Assembly and reports on its work to the National Assembly, the Standing Committee of the National Assembly and the President of the State. During the period 2002–2011, the Government underwent many organisational and structural changes towards a clearer division of functions and responsibilities of each ministry and ministerial-level agency, with a view to avoiding overlaps, reducing middle layers and making the State apparatus work more effectively.

18. The People’s Council (at provincial, district and commune levels) is the local State authority, representing the will, aspiration and mastership of the people, elected by and accountable to the local people and superior State authorities.

19. The People’s Committee (at provincial, district and commune levels) is elected by the respective People’s Council. This is the executive branch of the People’s Council, a local state administrative body responsible for the execution of the Constitution, laws and documents issued by superior State bodies and resolutions of the People’s Council at the same level.

20. The People’s Court and the People’s Procuracy (People’s Supreme Court, People’s Supreme Procuracy, People’s Courts and Procuracies of provinces and districts) are responsible within their mandates for protecting the socialist rule of law, the socialist regime and the mastership of the people, State and collective properties, and safeguarding the life, properties, freedoms, honour and dignity of the people.

### **III. Views and legal framework on human rights**

21. Viet Nam considers the human person as the ultimate goal and the driving force of all socio-economic development policies and consistently pursues policies to ensure and promote human rights.

22. Viet Nam’s legal framework includes the Constitution, laws, ordinances and other normative acts with many provisions on guaranteeing human rights. The 1992 Constitution stipulates that “in the Socialist Republic of Viet Nam, human rights in political, civil, economic, cultural and social aspects are respected, as expressed in the rights of citizens” (Article 50); “The State exercises the policy of equality and solidarity among ethnicities, and prohibits all acts of ethnic discrimination and segregation” (Article 5). All citizens are equal before the law and have the right to participation in the administration of the State and society, freedom of belief and religion, freedom of movement and residence within Viet Nam, right to complaint and denunciation, work, education, health care, etc. without discrimination as to sex, ethnicity or religion. Based on the Constitution, Viet Nam’s normative acts further concretise these rights in accordance with international human rights standards.

23. While continuing to develop and refine the domestic legal system on guaranteeing human rights, Viet Nam has concluded, acceded to and implements the most important international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child. Viet Nam is also a party to 17 International Labour Organization conventions and is considering ratification of the International Convention on the Rights of Persons with Disabilities and accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment. In case of contradiction between provisions

of the domestic law and the international treaties to which Viet Nam is a party, the relevant international treaties shall be applicable.

24. Through their own experience, the State and people of Viet Nam understand that human rights are always associated with peace, independence, democracy and development. Maintaining peaceful and stable environment since national reunification has been a major success and also a solid foundation for the protection and exercise of human rights in Viet Nam. During the reform process in Viet Nam, great importance has been attached to macro-economic adjustments and socio-economic development programmes with a view to achieving the goals of economic growth and increasingly better material and spiritual life for the people. This provides the necessary prerequisites for the exercise of the rights of the people in all areas.

25. Viet Nam has been recognized by the international community as one of the leading countries in poverty reduction. This is Viet Nam's top priority in promoting human rights in line with the country's situation and the Millennium Development Goals of the United Nations. The implementation of the "Comprehensive Poverty Reduction and Growth Strategy," adopted by the Government in May 2002 and based on the 2001–2010 Socio-economic Development Strategy, has been instrumental to the decline in the poverty rate from 58.1% in 1993 to 13.1% in 2009. As a result, Viet Nam is one of the first countries to achieve the Millennium Development Goal on poverty reduction.<sup>9</sup>

26. Viet Nam has been implementing, in a uniform manner, the Strategy on judicial reform to 2020, the Strategy on development and improvement of Viet Nam's legal system to 2010 with vision to 2020, and the Strategy for socio-economic development to 2010 which have incorporated the Millennium Development Goals, together with broadened and deepened administrative reforms, strengthened democratic regime and enhanced social equity and security, etc. These actions are aimed at promoting harmoniously all civil, political, economic, social and cultural rights of the people in line with the common interests of the nation, the community and the particularities of the country.

27. Viet Nam pays special attention to vulnerable groups, such as women, children, ethnic minorities, people living with HIV/AIDS and persons with disabilities, including victims of agent orange. For each of these groups, Viet Nam employs concrete priority mechanisms and policies to protect, support and facilitate their social development and inclusion.

28. Viet Nam has actively contributed to the work of the Human Rights Council and cooperated fully with the United Nations human rights mechanisms. In September 2009, Viet Nam completed its reporting under the Universal Periodic Review (UPR) at the Human Rights Council, with recognition of its encouraging achievements, including those relating to the rights of persons belonging to ethnic minorities. Honouring the commitment expressed during the UPR process, Viet Nam received the Independent Expert on minority issues (July 2010), the Independent Expert on the question of human rights and extreme poverty (August 2010), and the Independent Expert on the effects of foreign debt (March 2011). Viet Nam is also actively engaged in the process of the establishment and the work of the ASEAN Inter-governmental Commission on Human Rights, and served as its Chair in 2010, as well as participated in many international and regional conferences on human rights. Viet Nam conducted human rights dialogues with a number of partners, including Australia, Norway, Switzerland, the United States and the European Union, thereby helping to enhance mutual understanding and produce positive results.

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<sup>9</sup> Viet Nam MDG Report 2010.



## **IV. Preparation of the report**

29. An inter-agency Working Group was established to prepare the report, comprising the Office of the Government, the Committee for Ethnic Minority Affairs, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Public Security, the Ministry of Home Affairs, the Ministry of Planning and Investment, the Ministry of Labour, War Invalids and Social Affairs, the People's Supreme Court, the People's Supreme Procuracy, the Ethnic Council of the National Assembly. The Committee for Ethnic Minority Affairs was appointed as the focal point for the preparation of the report.

30. During the drafting process, the drafting group held many seminars to exchange views with and receive comments from relevant ministries and agencies, a number of socio-political organisations (Central Committees of the Viet Nam Fatherland Front, Viet Nam Farmers' Union, Viet Nam Women's Union) and some international organisations operating in Viet Nam.

## **Part Two: Implementation of the Convention**

### **I. Article 1**

#### **A. Assessment of the relevance of the definition in Vietnamese law**

31. Viet Nam is a multi-ethnic nation. The term "racial discrimination" per se as contained in paragraph 1, Article 1 of the Convention does not exist in Vietnamese law. Nevertheless, there are provisions on the prohibition of all acts of ethnic segregation (Article 5, 1992 Constitution) and the criminalisation of acts of incitement of ethnic hatred, discrimination and segregation and infringement on the equality status enjoyed by Viet Nam's ethnicities (Article 87, Penal Code).

32. The concept of "ethnic minority" is understood as signifying an ethnicity with a smaller population compared to the one with the largest population in a country having more than one ethnic group. In Viet Nam, there are 54 different ethnicities with different languages and cultures. Thirty ethnicities have their own writing systems, such as Thai, Cham, Hmong, Khmer, etc. The Vietnamese language has been selected as the common language of Viet Nam. In this report, the achievements in the implementation of the ICERD reflect the realization of ethnic minorities' rights in all aspects, be they economic, political, cultural or social.

#### **B. Legal system and institutions guaranteeing human rights for ethnic minorities**

33. The Constitution of Viet Nam affirms the equality among all Vietnamese citizens in all political, economic, cultural, social aspects, as well as prescribes the responsibility and duty of the State in implementing the policy of equality, unity, and prohibiting discrimination and segregation among ethnicities. This principle is fully respected in the legal system of Viet Nam.

34. The principles and provisions on equality among ethnicities have been incorporated into laws, such as the Law on Nationality, Law on the Election of National Assembly Deputies, Penal Code, Criminal Procedures Code, Civil Code, Civil Procedures Code, Labour Law, Law on Education, Law on People's Healthcare, Law on State Compensations, etc.

35. Many National Assembly resolutions and other by-laws touch on and underline the equality and mutual respect among the ethnicities. The provisions on equality among ethnicities enshrined in the Constitution have also been institutionalized through the establishment of the National Assembly's Ethnic Council. The Council is charged with studying and making recommendations to the National Assembly on issues relating to ethnicities, overseeing the implementation of ethnic policies, as well as programmes and plans to develop ethnic minority areas. The Government is obliged to consult the Council before making decisions on ethnic policies.

36. The Committee for Ethnic Minority Affairs is a ministerial-level agency of the Government. It is responsible for drafting laws for submission to the Government, drafting resolutions of the National Assembly, ordinances and resolutions of the National Assembly's Standing Committee and drafting Government's resolutions and decrees. The Committee is also charged with submitting to the Prime Minister strategies, plans, programmes and projects on ethnic affairs and coordinate with other ministries/agencies to develop, implement and monitor ethnic policies aimed at ensuring comprehensive and sustainable socio-economic development of ethnic minority areas, caring for and protecting all interests of ethnic minorities.

37. In provinces with large ethnic minority population, there is an agency responsible for ethnic affairs to help local authorities implement ethnic policies and ensure the enjoyment of the rights and interests of ethnic minorities as is guaranteed by the law.

38. After acceding to the Convention in 1982, Viet Nam has established a relatively complete legal system in conformity with provisions of the Convention. The fundamental rights of ethnic minorities are guaranteed, including the right to equality in political, economic, cultural and social areas without any distinction as to ethnicity, sex, language or religion. The legal system of Viet Nam provides for mechanisms to protect citizens at large, including rights of persons belonging to ethnic minorities.

## **II. Article 2**

### **A. Laws and policies ensuring the rights of ethnic minorities**

39. The law and policies of Viet Nam consistently follow the principles of equality, unity, respect and mutual support for shared progress among all ethnicities. All people, regardless of their belonging to the majority or the minority or development levels, are equal in terms of rights and obligations in all social, political, economic and cultural domains; all manifestations of ethnic-based division, stigma, narrow-minded nationalism, extreme nationalism or ethnic inferiority complex are prohibited.

40. The Constitution of Viet Nam affirms the policy of national unity. The State of the Socialist Republic of Viet Nam is an independent State of all people living on the territory of Viet Nam who are equal in rights and obligations. The State protects and strengthens the great national unity bloc and prohibits all acts of ethnic profanation and division. Ethnic groups have the right to use their own languages and writings to preserve their ethnic characteristic and to nurture their customs, traditions and cultures. The State has developed plans to bridge step-by-step the development and education gap among ethnicities.

41. Under the Law on the Elections of National Assembly Deputies, there shall be quota of Deputies belonging to ethnic minorities, which are to be decided by the Standing Committee of the National Assembly at the request of Ethnic Council of the National Assembly to ensure proportionate ethnic representation.

42. The Law on the Organisation of the National Assembly of 2002 provides for the establishment of the Ethnic Council with the responsibilities and functions as follows: to scrutinise draft laws, ordinances and other documents relating to ethnic issues; to oversee the implementation of laws and resolutions of the National Assembly, ordinances and resolutions of its Standing Committee relating to ethnic issues; to oversee activities of the Government, ministries, and ministerial-level agencies in the implementation of socio-economic development plans and programmes in mountainous and ethnic minority areas; to provide inputs on draft normative acts proposed by the Government, the Prime Minister, Ministers, Heads of ministerial-level agencies, the Supreme People's Court and the Supreme People's Procuracy, and inter-agency normative acts among competent State agencies at the national level or between competent State agencies and central organs of socio-political organisations relating to ethnic issues and to supervise their implementation; to make recommendations to the National Assembly and its Standing Committee on issues relating to ethnic policies of the State, to the organisation and work of concerned agencies; to make recommendations to the Government, the Prime Minister, Ministers, Heads of ministerial-level agencies and other state agencies at the national and local levels on issues relating to ethnic minorities.

43. According to the Law on the Organisation of the Government, the latter is responsible for making decisions on policies and measures to implement the policies of equality, unity and mutual assistance among ethnicities, with a view to achieving shared development and social equity, as well as enjoying the rights to use spoken and written languages of ethnicities, protecting, promoting and enriching cultural identities and fine traditions of ethnicities, and combating all acts of ethnic discrimination and segregation.

44. The Law on the Organisation of the People's Council and People's Committee sets out the powers and functions of provincial People's Councils in implementing policies on ethnicities and religions, which include to make decisions on measures to implement ethnic policies, improve material and spiritual life, enhance the level of education and cognition for persons belonging to ethnic minorities, ensure equal rights among ethnicities, and promote solidarity and mutual assistance among local ethnic groups. The Law further stipulates the powers and functions of the People's Committees at different levels with regard to the organisation, direction and inspection of the implementation of legislation and policies on ethnicities; the organisation and direction of the implementation of measures to improve material and spiritual life, enhance the level of education and cognition for ethnic minorities and people living in remote and extremely disadvantaged areas; the guaranteeing of equal rights among ethnicities, maintain and promote solidarity and mutual assistance among ethnicities at the local level; the design and implementation of programmes and projects for ethnic minority, remote and disadvantaged areas.

45. The Law on Nationality stipulates that the State of the Socialist Republic of Viet Nam is the unified State of all ethnicities living on the territory of Viet Nam. People of all ethnicities are equal and have the right to the Vietnamese nationality.

46. The Civil Code specifies the principle of equality in civil relations, in which all parties are equal and the difference in ethnicity, sex, social group, economic status, belief, religion, educational level and occupation shall not justify unequal treatment. The Civil Procedures Law stipulates that all citizens are equal before the law and the Court without distinction as to ethnicity, sex, social group, belief, religion, educational level or occupation. All agencies and organisations are equal, regardless of their organisational model, form of ownership or other matters.

47. Under the Penal Code, all offenders are equal before the law without distinction as to sex, ethnicity, belief, religion, social class or status. The Criminal Procedures Law stipulates that criminal procedures shall be carried out in accordance with the principle of

equality of all citizens before the law without distinction as to ethnicity, sex, belief, religion, social class or status. All offenders shall be dealt with in accordance with the law.

48. According to the Law on Marriage and Family, the State shall adopt policies and measures to male and female citizens to enter marriage on voluntary basis; strengthen communications and dissemination of legislation on marriage and family; persuade people to abolish negative customs and practices relating to marriage and family; promote fine traditions, customs and practices manifesting the identity of each ethnicity; develop fine marriage and family relations and apply customs and practices of family and marriage. Customs and practices signifying the identity of each nationality which are not contrary to the principles contained in the Law on Marriage and Family shall be respected and promoted.

49. The Law on Mutual Legal Assistance stipulates that one of the principles to deny another country's request for extradition is when the requested person residing in Viet Nam faces a potential risk of being persecuted in the requesting country due to distinction as to race, religion, sex, nationality, ethnicity, social class or political views. Ethnic minority people residing in areas with special socio-economic difficulties shall be entitled to legal aid.

50. Viet Nam has adopted the Ordinance on the Implementation of Democracy in Communes, Wards and Towns, which clearly stipulates the contents to be disclosed to the public, contents to be discussed and decided by the people, contents to be consulted with the people before being decided by the competent authorities, as well as contents to be monitored by the people, and the responsibilities of officials and authorities at different levels. To date, all of the communes, wards have implemented the provisions of grassroots democracy, thus producing positive changes in their work with a view to ensuring openness and transparency.

51. Conforming with provisions of the Labour Code, all people have the right to work, freedom to choose employment and occupation, vocational training and enhance professional skills without being discriminated on the basis of sex, ethnicity, social class, religion or belief. The State shall adopt a preferential policy on employment with a view to attracting and employing ethnic minority workers.

52. The Law on Education stipulates that the State shall create favourable conditions for persons belonging to ethnic minorities to learn their own spoken and written languages with a view to protecting and promoting their ethnic cultural identities and for ethnic minority students to obtain knowledge with ease in schools and other educational facilities. Teaching and learning the spoken and written languages of ethnic minorities shall be conducted in accordance with regulations of the Government. Every citizen, without distinction as to ethnicity, religion, belief, sex, family origin, social status or economic situation, shall enjoy equal educational opportunities.

53. Provisions of the Law on Vocational Training guarantee special attention to the promotion of occupations in areas with special socio-economic difficulties, support to ethnic minority people's vocational learning with a view to finding or creating jobs for themselves, and pursuing their professions. Many policies encourage businesses to provide vocational training and employ local ethnic minority workers.

54. The Investment Law specifically encourages investment in ethnic minority and disadvantaged areas. The State supports and facilitates, in terms of infrastructure, the construction of medium and small-sized industrial zones in areas with special socio-economic difficulties.

55. The Law on State Budget stipulates that the percentage of distributed revenue and additional revenue shall be determined based on the calculation of revenues and

expenditures... in compliance with regulations on budget revenue, budget allocation and budget expenditure cost-norms, taking into account criteria of population, natural and socio-economic conditions of each region. Special attention shall be given to remote areas, former revolutionary base areas, ethnic minority and disadvantaged areas.

56. The Law on Information Technology prescribes incentives for individuals and organisations working on IT application and development in remote and ethnic minority areas to promote livelihood and production. Organisations and individuals who apply and develop IT in remote, ethnic minority areas and areas with special socio-economic difficulties are entitled to incentives relating to investment, finance and other preferences as provided for by the law.

57. Under the Law on Forest Protection and Afforestation, the transfer of forest land to the community of hamlets, comprising all households and individuals living in the same hamlet, village or equivalent unit, is a significant change as it conforms with customs and practices of many ethnicities, responding to the demand of realities and the aspiration of ethnic people in rural and mountainous areas.

58. According to the Law on Publication, the State encourages the compilation, translation and archiving of cultural, artistic and scientific works, oral literature, folklore rituals of Viet Nam's ethnicities, the maintenance and restoration of traditional crafts, costumes and knowledge. The State shall also provide incentives for publications in ethnic languages for the benefits of ethnic minorities.

59. The Law on the Youth stipulates that the policy of exempted admission shall be applied to the right targeted persons and meet the needs for concrete training. It further provides for policies of free text books, tuition fee reduction and exemption and other entitlements in accordance with the law, to create favourable conditions for ethnic minority youth in areas with special socio-economic difficulties to study, access information; to encourage and support ethnic minority youth to safeguard and promote ethnic cultural identities, promoting fine life style and combating unhealthy customs. Special attention shall be given to training of prominent ethnic minority youth with a view to their becoming future leaders.

60. The Law on the Protection, Care and Education of Children requires the State to ensure necessary conditions for the universalisation of primary education in ethnic minority areas, provide entitlements to primary education teachers and officials working in ethnic minority, remote and mountainous areas, islands. The education and care of children in these areas is the duty of the State.

61. Under the Law on People's Healthcare, the State shall allocate adequate resources to consolidate and expand the medical network to ensure the examination and treatment for ethnic minorities, especially local healthcare in disadvantaged and remote regions; to provide adequate incentives to health workers in mountainous and remote areas. All poor people living in communes with special difficulties shall be entitled to health insurance.

62. The Law on Gender Equality supports gender equality activities in remote, ethnic minority and disadvantaged areas. Poor ethnic minority women living in remote areas shall be entitled to childbirth-related assistance, in accordance with the Government's regulations.

63. The Law on Officials and Civil Servants prohibits all forms of discrimination by officials and civil servants on the basis of ethnicity, sex, social class, belief or religion. It also stipulates such non-discrimination in the recruitment process, giving priority to persons belonging to ethnic minorities. Ethnic minority people and people living in disadvantaged regions can be recruited without exam.

64. Equality among all ethnicities is consistently recognised in legislation, as well as policies of the State of Viet Nam. It is the coherent position of Viet Nam that all ethnicities are equal and united, respect and assist one another with a view to common development. The State always pays attention to economic development, improvement of people's material and spiritual life, poverty reduction, education enhancement, protection and promotion of cultural identities, spoken and written languages, and fine traditions of all ethnicities.

## **B. Policies guaranteeing the human rights of persons belonging to ethnic minorities (2001–2009)**

65. The ethnic policy of the State of Viet Nam is not only codified in the Constitution and laws, but also put in concrete terms in socio-economic development strategies and plans, through a set of development programmes and projects targeting ethnic minority areas, and specific policies for ethnic minority people in political, socio-economic and cultural areas.

66. In the 2001–2009 period, together with the overall development of the whole country, the socio-economic situation in ethnic minority areas was improved dramatically, with active participation of ethnic minorities in national development and defence.

67. Each year, the Government invests considerably in disadvantaged areas, including through Programme 135, Programme on the Plantation of Five Million Hectares of Forest, National Target Programmes, special decisions by the Prime Minister such as Decision 134/QD-TTg, Decision 33/GD-TTg, Decision 32/QD-TTg, Decision 167/QD-TTg, etc., as well as Resolution 30a/NQ-CP of the Government on sustainable development for poor districts. In 2009, 29 out of 39 targeted assistive investment programmes nationwide were devoted to ethnic minority and mountainous areas.

### **Socio-economic development**

68. In the period 2001–2009, Viet Nam implemented many socio-economic development programmes for ethnic minority areas and assistance policies targeting ethnic minority people, namely, the Programme on Socio-economic Development of Communes with Special Difficulties in Ethnic Minority and Mountainous, Border and Remote Areas, Programme on Land for Production and Settlement, Housing and Water for Poor Ethnic Minority Households With Difficult Living Conditions, Policy on Credit Assistance and Production Promotion for Poor Ethnic Minority Households, Policy on Permanent Farming and Settlement for Ethnic Minorities, Policy on Direct Support to People in Disadvantaged Areas, Policy on the Protection and Development of Ethnic Minorities with Very Small Population, Policy on Free Distribution of Selected Newspapers and Magazines to People in Disadvantaged Areas, etc.

69. The Programme on Socio-Economic Development of Communes with Special Difficulties (known as Program 135 phase I, II) was implemented in 1998–2010, covering 3,274 villages, 2,410 communes and 360 districts belonging to 52 provinces, with the total capital of nearly VND 24,000 billion. As a result, remarkable achievements were recorded, producing strong impact on poverty reduction in ethnic minority, mountainous and border areas. The programme was aimed at speeding up poverty reduction, especially for ethnic minorities and people living in mountainous and border areas. The average annual income per capita reached VND 4.2 million, the ratio of communes having motor vehicle roads connecting the commune centre and hamlets increased to 80.7%; all of the communes had health clinics; all people in need of legal aid received free support.

### **Permanent farming, residence for nomadic ethnic minority households, stabilisation for resettlement households**

70. The policies for nomadic households and the planning and rearrangement of population in areas affected by natural disasters have been implemented in accordance with Decision 190/2003/QĐ-TTg on resettlement under the population planning and arrangement for 2003–2010; Decision 193/2006/QĐ-TTg on the approval of the programme on population arrangement in areas of natural disasters, special difficulties, borderland, islands, unmanaged migration, important and very important protective forests, strictly protected zones of special-use forests for 2006–2010 and vision to 2015; Decision 33/2007/QĐ-TTg on the support to resettlement under permanent farming and residence programme for ethnic minorities for 2007–2010; Decision 1342/QĐ-TTg on the approval of the Plan on permanent farming and residence for nomadic ethnic minority people by 2012, among others.

71. The relocation and resettlement of people for construction of irrigational and hydropower projects have been implemented in line with Decree 197/2004/ND-CP on resettlement compensation and support with regard to state-revoked land; Decision 196/2004/QĐ-TTg on the approval of the master plan on resettlement and relocation for Son La hydropower plant; Decision 02/2007/QĐ-TTg on the compensation and support to resettlement for Son La hydropower plant, among others.

72. Thanks to the support provided under the above decisions, tens of thousands of ethnic minority households have new residence and production land, forming new villages. In 2008 and 2009 only, over 14,000 households were settled and received permanent residence and farming land.

### **Hunger eradication and poverty reduction**

73. The National Target Programme on Poverty Reduction (2006–2010). Over this period, about US\$4 billion was invested in poverty reduction with the pro-poor policies, including preferential credit, support in production land and means, infrastructure construction, improvement of access to social services (healthcare, education, housing support, clean water, legal aid, etc.).

74. The poverty rate of Viet Nam reduced continuously from 28.9% in 2002 to 16% and 14.5% in 2006 and 2008, respectively. By 2009, the poor household ratio dropped to 13.1%.<sup>10</sup> The average reduction rate was 1.8 million poor people/year, from more than 40 million poor people in 1993 to 12.5 millions in 2008. Poverty reduction activities took place in all rural, urban and geographic regions. Ethnic minority groups also attained considerable achievements in this regard with their poverty rate decreasing from 86.4% in 1993 to 50.3% in 2008, at an average annual pace of 3% to 4%. However, the poverty reduction rate among ethnic minorities remains much lower than that of the majority. The poverty rate in some disadvantaged parts of ethnic minority areas remains high. By the end of 2008, nearly 50% of ethnic minority people remained poor, accounting for more than half of the total poor people in Viet Nam.<sup>11</sup> The main reason is the fact that ethnic minorities are often concentrated in geographic disadvantaged locations, with poor infrastructure and unfavourable socio-economic conditions. In order to further promote poverty reduction among Vietnamese ethnic minorities, many specialised programmes have been developed to support and facilitate their escape from poverty.

<sup>10</sup> Viet Nam MDG Report 2010.

<sup>11</sup> Viet Nam MDG Report 2010.

**Support for production development for poor ethnic minority households**

75. Ethnic minorities usually live in mountainous, remote and secluded areas with divided terrain. Thus, to create favourable conditions for them to access to commodities and public services, from 2003 to 2010, the Vietnamese Government provided about VND 2,000 billion to implement a price and fee subsidy programme targeting 38 provinces, bringing about changes in the production activities of ethnic minorities in remote areas, and encouraging market-oriented commodities production. On 7 August 2009, the Prime Minister issued Decision 102/2009/QĐ-TTg on direct support for poor households in disadvantaged areas in replacement of the price and fee subsidy programme. In 2010, VND 456.243 billion was allocated from the central budget to support 2.3 million people living in communes with difficulties and 2.6 million people in communes with special difficulties. It is estimated that in 2011, the programme will continue to provide support for nearly 5 million people with the total required budget of VND 448.969 billion.

76. The policy to support ethnic minority households with special difficulties for the 2001–2006 period provided seeds and livestock for production development and essential goods such as food, blankets, mosquito nets, books, medicine, etc. addressing their immediate needs. In the 2007–2009 period, this policy was carried out in the form of zero-interest loans for production promotion. Each ethnic minority household with special difficulties can borrow VND 5 million. From 2008 to 2010, nearly VND 700 billion was lent from the central budget to 77,365 households for production and business activities, of which, 21,302 households engaged in stock-raising, and 4,978 households involved in production development. The Programme 135 phase II (2006–2010) provided VND 1,947 billion for the people of 1,848 communes with special difficulties to expand production.

**Housing for poor ethnic minority people**

77. From 2000 to 2010, the campaign “Day for the Poor,” launched by the Central Committee of Viet Nam’s Fatherland Front, was aimed at promoting the tradition of mutual assistance and compassion for accelerating poverty reduction. The campaign received broad support from all walks of life, international organisations and overseas Vietnamese, benefiting poor people, many of whom belonged to ethnic minorities. After 10 years of implementation, 63 provinces nationwide had mobilised a total of VND 1,052 billion, constructed 600,000 new houses and repaired 100,000 old houses, thus essentially ending the situation of temporary and corrupted houses.

78. The programme on support for poor ethnic minority households with housing, residence and production land and water supply (Decision 134/2004/QĐ-TTg), after 4 years of implementation (2004–2008), resulted in 400,000 households receiving housing, 72,000 households having residence land, 84,000 households having production land, and 153,000 poor ethnic minority households having individual clean water supply, 3,000 collective water supply systems having been constructed, etc. the total investment amounting to VND 4,473 billion.

**C. Policy for the development of ethnic minorities of under 1,000 people**

79. In order to help ethnic minorities with very small population (under 1,000 people) develop, the Government has allocated a total budget of VND 100 billion to support the material and spiritual life of five ethnic groups, namely Si La, Pu Peo, O du, Brau and Ro Man in five provinces: Lai Chau, Dien Bien, Ha Giang, Nghe An and Kon Tum.



### III. Article 3

80. Viet Nam reaffirms its position stated in the previous reports related to the opposition against racial segregation. At the international level, Viet Nam actively participates in many fora and conferences against racial discrimination, such as the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the 2009 Durban Review Conference. It also supports initiatives and resolutions against racial discrimination and xenophobia.

81. Vietnamese law forbids all acts of segregation and discrimination on the basis of ethnicity and origin, and protects the equality among ethnicities. Article 5 of the Constitution was further elaborated in the 1999 Penal Code stipulating that acts causing ethnic hatred, discrimination or segregation, or infringing upon the equality of the community of Viet Nam's ethnicities shall constitute an offence of undermining the unity policy (Article 87).

82. In order to prohibit, prevent, eliminate all acts of racial discrimination, the Constitution and laws of Viet Nam contain specific provisions in the Penal Code, the Criminal Procedures Code, the Civil Code, the Civil Procedures Code, etc. and other legislative documents. Article 87 of the 2010 Amended Penal Code stipulates that those who commit acts causing ethnic hatred, discrimination or segregation, or infringing upon the equality of the community of Viet Nam's ethnicities shall be sentenced to 5 to 15 years of imprisonment".

### IV. Article 4

83. Resolution No. 24 on Ethnic Minority Affairs (7<sup>th</sup> Plenum – 9<sup>th</sup> Congress) of the Central Committee of the Communist Party of Viet Nam in 2003 stipulated that "the question of ethnicities and ethnic unity is a fundamental and long-term, as well as urgent issue of the Vietnamese revolution. Ethnic affairs and the implementation of ethnicity policy are the tasks of the entire Party, people, the armed forces, all levels of local authorities, sectors and of the whole political system".

84. Viet Nam strictly prohibits all acts of discrimination, segregation and undermining of the ethnic unity policy or incitement of ethnic hatred and resolutely punishes offenders (Paragraph 76 above). The Civil Code of 2005 stipulates that "In civil relations, all parties are equal and shall not be discriminated on the basis of ethnicity, sex, social class, economic situation, belief, religion, education level, or occupation" (Article 5). Article 8 stipulates that "the establishment and exercise of civil rights and duties shall ensure the protection of ethnic identities, respect and promotion of fine customs, practices, traditions, solidarity, mutual assistance, the spirit of "one for the community, the community for one", as well as other ethical virtues of different ethnicities living in Viet Nam. The ethnic minorities will be given favourable conditions in civil relations to step by step enhance their physical and spiritual lives.

85. To further strengthen minority affairs, on 14 January 2011, the Government issued Decree No. 05/2011/ND-CP on Ethnic Affairs, reaffirming the fundamental principles of ethnic affairs: ethnic policies shall be implemented on the basis of equality, unity, mutual respect and assistance for shared development; a comprehensive development policy shall be implemented, gradually improving the material and spiritual life of ethnicities; ethnic spoken and written languages, and identities shall be protected; the fine customs, practices, traditions and cultures of each ethnicity shall be promoted; all ethnicities shall respect each other's customs, practices, contributing to the development of a modern Vietnamese culture with strong ethnic identities.

86. In reality, all violations are detected promptly and dealt with quickly and justly under the law.

## **V. Article 5**

### **A. Right to equal treatment before tribunals and other organs administering justice**

87. On the basis of the Constitution, laws and by-laws have put in concrete terms the equality of all people before the court and in civil, criminal and administrative procedures. Equality is enshrined in the laws and implemented in reality.

88. The court holds trials on the principle of every citizen's equality before the law without discrimination as to sex, ethnicity, religion, social class or status. While following procedures, procurators, defendants, lawyers and concerned parties are equal in presenting evidences, materials, objects, making requests and engaging in debates before the court. (Article 19, the Criminal Procedures Code of 2003).

89. The court guarantees that persons participating in proceedings have the right to use their ethnic spoken and written languages before the Court. The official language used during the proceedings of criminal, civil, marital, labour, administrative, business and commercial cases is Vietnamese. However, parties concerned have the right to use their ethnic spoken and written languages, in such cases interpreters may be required. In civil and administrative cases, the parties shall hire interpreters, except in special circumstances where the court may bear interpretation cost. Whereas, in criminal proceedings, the accused is entitled to request interpreters free of charge.

### **B. Right to security of person and protection by the State against violence or bodily harm**

90. The right to security of each person and the protection of the State against any acts of violence or acts causing damage to the physical integrity of citizens inflicted by officers on duty or by individuals, groups are stipulated in the Constitution, the Penal Code, the Criminal Procedures Code and in other legislative documents and is guaranteed by the State in reality.

91. All Vietnamese citizens, without any discrimination as to ethnicity, sex, social class, religion, education level or occupation, have the right to inviolability of person and domicile and legal protection of their life, health, honour and dignity. The life, properties and other legitimate interests of foreigners living in Viet Nam are protected by the State of Viet Nam under the Vietnamese law.

92. No one shall be arrested without a decision of the People's Court, a decision or an approval of the People's Procuracy, except in the case of being caught red-handed. The law strictly prohibits all forms of coercion, torture or violation of citizens' honour and human dignity, as well as all acts of ethnic discrimination or segregation, violating the great unity of Viet Nam's ethnicities. No one shall be regarded as guilty and be subject to punishment without a valid verdict by the court. Those arrested, detained and prosecuted in contrary to the law shall be entitled to compensations for material damages and restoration of their honour. Those who have violated the law in arresting, detaining or prosecuting others, causing damage to them, shall be dealt with in accordance with the law.

93. The rights and legitimate interests of all citizens, including ethnic minorities, are guaranteed by the State through a system of Government and law enforcement agencies, which is organised uniformly from the central to grassroots levels, under the supervision of competent authorities and the society.

94. Viet Nam prohibits unlawful use of force by law enforcement agencies against citizens, including those belonging to the groups protected under provisions of the Convention, particularly in the case of arrest and detention. All violations shall be punished in accordance with the law.

95. Arrest and detention are necessary measures to prevent law violations, to avoid causing danger to the society. The Vietnamese law specifically stipulates cases of arrest, detention and their procedures. All violations of these procedures are considered serious violations of the law and will be strictly dealt with in accordance with the law.

### **C. Political rights, particularly the right to vote, stand for election, participate in Government**

96. Article 54 of the Constitution stipulates that: “All citizens, regardless of their ethnicity, sex, social class, belief, religion, educational level, occupation and term of residence, shall have the right to vote upon reaching the age of 18, and to stand for election to the National Assembly and People’s Councils upon attaining the age of 21, in accordance with the law.”

97. In reality, ethnic minorities have been actively exercising their political rights by means of direct and indirect democracy. There is an increasing number of ethnic minority representatives in the country’s political system. Many people belonging to ethnic minorities have held key positions at central and local agencies, e.g. the Secretary-General of the Communist Party of Viet Nam, President and Vice President of the ..., Chairperson of the Ethnic Council of the National Assembly, etc. In the 12<sup>th</sup> tenure of the National Assembly, there were 87 ethnic minority deputies, accounting for 17.65%, while the population ratio of ethnic minorities was 14.3%.

98. The grassroot democracy regime facilitated the active participation of ethnic minorities in the formulation, implementation and supervision of policies related to the ethnic minority affairs. The representation ratio of ethnic minorities was 20.53% in provincial people’s councils, 11% in provincial people’s committees during the term 2004–2009.

99. The number and qualifications of public servants belonging to ethnic minorities have been improved continuously. During the 2004–2009 tenure, the ratio of university degree-holders among members of provincial people’s committees was 73%, while that at the district level was 44.25%, and at the commune level 5.87%.

100. The implementation of the Comprehensive Programme on Administrative Reforms for 2001–2009 has produced positive changes in the provision of public services in line with the “one door” principle. These reforms have helped improve the services provided by administrative agencies responding to the needs of the people. By the end of 2009, 85% of provincial, 98% of district and 95% of communal administrative agencies had successfully implemented the “one-door” policy.

101. The strengthening of grassroot democracy is implemented in parallel with the improvement of legal awareness among ethnic minorities. The Law on Legal Aid and Decree No. 07/CP formed the basis for the provision of legal aid. To date, legal aid centres are present in all cities and provinces. Ethnic minorities living in disadvantaged areas enjoy free legal services, including legal counselling and procedural activities. Between 2005 and

2007, legal aid centres had provided assistance to 433,000 clients, including 163,000 poor people, 83,000 ethnic minority people and 18,000 children. There were 7,000 mobile legal aid trips with 10,000 visits to communes remote and ethnic minority areas. Over 1,200 legal aid clubs were established at commune level to raise legal awareness for the poor.<sup>12</sup>

#### **D. Right to nationality of ethnic minorities**

102. The Nationality Law of Viet Nam stipulates that the Socialist Republic of Viet Nam is the unified State of all ethnicities living together on the territory of Viet Nam, and that all members of the ethnic groups have the equality to have the Vietnamese nationality. Foreign citizens or stateless persons residing in Viet Nam can obtain Vietnamese nationality if they satisfy all requirements provided for in the Vietnamese law, thus ensuring the right to nationality of each individual and reducing statelessness.

#### **E. Right to freedom of movement, residence and change of domicile**

103. The State of Viet Nam creates favourable conditions for the entry, exit and transit of all citizens (including ethnic minorities) and foreigners. The right of Vietnamese citizens to freedom of exit and entry are enshrined in Ordinance No. 24/1999/PL-UBTVQH10 of the Standing Committee of the National Assembly on entry, exit and transit.

104. The Constitution of Viet Nam stipulates that all citizens shall enjoy freedom of movement and residence within the country, to travel abroad and return to Viet Nam in accordance with the law. The movement and choice of residence are decided by each individual in accordance with their needs, abilities and circumstance without any discrimination as to ethnicity or religion.

105. In 2006, The Law on Residence was adopted by the National Assembly, responding to the needs of movement and residence of citizens, thus helping contribute to the socio-economic development of the country. All administrative procedures hindering the movement, residence of citizens are to be abrogated.

106. Ethnic minorities enjoy freedom of movement and residence within the territory of Viet Nam. The State of Viet Nam has uniformed policies and measures to better guarantee the freedom of residence of citizens and provides budget, infrastructure, human resources, investment in advanced technology development for the registration and management of citizens' residence.

107. The State forbids any action that impedes the exercise by citizens of their freedom of residence, or abuses household registration regulations to limit legal rights and benefits of citizens.

108. Every citizen has the right to choose and decide his/her place of residence in line with relevant laws, right to access to related information and documents on the exercise of the right to residence, and to request competent authorities to protect his/her right to residence.

#### **F. Right to have one's ethnicity established**

109. The ethnic origin of a person upon his/her birth shall be determined based on that of his/her mother and father. In cases where the parents belong to different ethnicities, the

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<sup>12</sup> Viet Nam MDG Report 2010.

ethnicity of the child shall be that of the father or mother, or otherwise agreed by the parents.

110. An adult, or the biological father and mother or legal guardians of a juvenile, has the right to request the competent authorities to change his/her ethnicity to that of his/her biological father or mother, if they belonging to different ethnicities; or if his/her ethnicity was established as that of the adoptive parents without knowing that of his/her biological parents. The consent of the juvenile over 15 years of age is mandatory for his/her biological father, mother or legal guardians to seek to re-establish his/her ethnicity.

## **G. Right to marriage and family**

111. The Civil Code stipulates that marriage between people of different ethnicities or religions, between religious followers and non-followers, Vietnamese citizens and foreigners are respected and protected by the law (Article 39). The basic principles of marriage and family are free consent, progressive orientation, monogamy, equality between husband and wife, without any discrimination as to ethnicity, religion, non-discrimination among children, and in accordance with family planning policies. Marriage shall be based on the free consent of the couple without pressure, coercion or interference.

112. People belonging to ethnic minorities shall enjoy reproductive rights in accordance with the law. With regard to some ethnicities with a small population, Decree 20/2010/ND-CP of the Government on the implementation of the Ordinance amending Article 10 of the Population Ordinance stipulates that the birth of a third child to a couple, one of whom belongs to an ethnic group with a population lower than 10,000 people, or an ethnicity at risk of population decline, shall not constitute a violation of the Population Ordinance.

## **H. Right to own property**

113. Ethnic minorities have the right to ownership of lawful incomes, savings, housing, personal belongings, means of production, capital and other assets in enterprises or in other economic establishments. The Civil Code affirms that the right of individuals, corporate persons and other entities to ownership is recognised and protected by the law, and no one shall be limited or unlawfully deprived of his/her right to ownership.

## **I. Right to freedom of belief and religion**

114. The State of Viet Nam affirms that belief and religion are spiritual needs of all citizens, and it is its consistent policy to respect and guarantee the right to freedom of belief and religion, as well as the right to freedom not to follow any belief or religion for all citizens, including ethnic minorities.

115. Article 70 of the Constitution 1992 specifies that “Citizens shall enjoy the right to freedom of belief and religion, to follow or not to follow any religion. All religions are equal before the law. Places of worship of beliefs and religions are protected by the law”. Accordingly, people belonging to ethnic minorities have the same right to follow or not follow their religions and beliefs. The principle of non-discrimination on the basis of religion with regard to ethnic minorities is well displayed in all areas, e.g. the right to vote and stand for election, civil, labour, marital relations and in many other normative acts such as the Criminal Procedures Code, Land Law, Law on Education.

116. Lawful religious organisations are protected by law and entitled to conduct normal religious activities, including in ethnic minority areas. These organisations can also open

schools for training dignitaries, publish religious books, restore and build places of worship in accordance with the law. The State grants long-term land use right to places of worship, which shall be exempt from taxation.

117. The Vietnamese law prohibits infringement on the right to freedom of belief and religion of its citizens, such as coercing citizens to follow or to stop following religions, or discriminating on the basis of religion and belief. The State of Viet Nam has made amendments in its laws and policies to respond to the situation and specific circumstances of the country, affirm and protect the right to freedom of belief and religion of its citizens, including ethnic minorities.

118. The 2004 Ordinance on Belief and Religion has translated relevant provisions of the Constitution and institutionalised the policy of the State of Viet Nam on belief and religion into concrete terms, responding more comprehensively the needs relating to belief and religion of the population, including ethnic minorities. On 4 February 2005, the Prime Minister issued Directive 01/2005/CT-TTg on certain tasks relating to Protestantism. The Directive strictly prohibits coercion with a view to compelling ethnic minorities to follow or to stop following religions, and provides for respect and protection of traditional beliefs and customs of ethnic minorities. Religious books are published in ethnic languages to serve ethnic minority followers.

119. In Viet Nam, there is a large number of religious dignitaries and practitioners belonging to ethnic minorities. According to recent statistics of the Government Committee on Religious Affairs, there are approximately 70,000 active religious dignitaries in various religious organisations operating in over 24,000 places of worship.

120. Lawful religious organisations are facilitated by the Government to open schools and training institutions for religious dignitaries, publish religious books and take part in social, charity and humanitarian activities. The Buddhist Church of Viet Nam currently has 4 Buddhist academies, including the Khmer Theravada Academy with over 1,000 monks in training, 40 Buddhist colleges and schools with over 5,000 students.

121. Religious organisations and individuals have become much more active in international activities in the context of Viet Nam's implementation of the policy of openness and international integration. Every year, many religious dignitaries and monks participate in religious events such as ASEM, ASEAN, World Buddhist Conference, Koran Recital Contest.

## **J. Right to freedom of expression and freedom of the press**

122. Viet Nam respects and guarantees freedom of expression, the press and information for the people. The 1992 Constitution clearly states: "Citizens have the right to freedom of expression and the press, to receive information in accordance with the law". Viet Nam's legal system on the press, publication, radio and television is continuously improved to better guarantee freedom of expression for the people. According to the Press Law, "the State provides favourable conditions for citizens to exercise freedom of the press and freedom of expression in the press".

123. Over the past years, activities of the mass media have become much more active. Meetings of the National Assembly, People's Councils, especially National Assembly's hearings relating the Government activities, are broadcasted live on television. Many dialogue, debate, questions and answers, public opinion programmes on a wide range of diverse issues have been covered and broadcasted widely.

124. All forms of the press are present in Viet Nam (print, audio, video, electronic). By the end of 2009, there were 706 print press agencies, including 178 newspapers and 528

magazines nationwide. The country has 67 radio and television broadcasting stations. There are the country has 21 electronic newspapers, 160 websites of print newspapers and thousands of news pages of various agencies of the Party, State, associations agencies and businesses. The Government provides a number of newspapers and magazines free of charge to ethnic minority and specially disadvantaged areas.

125. The Voice of Viet Nam (VOV) and Viet Nam Television (VTV) have made great efforts to improve their capacity, increase air time, ensure coverage reaching rural, mountainous island and remote areas. Over 90% of households in ethnic minority areas can listen to VOV and over 80% can watch VTV programmes.<sup>13</sup> VTV, VOV and other local stations also have programmes in ethnic minority languages, ensuring access to information for ethnic minorities living in remote areas.

126. Ethnic minorities in Viet Nam continue to enjoy better access to modern information technologies, particularly the internet. The Government of Viet Nam aims to encourage and facilitate access to and popular usage of the internet. Internet service is available in all 63 cities and provinces. As of October 2010, the country had over 26 million Internet users, 94% of schools and all universities had Internet connection.

## **K. Right to freedom of assembly and association**

127. Decree 45/2010/ND-CP of the Government on the organisation, operation and management of associations lays down the principles of the organisation, conditions and procedures for the establishment of associations. All citizens, including those belonging to ethnic minorities, have the right to establish and participate in associations in accordance with the law.

## **L. Right to work and adequate remuneration**

128. The Labour Code stipulates that “every person shall have the right to work, to choose his or her job and profession, to take vocational training and improve their professional qualifications without distinction as to sex, ethnicity, social class, belief or religion” (Article 5). “The State provides incentives on creation of employment in order to attract and use employees belonging to ethnic minorities” (Article 14). All activities which create jobs, including self-employment, provision and pursuit of vocational training, and all production and business activities employing a large number of people are encouraged, facilitated or supported by the State.

129. Ethnic minority students in ethnic boarding schools and those living in specially disadvantaged areas enjoy preferential treatment such as exemption from tuition and exam fees, scholarships and social assistance.

130. According to the Prime Minister’s Decision No. 1956/QD-TTg of 27 November 2009 on the approval of the Vocational Training Project for Rural Workers to 2020, people belonging to ethnic minorities taking vocational training courses shall enjoy fee assistance.

131. The ratio of ethnic minorities participating in the work force continues to rise and has reached 88.9% for Tay, 92.3% for Thai, 91.3% for Muong , 86.2% for Khmer, 95.8% for Hmong and 86.9% for others. Similarly, the employment rate of ethnic minorities is also

<sup>13</sup> Viet Nam MDG Report 2010.

high: 87.6% for Tay, 91.4% for Thai, 90.4% for Muong, 82.2% for Khmer, 95.5% for HMong and 88.1% for others.<sup>14</sup>

132. The State provides policies and support of over VND 200 billion per year to vocational training for poor households, ethnic minority youth and persons with disabilities. By the end of 2008, over 300,000 rural workers, ethnic minority youth, persons with disabilities and poor people had received vocational training support. This has played an important part in helping workers change vocations, become self-employed, seek employment, and restructure livestock farming and planting.

## **M. Right to social security and public services**

133. Through 12 preferential credit programmes for poor, ethnic minority households and entitlement families, the Government has provided support in terms of production development, employment, overseas employment, housing, permanent farming and living, clean water and sanitation, support to students, etc. In 2008, about one million poor ethnic minority households enjoyed preferential credits. There is a high rate of ethnic minority households qualified for preferential loans from the Bank of Social Entitlement.<sup>15</sup>

134. By 2009, the ratio of ethnic minorities having access to electricity from the national grid was relatively high: 92.8% for Muong, 90.8% for Tay, 85.9% for Khmer, 76.1% for Thai, 34.3% for HMong and 82.5% for others.<sup>16</sup>

## **N. Right to housing**

135. Vietnamese laws ensure the right to possession and ownership of housing for all Vietnamese citizens, regardless of race or sex. To guarantee the equal right to housing, the State has adopted policies on housing support for poor people and people belonging to ethnic minorities living in difficult areas. For these individuals, the State provides assistance from the central budget, mobilizes support and assistance of the community and society to build houses for the people.

136. The housing support programme for poor ethnic minority households is implemented under the Decision 134/2004/QD-TTg and Decision 167/2008/QD-TTg. By 2010, 500,000 housing units had been built for poor ethnic minority households, thus essentially solving the situation of poor people living in temporary and corrupted houses. However, the ratio of ethnic minorities having sturdy houses is still low: Khmer 2.7%, HMong 5.7%, Tay 29.5%, Thai 33.3%, Muong 45.6% and others 25.1%.

137. Ten years after the launching of the campaign “Day for the Poor”, the Central Committee of the Viet Nam Fatherland Front has received active support and assistance from all social strata and many international organisations. A total of VND 1.052 trillion was mobilised from 63 cities and provinces for the construction and repair of housing for the poor.

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<sup>14</sup> 2009 Population and Housing Census.

<sup>15</sup> Viet Nam MDG Report 2010.

<sup>16</sup> 2009 Population and Housing Census.



## **O. Right to medical treatment, health care, social insurance and public services**

138. People belonging to ethnic minorities enjoy the right to health, healthcare, social security and other public services, as provided for under the law, namely the Law on Health Insurance, Law on People's Healthcare, the Law on Medical Examination and Treatment, Law on the Elderly, Law on Persons with Disabilities, Law on Gender Equality, Law on the Prevention of and Combat against Domestic Violence.

139. Local governments have due paid attention to the implementation of the healthcare policy in favour of ethnic minority people: all communes have health clinics and workers, all districts has health centres and doctors. The ratio of malnourished under-five children dropped to less than 25%. There are many priority policies in place to provide free medical examination and treatment, and health insurance to people belonging to ethnic minorities in disadvantaged areas. Some common diseases in ethnic minority and mountainous areas have been prevented and reversed, such as malaria, goitre, leprosy and tuberculosis. Maternal and child healthcare and the prevention of malnourishment have made good progress.

140. By 2009, the average life expectancy of ethnic minorities had risen considerably: 72.1 for Khmer, 70.7 for Muong, 70.3 for Tay, 69.2 for Thai; 64.3 for HMong and 67.8 for others.<sup>17</sup>

141. As a result of implementing Decision 134/2004/QD-TTg, 153,000 poor ethnic minority households now have access to clean water, with more than 3,000 collective water supply units. However, the ratio of ethnic minorities with access to clean water remains low: 50.7% for Tay, 57% for Muong; 88.7% for Khmer and 52.1% others.

142. To date, more than 8.3 million people participate in social insurance programmes, including people belonging to ethnic minorities.

143. Currently, 1.26 million people, the majority of whom belong to ethnic minorities, are benefiting from the social protection policy under Decree 67/2007/ND-CP of the Government.

## **P. Right to education and training**

144. Vietnamese law stipulates that "Study is the right and duty of citizens; primary education is compulsory and free" (Article 5, 1992 Constitution). "All citizens regardless of their ethnicity, religion, belief, sex, family origin, social and economic status, have equal education opportunities" (Article 10, Education Law).

145. From 2001 until now, education and training in ethnic minority areas have achieved significant progress with the expansion of the education system and establishment of well-built schools. By the end of 2009, in 50 provinces with large ethnic minority population, 80% of the communes had kindergartens, all of the communes had primary schools, more than 95% of school-aged children went to school, 85% of the communes had lower secondary schools. More than 80% of communes with special difficulties completed universalisation of primary education for children at the right age and almost 90% of the communes completed universalisation of lower secondary education, all of the districts had upper secondary schools.

<sup>17</sup> 2009 Population and Housing Census.

146. Various policies on education and training for ethnic minorities have been implemented. The system of ethnic boarding schools has expanded quickly. In the school year 2009–2010, there were 294 ethnic boarding schools, including 6 under the administration of the Ministry of Education and Training, 49 under provincial authorities and 239 under district supervision. At present, there are 84,000 students attending these schools with 70,000 receiving Government scholarships. The quality of education and training has continued to improve. The number of students rated with excellent and good conduct was over 95%.

147. The enrolment rate of ethnic minority children within the age range for universalisation of primary education (6–14 years) increased rapidly. By the end of 2009, more than 95% children at the enrolment age went to school, all districts had lower secondary schools.

148. The private semi-boarding school system in communes and clusters of communes has grown significantly, enabling children of ethnic minorities in remote and isolated areas to complete their primary education and continue with their secondary education.

149. By April 2010, 51 out of 63 provinces and cities nationwide had met the indicator of primary education universalisation at the right age, 56 out of 63 provinces and cities had completed lower secondary education universalisation, including provinces with large number of ethnic minority students. By 2009, the ratio of literate ethnic minority children over 10 years of age had increased quickly: 94.9% for Tay, 94.5% for Muong, 81.9% for Thai, 75.6% for Khmer, 46% for Hmong and 77.6% for others.<sup>18</sup>

150. The protection of spoken and written languages of ethnic minorities is one of the priorities in the State's education policy. By the end of 2009, nearly 30 provinces were providing teaching and learning in ethnic minority languages. Textbooks in 12 ethnic minority languages had been formulated; 1,200 research projects on languages of 10 ethnic groups had been broadcast on radio and television. At present, 200,000 students in 600 schools at all levels in the country are studying in ethnic minority languages.<sup>19</sup>

151. To strengthen teaching and learning of ethnic minority spoken and written languages, the Prime Minister issued Decision No. 82/2010/QD-TTg on teaching and learning of ethnic minority languages in schools and regular education centres. According to this Decision, the State would focus on the investment in teaching and learning of languages of ethnic minorities with small population.

152. Viet Nam provides incentives to enrolling ethnic minority students into professional schools, colleges and universities. After 15 years of implementing the policy of entry exam exemption, 14,283 students from 53 ethnic minorities have been trained in universities and colleges.

## **Q. Right to participate in cultural activities**

153. The State of Viet Nam pursues the development of a culture of harmony and diversity amongst all ethnic communities, the protection and promotion of traditional cultural identities of ethnic minorities. The State's policy to encourage a culturally rich life received positive response across the country, particularly in ethnic minority areas. The cultural activities of ethnic minorities have become increasingly rich and diverse, in a blend

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<sup>18</sup> Report of the General Department of Statistics in 2009.

<sup>19</sup> Viet Nam MDG Report 2010.

of traditional and modern contents, in line with the trend of increased exchanges and integration.

154. People belonging to ethnic minorities have the right to participate in cultural activities of their own ethnicities, of the community and to enjoy policies/entitlements on cultural development.

155. Television and radio provide coverage to ethnic minority people in mountainous, remote and secluded areas. By the end of 2008, all communes with special difficulties had radio stations. Radio and TV programmes in minorities' languages have had a positive impact on the cultural life of ethnic minorities.

156. The State of Viet Nam provides a number of magazines and newspapers free of charge for disadvantaged and mountainous areas. All the communes in disadvantaged areas have bookshelves with legal materials and manuals for production development.

157. A large number of investment projects have been implemented to prevent degradation of and to restore heritage sites, collect, preserve and promote tangible and intangible cultural heritage of ethnic minorities. The system of community cultural houses has been built in villages and hamlets to display traditional cultural artefacts, organise festivities and rituals, and a place for gathering to diffuse knowledge and for community activities. In 2008, 89% of the communes and villages have a cultural house.<sup>20</sup>

158. The protection and development of traditional cultures of ethnic minorities receive due attention. The cultural and spiritual life of ethnic minorities has improved considerably over the last few years, with a significant increase in the level of cultural enjoyment. With the total investment of over VND 4,500 billion in 2006–2010, the National Target Programme for Culture has made important progress. Many cultural features of ethnic minorities have been protected, developed and recognised by UNESCO as a World Heritage, including the Central Highlands Gong Culture Space, My Son Sanctuary, Dong Van Geopark.

## **R. Rights of women belonging to ethnic minorities**

159. Viet Nam has over 6 million women belonging to ethnic minorities, accounting for 50.14% of the ethnic minority population and 16.5% of Vietnamese women. The Constitution stipulates that women and men have equal rights in all political, economic, cultural, social and family areas.

160. Viet Nam ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1981 and submits its periodic reports. Viet Nam guarantees all rights of women, including those belonging to ethnic minorities, as they participate in activities of the State and society. The Human Development Report of the United Nations recognises Viet Nam as a country with a good and continuously improved Gender Development Index (GDI). The index for 2009 was 0.723 (with the highest level being 1.00), ranking 94<sup>th</sup> out of 155 countries all over the world.

161. However, the level of illiteracy and the number of people who are unable to go to schools remain high among ethnic minorities, especially women and girls, which calls for due attention. The general situation throughout the country is that the higher the level of education, the wider the gender gap.

<sup>20</sup> Viet Nam MDG Report 2010.

## **S. Rights of ethnic minority children**

162. Viet Nam ratified the Convention on the Rights of the Child (CRC) in 1991 and submits periodic reports as required. Apart from a comprehensive legal framework on children's rights, Viet Nam has adopted a number of important national policies and programmes to enhance the protection of children's rights, including National Target Programmes, the Programme of Action for children, along with other social benefits and welfare policies.

163. The Vietnamese Government provides special support for ethnic minority children to exercise their rights, particularly the right to education. The enrolment rate of ethnic minority children in primary school at the appropriate age in 2005–2006 was 94% and there was no difference between genders among ethnic groups.<sup>21</sup> Ethnic minority children in mountainous areas are the most disadvantaged, as their families live in areas with difficulties, limited in transportation, which prevent them from having full access to social services and education facilities.

## **VI. Article 6**

164. Since 2001, the State of Viet Nam has stepped up improving its legal system, strengthening procedural organs, with a view to guaranteeing the principle of equality of everyone before the law in procedural activities (Law on Forensics, Law on Lawyers, Ordinance on Investigative Agencies, Ordinance on Detention, etc.).

165. Trials conducted by the court are held in public. During proceedings, judges and people's jurors are independent and act only in accordance with the law.

166. The responsibility of the State to compensate in criminal cases is stipulated in the Criminal Procedures Code and the Law on the Compensation Responsibility of the State.

167. The right to fair trial for all citizens is guaranteed in reality. There has been no signs of ethnic discrimination in trials in Viet Nam.

168. The Vietnamese law provides measures to ensure that all parties in procedural activities are duly informed of their rights.

## **VII. Article 7**

### **A. Difficulties, outstanding issues and challenges**

169. In the implementation of policies and laws protecting the legitimate rights and interests of ethnic minorities, there has been some delay in amending implementation guidance documents with a view to adapting them to current realities. The improvement of communications and dissemination of information on laws and policies in ethnic minority areas remains slow, consequently ethnic minorities in some areas do not enjoy access to full information.

170. To date, infrastructure in ethnic minority areas has not been completed and sometimes lack uniformity. Moreover, due to frequent occurrences of natural disasters,

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<sup>21</sup> Viet Nam continues to implement the Millennium Development Goals (Ministry of Planning and Investment), 2008.

infrastructure has been damaged and degraded, causing difficulties for socio-economic development.

171. The rate of poverty reduction among ethnic minorities remains slow and unsustainable. The poverty rate is still rather high in some ethnic minority areas. Ethnic minorities mainly live in mountainous and remote areas. Therefore, poverty reduction for ethnic minorities is much more difficult, requiring more resources and innovative approaches in the future.

172. Improving the quality of education and training in ethnic minority areas continues to be a big challenge. The primary school enrolment rate at the appropriate age has not met the target, while dropout rate of ethnic minority girls remains high. There is still a shortage of facilities and teachers, especially those who are fluent in ethnic minority spoken and written languages.

173. Due to the nature of the living locations, access to healthcare for ethnic minorities still has certain difficulties. There is still a difference in the ratios of malnutrition in under-five children among regions, between rural and urban areas, and among ethnic minority groups.

174. Human resources working in ethnic minority affairs have not met the demand, particularly resident ethnic staff. Due to linguistic barriers, civil servants assigned as addition from other regions have difficulties in persuading and guiding people in a given areas to implement laws, policies and promote production.

## **B. Measures to continue implementing the Convention**

175. Continue to develop, supplement and complete the legal system and policies related to people belonging to ethnic minorities, and create an enabling environment for better realisation of their rights in political, economic, educational, health, cultural and social fields.

176. Allocate greater resources to development of information and communications, as well as develop innovative methods of communications, education, awareness raising and provision of information on policies and laws for ethnic minorities. Promote the spirit of national solidarity and self-resilience among ethnic groups in hunger eradication and poverty reduction, and local socio-economic development. Diversify modes and contents of communications, such as radio, television, newspapers, etc. in ethnic languages. Construct cultural houses in communes, hamlets and villages to serve as cultural and communications and information hub.

177. Focus investments on infrastructure development, hunger eradication and poverty reduction and support for production restructuring to become better market demands. Develop planning for demographic arrangement, and implement activities to promote permanent farming and living, ensure allocation of sufficient and adequate land for sustainable cultivation and production. Combine infrastructure investment and socio-economic development with the protection of the ecosystem and bio-diversity in ethnic minority areas.

178. Increase resources invested in education in ethnic minority areas. Develop policies and incentives to attract teachers working in mountainous, remote and disadvantaged areas. Strengthen infrastructure and improve educational quality of ethnic boarding and semi-boarding schools. Supplement and amend policy on entry examination exemption for ethnic students in line with current context. Pay due attention to teaching and learning of ethnic spoken and written languages in schools, with particular focus on talented students belonging to ethnic minorities.

179. Give priority to training, planning and utilising of human resources belonging to ethnic minorities. Enhance the capacity of local government staff in terms of working skills and mass mobilization skills. Provide entitlements for eminent people among ethnic minorities. Strengthen qualified staff with fluency in ethnic languages and understanding of traditions and customs of ethnic minorities to work in disadvantaged areas. Develop policies to attract graduates from universities and colleges, professional high schools to work in areas with difficulties and with large ethnic minority population.

180. Expand vocational training and employment services, restore and develop local traditional crafts to expand goods production, create jobs and increase income. Give priority to employment of ethnic workers in industrial zones, plantations, farms, factories, and their recruitment to work abroad.

181. Increase investment in hospitals, district and communal clinics in terms of infrastructure and equipment, with a view to improving quality of primary healthcare and providing free medical examination and treatment for people living in mountainous and ethnic minority areas. Train local health workers in hamlets and communes. Continue to reduce malnutrition rate among children under five years of age. Provide free health insurance certificates for poor ethnic households.

182. Protect and promote cultural identities of ethnic minorities. Expand traditional cultural and artistic activities, creating healthy cultural environment, through, inter alia, organising on regular basis cultural and sport festivals in ethnic minority areas.

183. Ensure grass-root democracy, strengthen socio-political organisations and facilitate the exercise by ethnic minority people of their democratic rights in all aspects of social life.

184. Develop a set of indicators of the development of ethnic minorities.

185. Enhance inspection, evaluation of policy implementation related to ethnic minorities and encourage the participation of the people and mass organisations.

186. Strengthen the organisational structure of agencies in charge of ethnic minority affairs from central to local levels.

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