



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
16 October 2012
English
Original: French

Committee on the Elimination of Racial Discrimination Eightieth session

Summary record of the 2139th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 21 February 2012, at 3 p.m.

Chairperson: Mr. Avtonomov

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The meeting was called to order at 3 p.m.

**Consideration of reports, comments and information submitted by States parties
under article 9 of the Convention** (*continued*)

*Tenth to fourteenth periodic reports of Viet Nam (CERD/C/VNM/10-14;
CERD/C/VNM/Q/10-14)*

1. *At the invitation of the Chairperson, the delegation of Viet Nam took places at the Committee table.*
2. **Mr. Ha Hung** (Viet Nam) said that the report had been drafted by a committee comprising representatives from various ministries and institutions, political organizations, international organizations and foreign embassies. Viet Nam was a unified nation comprising 54 ethnic groups, with the Kinh people accounting for 85.7 per cent of the population. The State pursued a consistent policy of equality, unity and mutual respect among all ethnic groups. It gave preferential treatment to ethnic minorities so that they could achieve the same level of development as the majority of the population. Any division and incitement to racial hatred between ethnic groups was strongly opposed. Since 2001, 38 of the 151 laws enacted by the National Assembly were directly related to the rights and responsibilities of ethnic minorities. The National Assembly had created a Committee for Ethnic Minority Affairs, tasked with making recommendations on issues affecting ethnic groups, and monitoring implementation of policies, programmes and projects related to ethnic minorities. It was a ministerial agency responsible for promoting sustainable socioeconomic development in areas inhabited by ethnic minorities. In provinces with large ethnic minorities, a dedicated agency assisted local authorities in implementing specific policies and ensuring the exercise of ethnic minority rights.
3. Viet Nam had ratified virtually all the major international human rights instruments and intended to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Rome Statute of the International Criminal Court. At the international level, his country actively participated in forums and conferences to combat racism. Over the previous 10 years, Viet Nam had made significant progress in ensuring the rights of ethnic minorities. As to political rights, equality was viewed as a condition of socioeconomic development for ethnic minorities. The right of all to vote was enshrined in the Constitution, and the political rights of ethnic minorities were guaranteed by law. Ethnic minorities received assistance from the State to exercise their rights and were now better represented in central and local politics. The National Assembly consisted of representatives from 48 ethnic groups. At the local level, ethnic minorities were highly represented on People's Councils. Members of ethnic groups held key positions at the highest echelons of power and in the judiciary and armed forces.
4. The State encouraged the creation of jobs and vocational training for people from ethnic minorities, and promoted all sectors that employed large numbers of people from ethnic minorities. Ethnic minorities had a high employment rate of between 88 per cent and 95.5 per cent.
5. For 10 years, the Government had been implementing socioeconomic development programmes in regions with large ethnic minorities. One million poor families had benefited from 12 preferential credit programmes targeting those groups. The poverty incidence in those regions had fallen from 60 per cent in 2000 to 28.2 per cent in 2009. As at 2011, all communities with a large ethnic population possessed health clinics and 85 per cent had a school or classrooms. Legislation provided for the right to housing for all Vietnamese. The Government had introduced a housing support policy for ethnic minorities and poor people living in needy areas; 500,000 households had taken advantage of it in 2010.

6. Ethnic minorities enjoyed the right to medical care and treatment, social security and public services. All communes had a clinic and health workers. Infant malnutrition had fallen and there had been improvements in the prevention of diseases commonly found among deprived ethnic minorities. Numerous ethnic minority households now had access to clean water, and education and training had progressed in regions where ethnic minorities lived; many schools had been built and the literacy rate among children over 10 years of age had risen rapidly. The boarding and day school systems had been developed and had greatly benefited children from ethnic minorities. The preservation of ethnic minorities' written and spoken languages was a priority in public education policy, and teaching was provided in ethnic minority languages in 30 provinces.

7. Ethnic minorities enjoyed the right to participate in cultural activities. All communes had radio stations and television programmes were broadcast in the minority languages. That policy had allowed ethnic minorities to preserve their cultural identity and had considerably enriched their cultural and spiritual life. The Nationality Act granted Vietnamese nationality to members of all ethnic groups on equal terms. The courts upheld the principle of equality before the law without distinction as to sex, ethnic origin, religion, social class or social status. In court, the accused had free access to the services of an interpreter. The rights to personal security and State protection against violence or bodily harm inflicted by Government officers or other individuals or groups was protected by the Constitution, the Criminal Code and other legislation, and effectively guaranteed by the State. All citizens enjoyed the rights to inviolability of the person, body and to domicile, without distinction as to ethnic origin, sex, social class, religion, educational level or occupation, and benefited from legal protection of their life, health, honour and dignity.

8. All citizens, including ethnic minorities, had freedom of movement and residence in the country, and freedom to travel abroad and return to Viet Nam. The fundamental principles of marriage and family were free consent, a progressive approach to marriage, monogamy, equality between husband and wife free of ethnic or religions discrimination, and non-discrimination among the children. Members of ethnic minorities enjoyed those rights, as well as reproductive rights in accordance with the law. A Government decree stipulated that the birth of a third child did not constitute a violation of the Population Ordinance if the parents belonged to an ethnic group of fewer than 10,000 people or one that was dying out. Ethnic minorities' right to property was recognized and guaranteed in law. The Vietnamese Constitution laid down that citizens enjoyed freedom of religion and belief and that all religions were equal before the law. No distinction was made between believers and non-believers, practising members of ethnic minorities or Kinh. The number of religious organizations and followers had grown in the regions with ethnic minorities.

9. All forms of press were present in Viet Nam, including print, audiovisual and e-newspapers. The Government provided newspapers and magazines free of charge to ethnic minorities and disadvantaged areas. The number of programmes broadcast in ethnic minority languages, including in remote areas, had risen steadily. Ethnic minorities also enjoyed better access to modern information technologies, particularly the Internet. All citizens, including those from ethnic minorities, had the right to establish and participate in associations in accordance with the law.

10. Difficulties nonetheless prevailed with regard to implementation of laws and policies for guaranteeing the rights of ethnic minorities. The difficulties were due in large part to the fact that ethnic minorities often lived in mountainous and isolated areas and did not have full access to information about the laws and policies affecting them. In regions with large ethnic populations, infrastructure was variable and often needed replacing because of frequent natural disasters, which hampered socioeconomic development. It was difficult to achieve a sustainable reduction in poverty.

11. Improving the quality of education and training in the areas with ethnic minorities continued to pose a serious challenge. The set enrolment target in primary education had not been met and the dropout rate for girls from ethnic minorities remained high. There was a shortage of facilities and teachers, particularly teachers fluent in the spoken and written ethnic minority languages. Ethnic minorities found it difficult to access health care, and the under-five malnutrition rate varied widely between rural and urban zones and among the different ethnic groups.

12. The Vietnamese Government continued to develop, supplement and complete the legal system and policies for ethnic minorities, and to create favourable conditions for better implementation of their political, education, health, cultural and social rights. The State continued to increase investment and to promote a sense of unity and self-reliance among ethnic groups in order to reduce poverty. Viet Nam intended to continue to act in a number of areas: allocating land to ethnic minorities, preserving and promoting minorities' cultural identities, training civil servants from ethnic minorities, and offering incentives to businesses for investment in the areas where ethnic groups lived. Grassroots democracy would continue to be promoted, alongside the strengthening of sociopolitical organizations to help members of ethnic minorities exercise their democratic rights in all areas.

13. **Mr. Huang Yong'an** (Country Rapporteur) said that Viet Nam was a country with 54 ethnic groups, the largest of which was the Kinh people, and that members of ethnic minorities were found throughout the country, even if the majority lived in the mountainous regions. He regretted that the report under consideration did not provide disaggregated statistics on those minorities and that Vietnamese legislation did not include a definition of racial discrimination that conformed to article 1 of the Convention, even though ethnic and racial segregation and incitement to ethnic hatred were established as offences in the Criminal Code. Nor did Viet Nam have a national, independent human rights institution in conformity with the Paris Principles. He wished to know whether practical steps had been taken to enact an anti-discrimination law. Several laws established the principle of equality between ethnic groups but there was no information available on their enforcement in practice.

14. While, since the 1990s, the State party had been able to reduce hunger and poverty, it would be useful to learn whether the Vietnamese Government intended to continue its special measures to encourage ethnic minorities' economic and social development. As for implementation of article 5 of the Convention, he would be interested to learn how the Vietnamese Government preserved ethnic minorities' cultural heritage in a context of economic modernization and how it protected vulnerable groups. He also wished to hear the delegation's view on the allegations of incidents in areas with ethnic minorities, notably eviction and expropriation, violence and unlawful detention. He would also like clarifications regarding the mission report of the Independent Expert on minority issues following her visit to Viet Nam in July 2010, which claimed that land disputes with ethnic minorities were allegedly resolved by force and that peaceful demonstrations were violently put down.

15. Access to a high-quality education was a good way of promoting development and reducing poverty among ethnic minorities, and the State party should do its utmost to reduce the inequalities between the different social groups and take effective special measures to guarantee the right to education of children from ethnic minorities. Government officials and judges should become more familiar with human rights, particularly the rights of ethnic minorities. The State party should also combat stereotypes and prejudices that painted ethnic minorities as incapable or backward people steeped in superstition.

16. **Mr. de Gouttes** said that he regretted the report's lack of data on the practical implementation of all laws adopted to guarantee minority rights. He noted that the market

economy and the opening up of the country had had negative effects, such as the growing disparities in incomes and quality of life between urban and rural areas, the high levels of poverty in certain deprived areas where ethnic minorities lived and the high rates of illiteracy among ethnic minorities, particularly among women and children. He, too, wished to know how the Government reconciled economic growth, social cohesion and protection of the most vulnerable populations, and how it planned to bridge the gap between rich and poor regions, and urban and rural and mountainous areas. It would also be interesting to know what action the Government had taken following the visit of the Independent Expert on minority issues in July 2010 and that of the Independent Expert on the question of human rights and extreme poverty in March 2011.

17. He would be grateful for the delegation's response to the allegations that certain ethnic minorities continued to be subjected to human rights violations, including expropriation of ancestral lands, forced displacement, restrictions on freedom of expression, arbitrary arrest and problems linked to family registration. He would also appreciate the delegation's view of the problem of twofold discrimination, at once ethnic and religious, against certain ethnic groups. In that connection, was the State party interested in continuing its dialogue with the Special Rapporteur on freedom of religion or belief? He would also welcome more information on the employment policy aimed at the preferential hiring of people from ethnic minorities, and wished to know which international organizations active in Viet Nam had been involved in the Government-organized consultations during the drafting of the periodic report. Information would also be welcome on the status of the project to establish a national human rights institution in conformity with the Paris Principles, and recalled that the Committee would like information on complaints, prosecutions and sentences related to acts of racism in the State party.

18. **Mr. Diaconu** welcomed the special measures taken on behalf of minority groups, including in the areas of employment, vocational training and language teaching, and culture. In contrast, he deplored the lack of a definition of racial discrimination in the State party's legislation. He wished to know whether minority groups were consulted during large-scale infrastructure projects in the regions where they had lived, in some cases, for millennia. Some reports alleged that members of minority groups had been victims of violence perpetrated by the security forces during peaceful demonstrations. NGOs and United Nations bodies had noted violations of the human rights of ethnic minorities in the State party, including the ban on minority language publications, arrests of members of minority groups, forced displacement, and acts of religion-based discrimination, and sought more information from the delegation on the matter.

19. **Mr. Murillo Martínez** asked whether Viet Nam had taken measures to settle nomadic communities and relocate populations displaced following infrastructure projects or to compensate them, which ethnic groups were affected, and whether a dialogue had been initiated with them. Had the State party introduced mechanisms to consult ethnic groups regarding land issues, and did they participate in national decision-making?

20. **Mr. Vázquez**, noting that ethnic minorities had not really benefited from the effects of economic growth and poverty reduction in the country, asked what the Government was doing to combat the negative stereotypes of ethnic minorities common among the general public in Viet Nam and the local authorities. He also wished to know whether measures had been taken to promote bilingual teaching, as the Committee had recommended as one way to improve minorities' economic situation. Recalling that the recent amendment to article 87 of the Criminal Code had been invoked in the arrest of members of ethnic minorities during demonstrations and peaceful rallies, he wondered whether the Government envisaged further amending that article in order to prevent such abuses of the rights of ethnic minorities. The delegation might comment on allegations that members of ethnic

minorities were imprisoned far from their region of origin, and explain, if that information was correct, the reasons for the practice.

21. **Mr. Ewomsan** noted that there were huge disparities in Viet Nam between incomes and quality of life in urban areas and those in rural areas, where the majority of ethnic minorities lived. Recalling that Viet Nam comprised 54 ethnic groups, the largest being the Kinh people, he wished to know whether the policy of national unity favoured the latter to the detriment of other groups. He urged the State party to take legislative measures to guarantee respect for fundamental human rights in the country, in particular by adopting the definition of racial discrimination set forth in article 1 of the Convention.

22. **Mr. Calí Tzay** asked what the consequences of opening up the Vietnamese market had been for the most vulnerable sections of the population: minorities, women, children and the elderly. Noting that the State party prohibited all acts of discrimination based on ethnicity he would be grateful if the delegation could provide examples of such cases in Viet Nam. Surprised to learn from certain information sources that minority groups were persecuted and were not allowed to practice their religion, he would like more information on the subject.

23. **Ms. Dah** noted with satisfaction that Viet Nam had been one of the first countries in its subregion to achieve Millennium Development Goal 1 on poverty reduction and was resolutely committed to a most promising human rights and economic development promotion policy. While regretting that such rapid development did not benefit all sectors of the population, she was pleased that the State party had adopted numerous special measures for ethnic minorities, proof of its willingness to address existing disparities. Since the Criminal Code did not contain a definition of racial discrimination conforming to that in the Convention, she encouraged the State party to remedy that situation. She would like to know why the report focused on the concept of “ethnic minorities” rather than “indigenous peoples”, indicating a certain bias in favour of the ethnic majority, the Kinh. She wished to know whether the many policies and measures to combat racial discrimination targeted particular groups and to whom the special measures applied. Which were the ethnic minorities with a very small population referred to in paragraph 79 of the report? Did they benefit from policies for the promotion of education?

24. She would like the delegation to say something about the twofold discrimination faced by women from ethnic minorities, in terms of both their victimization through sexist stereotypes and their belonging to an ethnic group. She would also like to know whether statistics were available on the enforcement of anti-racial discrimination policies. With regard to the provisions of article 6 of the Convention, she would like to know more about the progress made with the reform of the judicial system, as well as the competence of traditional courts to settle disputes involving ethnic minorities. In conclusion, she urged the State party to allocate the necessary human and financial resources to the prospective national human rights institution so that it could function effectively.

25. **Mr. Amir** said that, despite the country’s economic and social development, a large section of the population remained vulnerable to sexual exploitation and poverty, particularly women and children in rural areas. He encouraged the State party to adopt legislation and introduce legal procedures aimed at combating sex tourism, and urged it to continue its efforts to create the appropriate conditions for the economic and social emancipation of vulnerable groups.

26. **Mr. Lindgren Alves**, noting with satisfaction that article 70 of the Constitution provided for the right not to follow any religion, demonstrating that the State party took a very broad view of freedom of religion and belief, asked what was meant by the reference to a progressive orientation in relation to marriage in paragraph 111 of the report. He welcomed the fact that inter-ethnic marriages were permitted, and wished to know whether

the offspring from those mixed marriages were considered mixed-race and whether they were well integrated into society. Lastly, he would like clarification of the distinction made in paragraph 47 between social class and social status.

27. **Mr. Lahiri** pointed out that, given the country's turbulent history in the twentieth century, Viet Nam's social and economic development was particularly remarkable, but expressed concern that certain ethnic groups did not enjoy the fruits of economic growth. He wished to know whether the State party possessed more precise statistics on ethnic minorities, which accounted for some 15 per cent of the population, and would like more details on those groups in the State party's next periodic report. The inclusion of socioeconomic indicators on health and education in the next report would give the Committee a clearer picture of the disparities between the different population groups, and enable the State party better to evaluate the needs of each group.

28. **Mr. Saidou** asked whether there were restrictions on the exercise of the right of assembly and association that all Vietnamese enjoyed, including members of ethnic minorities, in conformity with Government Decree 45/2010/ND-CP. He also wished to know what status was awarded to immigrants in the State party and whether any cases of discrimination against tourists had been brought to the authorities' attention. Lastly, were there organizations dealing with ethnic matters in the provinces? If so, he would like further information on their composition, functions and mandate.

29. **The Chairperson** asked whether members of ethnic minorities occupied management positions in the State administration and, if so, what duties they performed.

The meeting rose at 6 p.m.