



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

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reports submitted by Viet Nam under article 9
of the Convention, due in 2015*, ****

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List of Abbreviations

UN	United Nations
MDGs	Millennium Development Goals
SDGs	Sustainable Development Goals
NGOs	Non-governmental Organizations
INGOs	International Non-governmental Organizations

I. Introduction

1. This Report submitted by Viet Nam on the Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (hereby referred to as “CERD”) was prepared in accordance with Article 9 of the Convention. The report comprises of the implementation of the articles of the CERD from 2013 to 2019, with focus on the concluding observations provided by the Committee on the Convention after reviewing the 2012 Report.
2. This Report was prepared in accordance with the Guidelines on the Form and Content of Reports to be Submitted by States Parties to the International Human Rights Treaties (HRI/GEN/2/Rev.6), and the Guidelines for the CERD-Specific Document to be Submitted by States Parties under Article 9, Paragraph 1, of the Convention (CERD/C/2007/1).
3. To facilitate its review, the Report referenced Viet Nam’s Third Periodic Report on the implementation of the International Covenant on Civil and Political Rights (hereby referred to as the 3rd ICCPR Report) in the period between 2002 and September 2017, submitted to the Committee of the Convention in 2017, and the National Report of the Third Cycle Universal Periodic Review at the United Nations Human Rights Council (hereby referred to as the 3rd Cycle UPR National Report).

II. An overview of Viet Nam

4. Viet Nam covers a mainland area of 331,212 km² and over 1 million km² of islands and sea. Situated in Southeast Asia, with a population of 96.209 million people distributed over 63 provinces and cities under the central administration, Viet Nam is a unified country of 54 ethnic groups. In particular, 14.119 million people of 53 ethnic minorities comprise of 3.6 million households¹ living in ethnically mixed communities in 51 provinces and cities, 548 districts, and 5,266 commune-level administrative units.
5. There exists no concept of “indigenous people” in Viet Nam. Widely used concepts are “ethnic minorities” and “ethnic minorities with particularly small population”, which involves ethnicities accounting for a small proportion of Viet Nam’s total population (53 ethnic groups taking up 14.68% of the total population)² compared to the ethnicity with the largest population (Kinh) in a country of diverse ethnicities.³ Over thousands of years, ethnic groups have been living together, creating the intersection among different cultures and languages, resulting in the cultural diversity in each region of Viet Nam.

A. State agency system

6. This report refers to the state agency system described in Viet Nam’s 3rd ICCPR Report. The report specifies: “The Socialist Republic of Viet Nam (SRV) is a socialist rule-of-law State of the People, by the People and for the People, where all the State powers belong to the People. The State powers are unified and delegated to State agencies, which shall coordinate with and control one another in the exercise of the legislative, executive, and judicial powers”.⁴
7. In Viet Nam, the people exercise state power in the forms of direct democracy and representative democracy through the National Assembly, the People’s Council and other State agencies. The National Assembly elects the Ethnic Council in the structure of State agencies. The Council is tasked with proposing issues on ethnic affairs, building laws, and supervising the implementation of ethnic policies and socio-economic development programs and plans in mountainous and ethnic minority areas. The Ethnic Council also represents the voice of ethnic minorities, raising issues related to ethnic minorities from the

¹ Socio-economic statistics of 53 ethnic minorities in 2019.

² Socio-economic statistics of 53 ethnic minorities in 2019.

³ In response to Concluding Observation no.12 of the Committee on the Elimination of Racial Discrimination (CERD) in 2012.

⁴ Article 2, the 2013 Constitution.

grassroots level.⁵ In localities, the People's Councils engage in the process of protecting and promoting the rights of ethnic minorities within their respective localities.

8. The Government is the highest administrative body of the Socialist Republic of Viet Nam which exercises the executive power and acts as the executive body of the National Assembly. The Committee for Ethnic Minorities Affairs, a ministerial-level agency under the Government, performs the State management function over ethnic affairs nationwide. The Committee has the responsibility to conduct research and provide consultation on developing policies and laws on ethnic minorities and implement these policies and laws. The Committee also directs the implementation of policies and laws on social equality, solidarity and justice among ethnic groups against all acts of ethnic discrimination and segregation and adopts specific policies and measures that prioritize comprehensive political, economic, cultural and social development, security and national defense in mountainous and ethnic minority areas.

9. In the judicial system, the People's Court is the judicial body of the Socialist Republic of Viet Nam. It exercises the judicial power and holds responsibility for the protection of justice, human rights, and the legitimate rights and interests of organizations and individuals. The People's Procuracy exercises prosecution rights and administers judicial activities. Activities of the People's Court and the People's Procuracy at all levels are based on the principle that all citizens are equal before the law and the principle of independence, objectivity and impartiality.

10. Local authorities are organized in administrative units of the Socialist Republic of Viet Nam. At the local level, the People's Committees are coordinating agencies in implementing programs and policies to protect and promote the rights of ethnic minorities in their respective localities. Provinces and cities with a large ethnic minority population have Ethnic Committees, specialized agencies responsible for ethnic affairs which would assist local authorities in implementing ethnic policies, ensuring the rights of ethnic minorities in accordance with the law.

B. National legal framework on human rights protection

11. Human rights are recognized in the Constitution, the document with the highest legal jurisdiction in Viet Nam's system of legal documents. The current Constitution of Viet Nam was adopted by the National Assembly on 28 November 2013 and came into effect from 01 January 2014, whose entire Chapter II clearly stipulates "Human Rights, Fundamental Rights and Obligations of Citizens", including the rights of ethnic minorities, in 36 articles. According to the 2013 Constitution, human rights and the citizen's rights may only be restricted in accordance with the law in case of necessity for reasons of national defense, national security, social order and safety, social morality and community well-being.

12. In order to implement the 2013 Constitution and the Judicial Reform Strategy to 2020, from 2013 to the end of June 2019, Viet Nam has reviewed, supplemented, amended and issued over 100 legal documents and ordinances directly or indirectly related to guaranteeing human rights and citizens' rights. Viet Nam's outstanding achievements in legislation and law enforcement over 30 years of Doi Moi constitutes an important legal foundation to enable its people to enjoy human rights.

C. The implementation of international commitments on human rights

13. Viet Nam commits to international treaties to which Viet Nam is a party. This is well reflected in the Constitution, the 2016 Law on Treaties and the 2015 Law on Promulgation of Legal Documents. As a matter of principle, the drafting and issuance of legal documents in Viet Nam must not obstruct the implementation of international treaties to which Viet Nam is a signatory. If a domestic legal document (except for the Constitution) and an international treaty to which Viet Nam is a signatory set different rules for the same issue, the treaty shall

⁵ In response to Concluding Observation no.9 of the Committee on the Elimination of Racial Discrimination (CERD) in 2012.

prevail. This is an important legal basis for courts and competent authorities to refer to the Convention in the settlement of disputes, complaints and denunciations.⁶

14. Since the last review, Viet Nam has ratified two more Conventions on human rights: The Convention on the Rights of Persons with Disabilities and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment - CAT (February 2015). To date, Viet Nam has become a party to 7 out of 9 fundamental UN international conventions on human rights. Viet Nam is considering the signing of the remaining Conventions: International Convention for the Protection of All Persons from Enforced Disappearance (CPED) and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), as well as Optional Protocols of the Conventions. Viet Nam has also ratified a number of ILO Conventions related to human rights such as Convention No. 187 on Promotional Framework for Occupational Safety and Health (May 2014) and Convention No. 98 on Right to Organize and Collective Bargaining (June 2019), thereby raising the total number of ILO Conventions to which Viet Nam is a party to 24. In addition, Viet Nam is completing the application dossier for Convention No. 88 on Employment Service and Convention No. 159 on Vocational Rehabilitation and Employment (Disabled Persons).⁷

15. Since 2013, Viet Nam has submitted national reports on the implementation of the International Covenant on Economic, Social and Cultural Rights (2nd - 4th, 2014), Convention on the Elimination of All Forms of Discrimination Against Women (7th - 8th, 2015), International Covenant on Civil and Political Rights (3rd - 6th, 2017), Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1st Report, 2017), and Convention on the Rights of the Child (5th - 6th, 2018).

16. At the regional level, Viet Nam and fellow ASEAN member states are actively incorporating human rights into all pillars of the ASEAN Community in a “inclusive, people-oriented and people-centered” spirit, and implementing the ASEAN Human Rights Declaration (AHRD), the 2015-2020 Five-Year Work Plan Of the ASEAN Intergovernmental Commission on Human Rights (AICHR) and specific plans and documents on human rights protection and promotion such as: the 2016 - 2020 Work Plan of the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children, the ASEAN Regional Plan of Action on the Elimination of Violence Against Women and Children (November 2015), the Joint Statement on Promoting Women, Peace and Security in ASEAN (2017), the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers (November 2017), and the ASEAN Enabling Masterplan 2025: Mainstreaming the Rights of Persons with Disabilities (November 2018). Viet Nam ratified the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) in December 2016 (taking effect from March 2017) and has played an active role in the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crimes, and the Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT).

17. On the bilateral front, Viet Nam has been maintaining the annual human rights dialogues with the United States, the European Union, Norway and Australia, and signed bilateral cooperation agreements on human rights with many countries, including cooperation on the prevention of trafficking in persons with China, Laos, Thailand, Cambodia, and the U.K. In addition, Viet Nam also discusses human rights issues with partner countries through various informal channels.

18. In general, Viet Nam has been playing an active role in bilateral cooperation activities and at multilateral forums on human rights, making substantive contributions to fostering the joint efforts of the international community in the field of human rights through dialogues and better mutual understanding.

⁶ In response to a part of Concluding Observation no. 8 of the Committee on the Elimination of Racial Discrimination (CERD) in 2012.

⁷ In response to Concluding Observation no.20 of the Committee on the Elimination of Racial Discrimination (CERD) in 2012.

D. Difficulties and challenges to the implementation of the Convention

19. As a lower middle-income country, Viet Nam still faces numerous challenges regarding resources to ensure human rights. In addition, most ethnic minorities reside in areas with unfavorable natural and geographic conditions, with a lack of essential socio-economic infrastructure, modest economic development, and largely self-sufficient production. Thus, Viet Nam is faced with a lack of resources for the implementation of policies to support and ensure the rights of ethnic minorities, especially food, clothing and safe accommodation for ethnic minorities in unfavorable natural environments.

20. Climate change, natural disasters, epidemics and other non-traditional security issues, by which ethnic minorities are most affected, remain enormous challenges to Viet Nam.

21. The limited awareness of and attitude toward law observance among a number of citizens have significantly impacted the law enforcement and implementation of the Convention. Due to a lack of legal understanding, several people of ethnic minorities are prone to manipulation and provocation, which results in law violations. Legal communication and support for ethnic minorities, including policies to protect health, lives and dignity of ethnic minorities, encounter various difficulties. This is attributable to the mountainous, remote and isolated areas where ethnic minorities reside, insufficient staff and equipment, and limited budget for legal communication and education.

22. Existing backward customs and practices have prevented vulnerable groups such as women, children, people with disabilities, and ethnic minorities from proactively safeguarding their own rights. Gender inequality, male chauvinism, and domestic violence remain common occurrences, particularly in areas with low literacy level. This not only infringes upon citizens' enjoyment of rights, but also poses great challenges to state agencies in formulating and implementing policies to improve physical and mental well-being of the people.

E. Preparation of the Report

23. This report was prepared by an Inter-agency Working Group comprising of the Ministries and agencies directly relevant to protecting and promoting human rights, among which, the Committee for Ethnic Minority Affairs serves as the focal point for the preparation of the report.

24. The report was drafted in a comprehensive manner on the basis of contributions from governmental agencies at both central and local levels, the National Assembly departments, socio-political and socio-professional organizations, non-governmental organizations and the people.⁸ The Government agencies, organizations and individuals have submitted their comments via emails and at a number of consultation seminars organized by the Committee for Ethnic Minority Affairs in January and October 2018, and November 2019. All the comments were collected, compiled, studied and incorporated in this report.

III. Viet Nam's implementation of the international convention on the elimination of all forms of racial discrimination

Article 1

A. Assessment of the relevance of the definition of racial discrimination in the Vietnamese law

25. The goal of the State of Viet Nam is to strengthen the great unity of Viet Nam's ethnicities on the basis of principles stipulated in the 2013 Constitution: "All the ethnicities are equal, unified; and they respect and assist one another for mutual development", "the

⁸ In response to Concluding Observations no. 22 and 25 of the Committee on the Elimination of Racial Discrimination (CERD) in 2012.

State shall implement a policy of comprehensive development and provide the conditions for the ethnic minorities to fully utilize their internal strengths and develop together with the nation” and “a citizen has the right to determine his or her nationality”.⁹ Every ethnic group has the rights to use its own language and system of writing, to preserve national identity, to promote its fine customs, habits, traditions and culture, with a view to building an independent, united, democratic, free and prosperous nation.

26. The Vietnamese law forbids all acts that infringe upon the rights of equality among ethnicities, causing ethnic hatred, discrimination and segregation, and stipulates measures to provide support and preferential treatment for ethnic minorities. This is in line with the definition of “combating racial discrimination” at Paragraph 4, Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination. Throughout Viet Nam’s history, the ethnic groups largely co-mingle across the country, therefore eliminating ethnic-specific areas. In addition, the principle of non-discrimination among ethnicities also incorporates non-racial discrimination. Viet Nam’s ethnicity policy aims toward narrowing and eliminating the development gap among ethnic groups and areas by ensuring equal rights and implementing preferential policies on ethnic groups and areas in difficulties, for the development of these groups and areas and for their people to enjoy equal human rights.

27. Viet Nam has yet to issue a specific law on anti-discrimination incorporating the definition of racial discrimination. However, regulations on combating racial discrimination are clearly enshrined in the Constitution and many other legal documents, with the principle of priority and respect for international treaties to which Viet Nam is a party.¹⁰ Viet Nam reserves Articles 17 (1), 18 (1) and 22 of the Convention, while striving toward fulfilling international commitments with dedication and good will, bringing benefits for the nation through the implementation of the Convention.

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

28. Not only Vietnamese citizens but all citizens, including foreign nationals residing on Viet Nam’s territory, have their human rights ensured by the Vietnamese law. By drafting legal documents in an area-specific method, the protection of human rights of people in ethnic minorities is institutionalized in a wide range of legal documents across various social areas. Viet Nam has conducted reviews on the legal regulations and continued to undertake studies to improve the regulations on combating racial discrimination. Articles stipulating the protection and promotion of rights of people from ethnic minorities are present in 53 legal documents, including 12 new laws issued since 2012. Viet Nam is working toward developing the Law on Ethnicity.¹¹

29. Legal documents and policies on socio-economic development must be proposed, drafted and promulgated in consultation with their targeted subjects. Regarding legal policies concerning ethnic minorities, and remote and isolated areas where many ethnic minorities reside, the people’s comments must be collected directly or through the local authorities. In addition, the social criticism role of the press and media agencies and mass organizations, and the expansion of dialogue with social organizations in supervising the protection and promotion of rights of people in ethnic minorities have always been encouraged and strengthened.¹²

⁹ Article 5 and 42, the 2013 Constitution.

¹⁰ In response to a part of Concluding Observation no.7 of the Committee on the Elimination of Racial Discrimination (CERD) in 2012.

¹¹ In response to a part of Concluding Observations no.7 and no.10 of the Committee on the Elimination of Racial Discrimination (CERD) in 2012.

¹² In response to Concluding Observations no. 22 and 25 of the Committee on the Elimination of Racial Discrimination (CERD) in 2012.

Article 2

A. Laws and policies to protect and promote the rights of ethnic minorities and foreign nationals in Viet Nam

30. The consistent policy of the State of Viet Nam is to ensure equality, unity, respect and mutual support for shared progress among all ethnicities. All ethnic groups, regardless of their population and development levels, are equal in terms of rights and obligations across all social areas, which are guaranteed by the Constitution and the laws.

31. The guarantee of comprehensive equality across economic, cultural, social, political and civil domains for all ethnicities bears vivid testament to exercising the rights to self-determination of all ethnic groups in the great family of Viet Nam. Pursuant to the 2013 Constitution,¹³ their equal rights are stipulated in various legal documents such as the Civil Code 2015 (Article 3 and 16), the Criminal Code 2015 and its amendment in 2017 (Article 3), the Criminal Procedure Code 2015 (Article 9), the Civil Procedure Code 2015 (Article 8) and the Law on Administrative Procedures 2015 (Article 17).

32. Foreign citizens in Viet Nam have their life, possessions, and legitimate rights and interests secured in accordance with the Vietnamese law.¹⁴ They also have their ownership rights to investment capital and other legitimate interests of foreign investors protected,¹⁵ and can enjoy the right to freedom of belief and religion in accordance with the law,¹⁶ as well as the right to employment. As of July 2019, there are 92,100 foreign workers in Viet Nam. To create favorable conditions for foreign employees, the Vietnamese Government issues work permits through the e-portal <http://dichvucong.gov.vn>.

B. Policies guaranteeing the human rights of persons belonging to ethnic minorities (2013–2019)¹⁷

33. The State of Viet Nam gives priority to implementing socio-economic development policies targeting ethnic minority areas. This is demonstrated through National Target Programs which incorporates ensuring and supporting the rights to development of the people in ethnic minorities.¹⁸ Viet Nam has set out the targets for the implementation of the Millennium Development Goals (MDGs) and Sustainable Development Goals (SDGs) for ethnic minorities by 2020 and aiming toward 2025.¹⁹ Currently, 118 programs and policies are in effect and being implemented in ethnic minorities and mountainous areas, 54 of which are directly targeted at ethnic minorities and ethnic minority areas,²⁰ and 64 of which give priority to people from ethnic minorities in general. These policies are categorized into 3 fundamental groups: (1) Ethnicities and ethnic groups-specific policies; (2) Area-specific socio-economic development policies, and (3) Sector-specific socio-economic development policies. The current ethnicity policies are fairly adequate, comprehensive and multi-sectoral, covering all ethnic minorities and mountainous areas.

34. Ethnic and ethnic groups-specific policies aim to address the socio-economic challenges of ethnic minorities, especially the ethnicities with particularly small population, such as the “Socio-economic development in the regions inhabited by the Mang, La Hu, Cong, Co Lao minority groups” project, the specific policies to support the socio-economic development of ethnic minorities and mountainous areas in the period 2017-2020, and the Project to support the socio-economic development of ethnicities with particularly small population in the period 2016-2025. These policies have played an instrumental role in providing ethnic minorities with better access to and enjoyment in public services such as

¹³ Articles 16, 25, 28, 29, 31, 32, 34, 35, 41, 42.

¹⁴ Article 48, the 2013 Constitution.

¹⁵ Article 1, the 2014 Law on Investment.

¹⁶ Article 8, the 2016 Law on Belief and Religion.

¹⁷ In response to Concluding Observation no. 13 of the Committee on the Elimination of Racial Discrimination (CERD) in 2012.

¹⁸ Annex 1.

¹⁹ Annex 2.

²⁰ Annex 3.

healthcare, education, clean water and environmental sanitation, and in preserving and promoting the cultural identity of each ethnic group.

35. The area-specific socio-economic development policies focuses on addressing infrastructure and manufacturing development challenges of each area. The Government's Resolution on Directions of Sustainable Poverty Reduction 2011-2020 specifies the implementation of the project on poverty reduction in extremely disadvantaged communes, villages and hamlets in ethnic minority and mountainous areas, the specific poverty reduction support policies targeting poor ethnic minority households and the poor living in extremely disadvantaged communes, districts, villages and hamlets in ethnic minorities and mountainous areas, and conservation projects for ethnic minority groups with particularly small population. In the 2016-2020 period, the Program 135 under Project 2 of the National Target Program for Sustainable Poverty Reduction aims to support investment in infrastructure, assist production development for livelihood diversification, and promote poverty reduction models. The Program also aims to improve the capacity of communities and grassroots officials in extreme difficulty-hit communes and villages, border communes, and communes in safety zones. The Government has adopted a number of targets in the Millennium Development Goals for ethnic minorities in line with the Sustainable Development Goals post-2015 and incorporated the priority for resource allocation toward achieving the Millennium Development Goals in ethnic minorities, centering around poverty reduction, social security, healthcare, education and training. This shall contribute significantly to implementing and sustaining the achievements of Millennium Development Goals for ethnic minorities. The area-specific socio-economic development policies for ethnic minorities and mountainous areas in the period 2017-2020 aims to provide residence, land for production, water supply and preferential credit assistance to poor ethnic minority households and arrange permanent residence for nomadic ethnic minorities households.

36. Socio-economic development policies vary across sectors, with a focus on certain areas, including manufacturing, education and training, vocational training, employment, work related to grassroots officials, healthcare, cultural conservation and development, tourism, and information and communication.

37. Together with poverty reduction and social security policies, credit policies aiming at extremely disadvantaged ethnic minority households have been implemented to boost production, contributing to changing the people's awareness regarding borrowing, and assisting them in shifting from self-sufficient production to goods manufacturing. This helped over two million households from ethnic minorities and mountainous areas escape poverty and created jobs for more than 162,000 workers (with some 16,000 laborers working overseas on definite-term contracts). This also helped cover academic fees for over 211,000 disadvantaged students from ethnic minorities via loans and contributed to building over 1.3 million clean water and rural environmental sanitation facilities, and over 215,000 living homes. The Viet Nam Bank for Social Policies also offered support in the form of capital to improve production, offer sources of livelihood, and increase living standards for 1.4 million people from minority groups, with a total loan worth VND 135,964 billion, and a total debt of VND 49,617 billion.

38. Education – training, vocational training and employment.²¹ From 2016 to 2018, a central budget of VND 5,730 billion was allocated for tuition fee waiver and further support to cover other academic costs for children from ethnic minorities, thereby reducing the drop-out rate and sending a greater number of children in appropriate age groups to school. From 2010 to 2017, we provided vocational training to over 812,000 laborers from ethnic minority

²¹ Results in education – training, vocational training, and employment are demonstrated via the sound building and implementation of policies and legal frameworks to support minority groups, including the National Target Program on education and training for 2012 - 2015; the National Target Program on employment and vocational training for 2012 - 2015; the Target Program on career education, employment and work safety for 2016 - 2020; the Target Program on education in ethnic, mountainous and disadvantaged areas for 2016 - 2020; the Project on “Improving Vietnamese for kindergarten and primary school students from minority groups for 2016 - 2020, with a vision to 2025”; Decree no. 116/2016/ND-TTg dated 18 July 2016 of the Prime Minister stipulating policies to support students and high schools in disadvantaged villages and communes.

groups, accounting for 21.8% of our total vocational trainees. Workers of ethnic minorities who received vocational training are mostly from poor households and have no land for cultivation.

39. Policies for officials: The Prime Minister has enacted the Project on “Developing a workforce of ethnic civil servants and public employees in the new era” in accordance with Decision no. 402/QĐ-TTg dated 14 March 2016. The project focuses on providing training and capacity building for civil servants from ethnic minority groups, increasing the number of ethnic minority public servants and employees in central provinces and municipalities and agencies specialized in ethnic works, and boosting the number of people from ethnic minorities in leadership and management positions at agencies and localities. Recently, over 50,000 people from ethnic minority groups received training in areas of expertise; over 22,000 received training in state management; and over 10,000 received training in computer science. Ethnic minorities enjoy several preferential policies in terms of examination and recruitment, particularly for those who operate in remote and disadvantaged areas. At present, there are around 34,000 individuals with high credibility from ethnic minority groups serving as a bridge between the government and ethnic minorities in calling on their adherence to the guidelines of the Party and the policies and the law of the State. They have also made substantive contributions to promoting socio-economic development, eradicating hunger and poverty, enhancing the bulwark of national unity, safeguarding political security and social order and safety, and protecting the ecosystem in ethnic minority areas.²²

40. Healthcare: The implementation of assistance policies, such as boosting investments in primary healthcare for people in ethnic minorities and mountainous areas and granting health insurance cards to ethnic minorities, has created favorable conditions for minority groups to access medical examination at all healthcare centers in their area, and have the costs of medicines and medical supplies covered. Local healthcare facilities are always on standby at four levels, with a sufficient stock of medicines and medical supplies, to provide medical treatment and examination at any given time.²³

41. Cultural affairs: Viet Nam has multiple programs and policies to ensure cultural rights for ethnic minorities, including the Target Program on Cultural Development for 2016-2020, the “Conserve and develop the cultures of Vietnamese ethnicities toward 2020” Project, and the Project on Conserving and promoting the values of literary and artistic works of Viet Nam’s ethnic minorities. Viet Nam has also enacted policies to supply newspapers and magazines to the ethnic minority and mountainous areas, and extremely difficult socio-economic areas. Ethnic minorities can benefit from a number of preferential policies toward enjoyment of culture, and they are responsible for conserving their fine traditions, cultures, language and writing in accordance with the law, and upholding traditional cultural values and practices. In the time to come, the State of Viet Nam is striving to remove the emergency cultural protection status for ethnic minorities with particularly small population; and ensure that 70 to 80% of our villages, hamlets and communes have a self-managed cultural house; 60 to 80% of the officials working on cultural affairs in ethnic minority areas are from local ethnic communities; and every district in ethnic minority areas would be supported in developing at minimum two traditional crafts, traditional songs and dances or unique tourism activities, thereby contributing to their own socio-economic development.

²² These are exemplary individuals, with extensive understanding of the cultures, traditions, and practices of these ethnic groups. They enjoy close and influential connection with local communities and are capable of calling on collective actions from ethnic groups via both words and actions. They are also trusted and respected by local communities.

²³ These outcomes are achieved thanks to the sound implementation of the State’s policies on ethnic minorities, including the National Target Program on healthcare for 2012 - 2015; the Target Program on healthcare and population for 2016 - 2020; the Target Program on developing a social assistance system for 2016 - 2020; the Target Program on investment in developing local healthcare systems for 2016 - 2020; the policy on providing training for medical human resources in disadvantaged and mountainous areas in Northern and Central provinces, the Mekong Delta and the Western Highlands via recruitment; preferential policies for civil servants and public employees in healthcare who operate in socially and economically disadvantaged areas; the policy on supporting women in poor households and from ethnic minorities during childbirth in accordance with Viet Nam’s population policy; and regulations on bonuses for medical staff working in villages and hamlets.

42. On 18 November 2019, the 14th Legislature of the National Assembly of Viet Nam adopted Resolution no. 88/2019/QH19 approving the Master Plan for socio-economic development for ethnic minority and mountainous regions for 2021-2030. This decision is integral in outlining the comprehensive and effective development direction for ethnic minorities in the time to come, thereby strengthening their status and ensuring their development rights.

43. As per Viet Nam's law, Vietnamese citizens reserve the right to file complaints or denunciations against the actions of state agencies or competent authorities, should they have sufficient basis to claim that such actions are illegal, violating their legitimate rights and interests (Paragraph 1, Article 3 of the 2011 Law on Denunciations and Complaints).²⁴ To date, the Supreme People's Procuracy of Viet Nam has not received any denunciation or complaint regarding racial discrimination from ethnic minorities in the process of handling relevant cases.

Article 3

44. Viet Nam has witnessed notable achievements in the fight against racial discrimination on both national and international fronts. The 2013 Constitution stipulates that "The State shall implement a policy of comprehensive development and create favorable conditions for ethnic minorities to fully utilize their internal strengths and develop together with the country" (Article 5), highlights the policy of the great national unity (Article 9), and affirms the priority to enhance education for ethnic minorities (Article 61). The Constitution also acknowledges that all ethnicities are equal and united, upholding mutual respect and offering assistance for mutual development, and that all ethnic groups have the right to use their spoken and written language, conserve their identity, and uphold their sound traditions, customs, practices and cultures. All acts with a view to inciting violence, promoting conflicts and invasions, and fostering hatred among nations, peoples, races and religions are strictly prohibited and will be punished in accordance with the law.

Article 4

45. Viet Nam has always prioritized the development of ethnic minorities and the preservation of their cultural and traditional identity.

46. Viet Nam strictly prohibits all discriminatory and divisive acts that seek to tear down the national unity policy or incite ethnic hatred. Acts of racial discrimination, or the support for divisive and discriminatory acts are all strictly prohibited and punished under the law of Viet Nam. For instance, Article 116 of the 2015 Criminal Code (amended in 2017) on the offence of "Sabotaging national unity policies" has supplemented the criminalization of acts that cause ethnic secession (Item b, Paragraph 1) and division between religious followers (Item c, Paragraph 1), and raised the minimum sentence from 5 to 7 years. The objects of this offence are the State of Viet Nam's national unity policy, and policies related to ethnicities, religions and international solidarity stipulated in Article 12 of the 2013 Constitution.²⁵ According to the statistics from the Supreme People's Procuracy, for the offence of "Sabotaging national unity policies", from 2013 to 2019, across the country, Viet Nam's prosecuting authority has prosecuted and investigated 18 cases/50 defendants, among which 44 are from ethnic minorities.

47. Regarding civil affairs, Article 3 of the 2015 Civil Code stipulates that all individuals and legal entities are equal and shall not engage in discriminatory acts under any reason. Article 18 of the 2008 Law on Cadres and Civil Servants and Article 19 of the 2010 Law on Public Employees stipulate that civil servants and public employees are prohibited from engaging in any form of discrimination regarding ethnicity, gender, social status, belief and

²⁴ Response to Concluding Observation no. 9 of the Committee on the Elimination of Racial Discrimination (CERD) in 2012.

²⁵ Response to a part of Concluding Observation no. 10 of the Committee on the Elimination of Racial Discrimination (CERD) in 2012.

religion. Articles 5 and 8 of the 2019 Labor Code stipulate that workers have the rights to work, freely choose their occupation and career, and undertake education and vocational training to improve their skills, and discrimination in labor is strictly prohibited. Decree no. 88/2015/ND-CP stipulates a fine of VND 5 to 10 million for discriminatory acts regarding gender, ethnicity, and race in the recruitment, employment and management of laborers.²⁶

48. To further strengthen ethnic works, on 14 January 2011, the Vietnamese Government issued Decree no. 05/2011/ND-CP on ethnic minorities work, highlighting the fundamental principles in this field, including implementing ethnic policies on the basis of equality, solidarity, respect, and assistance for mutual development; ensuring comprehensive development policies; gradually improving material and spiritual living standards of ethnic minorities; preserving the language, writing, national identity, and promoting the fine customs, habits, traditions and culture of each ethnicity. Policies and national target programs are implemented to facilitate equal development for ethnic groups within the grand Vietnamese family of various ethnicities.

Article 5

Right to equal treatment before the tribunals and other organs administering justice²⁷

49. This section refers to Article 14 of the 3rd ICCPR Report on the right to equal treatment of Vietnamese citizens, including the ethnic minorities before the tribunals and other organs administering justice. The right to equal treatment before the tribunals is manifested by the provision to the effect that everyone will be tried through an equal and open process by a mandatory, independent and impartial court, which is established by the 2015 Administrative Procedure Code (Article 17), the 2015 Civil Procedure Code (Article 8), the 2015 Criminal Procedure Code (Article 9). The spoken and written language used in the criminal proceedings is the Vietnamese language. Nonetheless, people participating in the proceedings are entitled to use the written and spoken languages of their own ethnicity, and in that case, interpretation is to be provided as stipulated in Article 29. The court will have to arrange for interpretation at the court proceedings in order to ensure the rights and interests of the ethnic minorities at the court hearings.

50. In Viet Nam, the Court operates independently and, while in session, solely complies with the law. The rulings and decisions made by the Court, after being encrypted in accordance with the law, will be publicized on the website of the Supreme People's Court as stipulated by the law. To date, 415,847 rulings and decisions in the criminal, civil, marriage and family, businesses, commerce, bankruptcy, administrative domains have been uploaded onto the website with 17,888,940 visits. The 2013 Constitution (Article 30), the 2015 Administrative Procedure Code (Section 1, Article 327), the 2015 Criminal Procedure Code (Articles 469, 470, 471, 478 and 479), the 2015 Civil Procedure Code (Articles 499, 500, 502, 509 and 510) and the 2015 Criminal Procedure Code (Article 166) stipulate that all agencies, organizations and individuals have the right to complaints and denunciation.

51. Legal assistance to ethnic minority people living in areas with exceptional socio-economic difficulties has been part and parcel of the consistent policy now under implementation. Legal assistance has been provided for in the 2006 Law on Legal Assistance and then in the 2017 Law on Legal Assistance. So far, 100% of all provinces and centrally-run cities have State Centers for Legal Assistance under the auspices of the Provincial Department of Justice. 175 Branch Offices of the Center for Legal Assistance have been established at the district and inter-district level. There are 284 lawyers' organizations and 52 Centers for Legal Counselling registered to offer legal assistance. There are 997 lawyers and 218 legal counsellors and 5,862 collaborators who are taking part in providing legal assistance. During the period from 2013 to 2019, these organizations provided legal assistance to 166,745 people out of the total number of 664,773 people who were supposed

²⁶ Response to Concluding Observation no. 13 of the Committee on the Elimination of Racial Discrimination (CERD) in 2012.

²⁷ In response to Concluding Observation no. 10 of the Committee on the Elimination of Racial Discrimination (CERD) in 2012.

to get legal assistance. Information dissemination and communication work is promoted among organizations and individuals, particularly the ethnic minorities living in areas with exceptional socio-economic difficulties so as to enhance their awareness of the right to legal assistance. The quality of legal assistance has been further improved. Some 1.3 million flyers on legal information and the right for legal assistance in ethnic minority languages were distributed for the purpose of disseminating and educating law matters among the ethnic minorities.

52. In Viet Nam, rules and regulations have been put in place to guarantee the rights of foreign nationals living in Viet Nam. Chapter 38 of the 2015 Civil Procedure Code contains provisions concerning the procedures to settle civil cases involving foreign elements. Article 465 of this Code recognizes that foreign nationals living in Viet Nam have the right to initiate lawsuits to Viet Nam's Court to request for protection of their legal rights and interests in disputes or violations. For a fair trial, assistance for languages to foreign nationals is stipulated in Article 15 of the 2014 Law on the Organization of the People's Court. Additionally, the right to defense of the defendant and the accused or the right to protection of lawful interests of the involved parties are also written down in Article 14 of this Law. In the 2013 – 2019 period, the Supreme People's Procuracy accepted and resolved 15 civil cases involving foreign parties in disputes, mainly ranging from property or real estate claims, to compensation beyond contracts.

Right to security of person and the right to body inviolability

53. This section refers to Article 7 of the 3rd ICCPR Report on the body inviolability as mentioned in the provisions of the 2013 Constitution (Articles 19 and 20), the 2015 Law on Cyber information Security (Article 4), the 2015 Criminal Code, the 2015 Criminal Procedure Code and the 2015 Civil Code and the 2015 Law on Temporary Custody and Detention as well as many other legal documents.

54. On 28 November 2014, Viet Nam ratified the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). In 2017, Viet Nam submitted its Initial Report on implementing CAT and also promulgated a CAT-implementation plan with comprehensive substance, roadmap and work division among the concerned ministries and agencies on formulation of a plan on information dissemination and communication on the regulations against torture.

Political rights and right for election and to stand for election

55. This section refers to Article 25 of the 3rd ICCPR Report, regarding the right to election and to stand for election by all Vietnamese citizens, irrespective of their ethnicities, sexes, social status, beliefs, religions, educational levels and occupations. The ethnic minorities are given favorable conditions to participate in the political system, social and State management and to stand for elections to the National Assembly and People's Council at various levels. In the 2015 Law on Election of Deputies to the National Assembly and to the People's Council (Articles 8 and 9), the National Assembly Standing Committee, on the basis of the recommendations of the Ethnic Minority Council, prepared an indicative figure to make sure that at least 18% of candidates in the formal list of candidature are from ethnic minority groups. In the 14th Legislature of the National Assembly, there are 86 deputies from ethnic minority groups among the total number of 496 deputies, making up for 17.34%. This has been the biggest number so far (in the 13th Legislature, there were 78 ethnic minority deputies out of 500 deputies, accounting to 15.6% while in the 12th Legislature, the figure was 77 out of 493 or 15.62%, and in the 11th Legislature, it was 68 out of 498 or 13.65%). In the political system, from the central down to local levels, there are numerous people of ethnic minority background holding key positions, like Vice Chair of the National Assembly, Chair of the Ethnic Council of the National Assembly... In the Committee for Ethnic Minority Affairs, the Chair (Minister) and all Vice Chair (Deputy Ministers) and most Director-General-level managers are the ethnic minorities.

56. The ethnic minorities have the right to take part in the State and social management in a direct manner or through their representatives in line with specific, clearly defined provisions, particularly through the "democratic status corridor". Many legal and policy documents make clear that people, including the ethnic minorities, can participate in the

socio-economic management at the grassroots level along the principle “people know, people discuss, people implement, and people supervise”. Up to 2017, the number of ethnic minorities holding leading positions at the provincial and ministerial level was 46 (accounting to 12.16%), at the director level was 146 (4%) and the number of ethnic minorities working at various ministries, agencies and provincial departments was 170,437 (15% of the total). As of 1 October 2019, in the Party organizations, there were 13,966 ethnic minorities, in the People’s Council, 74,674 deputies were from ethnic minority groups, and in the administrative organs, there were 71,119 ethnic minorities working, and in the socio-political organizations based in ethnic minority areas, there were 27,396 people from ethnic minority groups.

Right to freedom of movement and freedom of residence within the national territory²⁸

57. This section refers to Article 12 of the 3rd ICCPR Report on the right to freedom of movement and residence within the national territory for ethnic minorities and foreigner nationals living in Viet Nam in compliance with the provisions of the 2013 Constitution (Article 23). The right to freedom of movement in Viet Nam’s legislation at present has reflected the principle of equality in conformity with the spirit of international law concerning the human rights as put down in Article 12 of International Covenant on Civil and Political Rights (ICCPR). The Vietnamese State has implemented a synchronized set of policies and measures to better respond to the right to freedom of movement and residence of all individuals legally living on Viet Nam’s territory.

58. The Law on Residence already concretizes the provisions relating to the safeguarding the human rights and citizens’ rights in the area of residence management in an open, transparent manner, abolishing all redundant administrative procedures. As such, the right to freedom of residence of people has been better safeguarded. The Government has also taken various measures relating to population management, such as using personal identity number (to replace the Household Registration Book or Temporary Residence Book) and updating the relevant personal information in the National Database. At present, Viet Nam is in the process of revising the Law on Residence, amending the sequence, procedures for residence registration in order to meet the need for population management under new conditions, creating maximum favorable conditions for people as well as making a fundamental change in the relations between the State agencies and the people concerning the residence registration procedures.²⁹

59. Regarding the question of refugees, so far Viet Nam has not acceded to the relevant International Conventions and has not formulated national law on this issue. Nonetheless, the legal system in Viet Nam, including the Constitution, the Law on Residence... and policies relating to population and ethnicities has sufficiently provided for the right to freedom of movement and residence, to ensure a stable life of all people living on Viet Nam’s territory. Article 49 of the 2013 Constitution affirms: “Foreign nationals, who are persecuted for taking part in the struggle for freedom and national independence, for socialism, democracy and peace, or for engaging in scientific pursuits, may be considered for granting asylum by the State of the Socialist Republic of Viet Nam”. At the same time, Viet Nam also participated in the United Nations Global Agreement on Refugees in December 2018.

Right to leave any country, including one’s own country, and the right to return to one’s own country from abroad

60. Viet Nam has amended, supplemented many provisions to facilitate exit and entry of citizens in terms of procedures with a view to ensuring their relevant rights in line with the law. In that connection, in 2019, the State promulgated the Law on Exit and Entry of Vietnamese Citizens (effective from 1 July 2020). Guided by the policy of regarding the overseas Vietnamese as an inseparable part of the community of Vietnamese nationalities,

²⁸ In response to Concluding Observation no. 18 of the Committee on the Elimination of Racial Discrimination (CERD) in 2012.

²⁹ In response to a part of Concluding Observation no. 16 of the Committee on the Elimination of Racial Discrimination (CERD) in 2012.

the State has paid attention to facilitating the entry and exit of Vietnamese residing overseas. On 24 September 2015, the Vietnamese Government issued the Decree No. 82/2015/ND-CP, stipulating the visa exemption for Vietnamese living abroad and foreign nationals who are spouses or children of Vietnamese citizens or of the Vietnamese living overseas.

61. It is the consistent policy of the Vietnamese State to protect and promote legal, safe and orderly migration, to combat illegal migration, traffick in persons, to safeguard the legal rights and interests of Vietnamese citizens during the process of migration. The Vietnamese Government has worked out a plan to implement the UN Global Agreement on Legal, Safe and Orderly Migration. Presently, the Government is considering acceding to the Protocol on combating illegal migration by road, sea and air, a supplement to the UN 2000 Convention to Combat Transnational Organized Crimes.

Right to nationality

62. Viet Nam's Constitution defines that a citizen of the Socialist Republic of Viet Nam is a person who is holding the Vietnamese citizenship. The 2008 Law on Vietnamese Nationality (Article 1) provides that the State of the Socialist Republic of Viet Nam is a unified nation of all the ethnicities living together in the country of Viet Nam and the members of all the ethnicities are equal in having the Vietnamese nationality (Section 2 of Article 20. In accordance with the 2008 Law on Nationality, the State President, from 2013 to 2019, decided to allow 3,751 people to obtain Vietnamese nationality, 79 people to get back their Vietnamese nationality. This constitutes a major effort by Viet Nam to ensure the right of people to have nationality, to enjoy fully all rights and obligations in the capacity of Vietnamese citizens, including the right to be protected by the Vietnamese State.

63. At present, the Vietnamese Government is actively collaborating with the Lao Government to settle the issue of free migration along the border line of the two countries. In that connection, free migrants from Laos are allowed to reside in Viet Nam and migrants from Viet Nam will be permitted to reside in Laos, and their applications for citizenship will be accepted, and be granted personal papers via a simplified procedure so that they can stabilize their life in the country of residence, take part in all transactions in the society and have their legal rights and interests protected.

Rights to marriage, to form family and equality in marriage

64. This section refers to Article 23 in the 3rd ICCPR Report on the rights to marriage, divorce, equality and mutual respect in marriage that are protected by the State, particularly the rights and interests of mothers and children. These are already provided for in the 2013 Constitution (Article 36), the 2014 Law on Marriage and Family (with provisions relating to marriage and family, responsibilities of citizens, the State and society in building, consolidating the marriage and family), the 2015 Civil Code (provisions concerning the right to marry, equal rights between wife and husband in civil relationship), the 2015 Criminal Code (provisions regarding offences violating the marriage and family regime).

65. On 14 April 2015, the Vietnamese Prime Minister issued the Decision No. 498/QĐ-TTg, approving the plan to minimize the situation of child or close consanguineous marriages or marriages between relatives of three generations among ethnic minorities in the 2015 - 2025 period with a view to improving the quality of the population and the human resources in the ethnic minority areas. After 5 years of implementation, the percentage of child marriages was reduced from 26.6% in 2015, to 21.9% in 2019, and the percentage of close consanguineous marriages decreased from 6.5% in 2015 to 5.6% in 2019. In addition, in order to produce a positive change in the gender equality issue and enhancing the status of women in areas of ethnic minorities, Viet Nam issued the Decision No. 1898/QĐ-TTg dated 28 November 2017, endorsing the project to support the gender equality activities in the areas of ethnic minorities for 2018-2025.

66. Foreign nationals living in Viet Nam are entitled to marry Vietnamese or other foreign nationals in conformity with the regulations. The 2014 Law on Marriage and Family stipulates that marriages and family relations involving foreign elements are respected and protected in accordance with the provisions of the Vietnamese law and international agreements to which Viet Nam is a party (Section 1, Article 121) and priority will be given

to the application of international agreements (Article 122) wherever it is applicable. In their marriage and family relations with Vietnamese citizens, unless otherwise provided by Vietnamese law, foreigners living in Viet Nam have the same rights and obligations like Vietnamese citizens (Paragraph 2, Article 121). During the 2013 – 2019 period, there were 116,949 marriages between Vietnamese citizens and foreign nationals, or between foreign nationals living in Viet Nam, or between Vietnamese citizens living abroad and those residing domestically. With regard to child adoption by foreign nationals, from 2013 to 2019, there were 3,286 cases.

Right to inheritance

67. The right to inheritance is one of the essential rights stipulated in the Civil Code and the Law on Marriage and Family. Proceeding from a fundamental principle of the civil law that “all individuals, legal persons are equal, and no excuse is used to harbor discrimination; they enjoy the same protection regarding personal rights and property”. People of ethnic minorities are ensured of their equal rights without discrimination in all civil relations.³⁰ The ethnic minorities are entitled to establish their wills in their own spoken and written languages. Furthermore, in the civil proceedings, ethnic minorities are entitled to participate in the court hearings, using the spoken and written languages of their ethnic groups through interpreters. The 2014 Law on Marriage and Family also stipulates that for cases not prescribed by law and in the absence of prior agreement by the parties involved, then fine practices, which embody the identity of each nationality, not contrary to principles prescribed in Article 2 of this law and not involving prohibited acts as prescribed in the law, may be applied.

68. For foreign nationals residing in Viet Nam, in Section 1 of Article 7, Section 1 of Article 159 and Section 2 of Article 161 in the 2014 Law on Housing, the scope of conditions for inheriting residential houses to foreign organizations and individuals has been broadened.

Right to freedom of belief and religion³¹

69. This section refers to Article 18 of the 3rd ICCPR Report concerning the legal framework, including the 2013 Constitution (Article 24), the Law on Belief and Religion (effective from 1 January 2018). Accordingly, religious leaders, clergymen, monks and followers, including those from ethnic minority groups are entitled to fully enjoy the right to freedom of belief and religion as stipulated in various legal documents on belief and religion.

70. At present, in Viet Nam, there are 43 religious organizations belonging to 16 religions that are recognized and granted certificates of operation by the State, with more than 26 million followers (accounting for 27% of the total population of the country); there are 57,000 dignitaries, 147,000 religious officers and more than 29,000 religious establishments. In the community of religious believers, 16.6% of them are ethnic minorities, following religions such as Protestantism, Christianity in the Central Highland and the northern mountainous region, Islam and Brahmanism in southwestern region, central coastal region and Ho Chi Minh City; Theravada Buddhism among the Khmer community in the southwestern region of South Viet Nam. In areas with ethnic minorities, from 2015 to 2019, the number of religious dignitaries from ethnic minorities increased from 8,080 to 12,586 and the religious establishments was up from 4,630 to 10,239.

71. The religion policy pursued by the Vietnamese State has brought about fundamental changes to the activities of belief and religion among the population, including ethnic minorities and foreign nationals living in the country. Specifically:

72. First, ensuring the diversity, harmony and equality among different beliefs and religions: Viet Nam is a country with multi-religions, beliefs which are existing harmoniously in the Vietnamese community of ethnicities. In Viet Nam, there is no religious strife or conflict. All religions are equal before law, there is no religious discrimination among

³⁰ Paragraph 1, Article 3, the 2015 Civil Code.

³¹ In response to Concluding Observation no. 16 of the Committee on the Elimination of Racial Discrimination (CERD) in 2012.

religious and non-religious people, nor between ethnic minority and the majority Kinh religious followers.

73. Second, collective religious activities: over the past years, on the basis of the principle of respecting and ensuring everyone's right to freedom of belief and religion, the localities in the Central Highland, Northwestern region have created favorable conditions for Protestant groups to register their collective activities. In the Central Highland, at present, there are 500,000 Protestant followers (90% of them are ethnic minority people) who are engaged in religious activities in some 400 branches and more than 1,600 groups. In the Northern mountainous region, there are some 250,000 Protestant believers (95% of them are ethnic people, mainly from Hmong ethnic group), who are joining in religious activities in 14 branches and more than 1.600 groups. In this connection, the local authorities have granted certificates of registration of collective religious activities for more 900 groups.

74. Third, on training: religious organizations are entitled to set up training facilities, and open training courses for religious professionals in order to meet the need of the organizations. To date, in Viet Nam, there are more than 60 training establishments for religious professionals. The Viet Nam Buddhist Sangha has set up a Theravada Buddhism Academy in Can Tho to specifically train Theravada Buddhist Khmer monks. So far, the Academy has completed three courses with nearly 100 bachelors on Buddhism and the 4th and 5th courses are being conducted for 31 students. Among the participants in religious training courses, many of them are ethnic minorities, for instance in the School for Bible and Theology in Ha Noi, there are 64 students from Hmong, Dzao, San Chi ethnic groups... Local authorities have also created favorable conditions for Protestant associations with legal person status to organize many training courses on theology and spirituality for dignitaries and religious officers from Northern mountainous provinces and Central Highland. Since 2015, there have been more than 1,600 trainees taking part in training courses on theology, more than 2,400 dignitaries and religious officers joining in training courses on spirituality in the Northern mountainous provinces. More than 1,300 people have joined in courses to train religious officers in the Central Highland.

75. Fourth, publishing religious books: The State of Viet Nam provides favorable conditions for religious organizations to print, publish bibles, religious books and utensils for religious purposes. Since 2013, there have been over 5,500 religious publications, with more than 17 million printed copies and some one million copies in MP3, VCDs, CDs or DVDs, apart from photos, calendars, flags. Many of the publications are in languages of ethnic minorities, for instance in Khmer, E De, Gia Rai, Ba Na... and 82 books printed in Khmer script. The State has also permitted the import from Cambodia of 473 copies of the Buddhist canon and 96 copies of Buddhism bibles in Khmer script for use in Buddhist temples.

76. Fifth, international cooperation and exchanges: Activities of international cooperation and exchanges of religious organizations and individuals have been facilitated by the State. Religious believers from ethnic minority groups are enabled to take part in international activities. For instance, there has been a growing number of Theravada Buddhist Khmer monks attending courses for undergraduate, postgraduate or doctoral programs on Buddhism in Thailand, Cambodia, Myanmar, Sri Lanka or India. Many Islam followers from Cham ethnic group have been taking part in international contest on reading Qu'ran Bible held in Thailand, Brunei, Malaysia and Indonesia, or participated in international conferences, seminars on Islam or pursued education in Islamic countries.

77. Sixth, the Vietnamese State respects and protects the right to freedom of belief and religion of foreign nationals legally residing in Viet Nam. As the Vietnamese Party and State pursue an open integration policy, the number of foreign nationals coming to Viet Nam to live, study and work has been on the rise. So far, there are tens of thousands of foreign nationals living and working in major cities or localities having industrial parks, and the majority of them are Buddhist, Protestant, Catholic, or Islam followers. The hosting localities have provided favorable conditions for them to gather for religious practice at lawful worshipping places throughout the country. Foreign religious followers are allowed to invite foreign clergymen to Viet Nam in order to guide religious activities at lawful places. Since 2011, more than 150 foreign clergymen have come to Viet Nam to preach Protestant followers at places for collective religious activities.

Right to freedom of speech and press³²

78. This section refers to Article 19 of the 3rd ICCPR Report concerning the provisions in the 2013 Constitution, the 2016 Law on the Press, the 2012 Law on Publication, the 2006 Law on Information Technology, the 2016 Law on Access to Information, the 2009 Law on Telecommunication, the 2015 Criminal Code (amended and revised in 2017) pertaining to the guarantee of the citizens' right to freedom of speech and freedom of the press. The 2016 Law on the Press stipulates that the mission and mandate of the press is to help preserve the purity and develop the Vietnamese language and the languages of the ethnic minorities in Viet Nam (Article 4); and that it is prohibited to publish and broadcast information with contents that incite hatred, discrimination, division, and separatism among the ethnicities, or violate the right to equality among the communities of Vietnamese nationalities (Article 9). Article 25 of the 2015 Criminal Procedure Code reads: "A Court shall try publicly, and every person is entitled to attend the trial, unless otherwise stated in this Law. For special cases involved state secrets, national traditions, protection of persons aged below 18 or personal privacy as per litigants' requests, a Court may try in closed session but must pronounce its judgments publicly".

79. The rights to freedom of speech, the press and information in Viet Nam have been better ensured thanks to the flourishing of the mass media, both in forms and contents. The Vietnamese people have become accustomed to debates, question time and critics over key policies and plans during the National Assembly sessions, or open roundtables and debates in the mass media on all political, economic and social matters of the country that are engaged vigorously by socio-political organizations and the people. In drafting the 2013 Constitution, through different channels, including the press and media, the National Assembly received some 20 million feedbacks from Vietnamese organizations and individuals, both at home and abroad, representing different social backgrounds, age groups and professions. The feedbacks were well noted to improve the draft Constitution before submission to the National Assembly for approval in 2013. The State agencies' accountability and responsibilities to provide information to the press and media have been enhanced through various mechanisms, including periodic press briefings, and "People ask, Minister responds" weekly program on the national TV channels. The number of people having access to internet in Viet Nam increased from 33.192 million in 2013 to 66.282 million in 2019; in 2016, some 6.8 million households had access to internet but in 2019, it was increased to 19.158 million.

80. The State of Viet Nam always provides favorable conditions and incentives to improve the material and spiritual life of the community of ethnic minorities, employing communication methods suitable to the particular features of the ethnic groups, on the basis of respecting and promoting the cultural diversity, the traditional knowledge and typical values of each ethnic community. The State also supports the right to equality in various spheres:³³ for instance, assisting the development of information dissemination and communication for the ethnic minority groups in mountainous areas, providing essential facilities to ensure their right to information access via radio programs, TV channels, printed and electronic newspapers. The State has also increased investments into the information and communication facilities at the grassroots level, and encouraged the people to use internet in order to serve the socio-cultural and economic development and improve the quality of their life and ensure their fundamental rights.

Right to freedom of assembly and association

81. This section refers to Article 21 of the 3rd ICCPR Report on the right to freedom of assembly and association of citizens in general and ethnic minorities in particular. The draft Law on Association is being worked out and open to public discussion with a view to facilitating the citizens' exercise of their right to freedom of association as provided for by the Constitution and it is also in line with Viet Nam's extensive international integration

³² In response to Concluding Observation no. 17 of the Committee on the Elimination of Racial Discrimination (CERD) in 2012.

³³ Regarding legal basis, refer to Decree No.72/2013/ND-CP, Decision No. 1860/QD-TTg dated 23 November 2017, Decision No. 219/QD-TTg dated 21 February 2019 of the Prime Minister, Decision No. 467/QD-TTg dated 25 April 2019 of the Prime Minister

process. Associations in Viet Nam have been growing in diverse forms with different scale, scope and nature of activities. Typically, there are associations or organization, such as the Viet Nam Women's Union (with some 17 million members in 2017), the Viet Nam General Confederation of Labor (more than 10 million members in 2019), the Viet Nam Youth Federation (6.4 million members in 2017), the Viet Nam Farmers' Association (nearly 10 million members in 2018). In addition, there is a growing number of social organizations and international non-governmental organizations. In 2013, there were 990 NGOs having ties with Viet Nam, which provided assistance valued at US\$ 302.4 million in 2013. In 2019, the number increased to 1,171 NGOs with the assistance valued at US\$ 262.15 million.

82. Viet Nam's law also allows foreign nationals, who are legally residing and working in Viet Nam, to join associations, take part in the associations' activities or to leave the associations provided that the associations' charter or statute provides for membership of foreign nationals in accordance with Viet Nam's law and international agreements on human rights to which Viet Nam is a signatory. At present, a number of associations of foreign businesses have been permitted to be established and operate in Viet Nam. Foreign NGOs, which were established abroad and are having development or humanitarian assistance programs in Viet Nam, have also been permitted to register for operation in the country.

Economic, social and cultural rights

83. In order to promote equal opportunities for all and boost economic growth and development for the ethnic minority groups, the National Assembly has issued the Resolution No. 76/2014/QH13 dated 24 June 2014 on accelerating the achievement of sustainable poverty reduction goals until 2020, and adopted the Resolution No. 44/2017/QH14 on increasing investments to areas with exceptional socio-economic difficulties, ethnic minority and mountainous areas, islands and areas heavily affected by the climate change. The National Assembly has also adopted the Resolution No. 88/2019/QH14 dated 18 November 2019 approving the socio-economic development Master plan for the mountainous ethnic minority areas for 2021 – 2030. Those are important policies aimed at developing, in an effective and comprehensive manner, ethnic minority areas and at the same time heightening the status and ensuring the right to development of the ethnic minority people. On the basis of the National Assembly Resolutions, the Government has promulgated various legal documents for the ministries and agencies to allocate resources from the State budget to support the difficult and mountainous ethnic minority areas.³⁴

84. Guided by the spirit that “no one should be left behind”, Viet Nam pays special attention to gradually narrowing the gap of the socio-economic development among the ethnicities. The socio-economic development policies for ethnic minority areas have produced many encouraging results. The percentage of poor households in the mountainous ethnic minority areas decreased from 35% (2011) to 16.8% (end of 2015), based on the criteria of income levels. During the 2016 – 2020 period, thanks to the great endeavors of the entire political system to reduce poverty in the mountainous ethnic minority communities, the goals in the National Target Program on Sustainable Poverty Reduction have been reached. Different mechanisms and policies on poverty reduction have recently been put in place. As a result, the average percentage of poor households in extremely disadvantaged communes or communes in border region or in the formerly revolutionary basis of the mountainous ethnic minority areas has been reduced by some 3 - 4% annually (in Lao Cai, Yen Bai or Lai Chau Provinces, the poverty reduction rate was more than 5% per year); 98% of the households, which have graduated from poverty, did not fall back to poverty.

85. Ensuring social security for the people is a key policy for poverty reduction and the well-being of the people, including the ethnic minorities. Ensuring social security is specifically stipulated in the 2019 Law on Labor (Article 8), the 2013 Law on Employment, and has been coordinately enforced via an array of policy groups, such as 1) a system of concessional credits covering 100% of communes or city wards; 2) vocational training policy aimed at improving the quality of labor in the ethnic minority areas; 3) policies for sending Vietnamese contract migrant workers abroad; 4) policies to support productive activities to help the ethnic minorities gradually abandon nature-based farming practices and actively

³⁴ Refer to Annex 3.

apply scientific and technological advances to productive activities in order to increase incomes and reduce poverty sustainably; 5) make investments into infrastructure development, such as road networks to facilitate the people's travel, and promote economic, cultural and social interactions; building irrigational systems to help farming areas and expand the productive acreage, thus stabilizing the food supply; make investments to develop permanent and integrated facilities in terms of household water supply, electricity, communal health clinics and schools in order to improve the living standards of the people in remote villages and hamlets; 6) providing poor ethnic minority households with land plots for residential or productive purposes to stabilize and improve their life; 7) Schemes for sedentary farming and residence for mountainous ethnic minorities effectively helped stabilize the people's life and reduce poverty among the nomadic households; 8) the agro-forestry farming and fishery extension policies significantly improved the livelihood of the ethnic minority communities by encouraging their productive activities in order to get out of poverty and raise income.

Right to employment

86. The ethnic minority people are ensured of their right to employment and freedom to choose occupations and they are entitled to enjoy the equal, fair and reasonable wages as others. Article 35 of the 2013 Constitution reads: "Citizens have the right to work and choose their occupations, employment and workplaces. Employees are guaranteed of equal and safe working conditions, have the right to wages and rest period. Discriminatory treatment is prohibited." Viet Nam has successfully executed the policy for the socio-economic development in the mountainous ethnic minority communities, particularly through the effective implementation of two National Target Programs on sustainable poverty reduction and building new rural areas, respectively. As a result, the ethnic minorities have had more access to employment and earned higher incomes.

87. With regard to the livelihood of the ethnic minority people, the 2013 Law on Employment (Article 5) provides for the assistance to employers who hire a big number of laborers, who are women, persons with disability and ethnic minorities. Furthermore, small and medium enterprises, co-ops, or household businesses employing a large number of persons with disabilities or ethnic minorities are entitled to access concessional loans from the National Employment Fund. Ethnic minority workers who wish to become contract migrant workers will be supported by the State with job training, learning foreign languages, improving professional skills in order to meet the requirements of hosting countries (Article 12). The 2014 Law on Vocational Education (Article 6) cites the priorities accorded by the State to the development of vocational education in extremely disadvantaged areas and the ethnic minority areas; support to ethnic minorities, exemption of school fees for the ethnic minority people from poor and almost poor households or ethnic minorities with particularly small population living in areas with socio-economic difficulties or exceptional socio-economic difficulties. The 2008 Law on Corporate Income Tax (revised and amended in 2013 and 2014) contains provision to the effect that incomes from vocational training activities exclusively for ethnic minority people are exempted from tax (Article 4); enterprises employing many workers who are ethnic minority people are entitled for reduction of tax, the amount of which is equal to the expenses for ethnic minority workers (Article 15).

88. The number of foreign nationals working in Viet Nam increased from 72,172 (in 2013) to 92,100 (up to July 2019). Foreign nationals working in Viet Nam also benefit from holidays or Lunar New Year holidays of Viet Nam; at the same time, they are entitled to have one day more for their New Year and National Day.³⁵ While Viet Nam is integrating more extensively into the region and the world, more foreign nationals are arriving for employment. In 2019, Viet Nam promulgated the 2019 Law on Labor, which concretizes the provisions concerning foreign nationals working in Viet Nam (Articles 169 - 175) with a view to ensuring the harmony and stability in the labor relationship and creating a solid foundation for international integration and fair trade.

³⁵ Paragraph 2, Article 112, the 2019 Labor Code.

Right to housing

89. This section of the Report refers to Article 17 of the 3rd ICCPR Report regarding the right to have legal residence and the right to residence inviolability of citizens and the provision stipulating that the land belongs to the entire people; all disputes of land use will be settled in accordance with the legal stipulations as contained in such laws as the 2013 Land Law, the 2017 Law on State Compensation Liability, the 2014 Law on Construction. In that connection, the State not only compensates but also take active measures to care for the life of the people, including ethnic minority people on a long term basis, such as getting people in the locality to work in the projects, in industrial parks, helping people to shift to trades, providing financial support to job training, creating new jobs for local people.³⁶

90. Article 27 of the 2013 Land Law provides for the policy relating to residential land, land for communal activities of the ethnic minority people, in line with the traditions, practice, cultural identity and practical conditions in each locality; the policy also creates favorable conditions for the ethnic minority people to engage in farming where there is land for farming. The Housing Law of 2014 (Article 14) provides that for rural, mountainous, border areas and islands, housing development must conform to the master plan on rural residential areas, program of building new-rural areas, customs, traditions of each ethnicity.

91. In the 2013 – 2019 period, the total funding for implementing policies on residential and farming land in the ethnic minority areas amounted to VND 6,669 billion. Some 300,000 ethnic minority households have benefited from the State's policy on housing assistance, which enabled them to settle down and engage in productive activities. The percentage of ethnic minority households owning houses increased from 95.7% (in 2015) to 99.1% (in 2019); the percentage of ethnic minority households having residential land increased from 97.26% (in 2015) to 99.1% (2019) and most of their land plots are more than 200 square meters; approximately 86.4% are reinforced or semi-reinforced houses; Almost all of their houses are built with quality and area higher the required standards, mostly from 28 -32 m², some are even 50 -60 m².

92. In conformity with the Constitution and on the basis of practical conditions, the 2014 Housing Law (Articles 7,159 and 161) broadens the conditions for foreign individuals and entities to own houses. Foreign nationals, who have legally entered Viet Nam, are entitled to purchase, rent-purchase, receive as donation, inherit or own not more than 30% of the number of apartments in one condominium; for individual houses, including villas and semi-detached houses in an area with a population equivalent to a ward-level administrative unit, they may only purchase, rent-purchase or receive as donation and own not more than two hundred and fifty houses. Since 2014, there have been some 800 foreign organizations and individuals owning houses in Viet Nam, mostly in major cities, industrial parks, tourist destinations.

Right to healthcare and social security

93. According to the 2009 Law on Medical Examination and Treatment, state budget will be allocated to public healthcare, with priority to the poor, farmers, ethnic minority people, people in areas with socio-economic difficulties and exceptional socio-economic difficulties (Article 4). The 2016 Law on Pharmacy also provides for incentives for investments, development of medicine supplies, small drug stores or mobile drug stores serving ethnic minority people, mountainous areas, islands and areas with exceptional socio-economic difficulties (Article 7). Encouraging achievements have been made thanks to the policies and regulations on healthcare for the ethnic minorities. The public health system has been gradually upgraded, the network for medical examination and treatment and the health insurance schemes have been expanded down to the commune or city ward levels; at the same time, a number of private medical establishments have been set up. Hence, ethnic minority people and the poor now have better access to quality medical services. The number of clinics meeting the national standards in the ethnic minority areas increased from 4,113 (45.8%) in 2015 to 4,539 centers (83,5%) in 2019. Local authorities have actively promoted the communication and guidance work for the ethnic minority communities to best benefit

³⁶ In response to Concluding Observation no. 15 of the Committee on the Elimination of Racial Discrimination (CERD) in 2012.

from medical examination and treatment policies. The percentage of ethnic minority women in the 15 – 49 age group who came to clinics to deliver their babies increased from 63.5% (in 2015) to 86.4% (in 2019).

94. The 2008 Health Insurance Law (revised and amended in 2014) (Article 12) provides for subjects that are entitled to join in the health insurance scheme funded by the State budget, which include people of poor households, ethnic minority people living in areas with difficult socio-economic conditions and in areas with exceptional socio-economic difficulties, people living in island communes and districts. From 2016 up to 2019, the percentage of health insurance coverage among the ethnic minority people increased from 91% (2016) to 93.5% (2019). The total number of people granted health insurance certificates is 7,596,529 with the total funding of VND 5,866,372 million. The costs of medical examination and treatment of 100% of ethnic minorities, poor people have been covered by the health insurance scheme.

95. Foreign nationals living in Viet Nam are also participating in health insurance schemes and are entitled to benefit from healthcare services, similar to Vietnamese citizens. The number of foreign nationals joining health insurance schemes increased from 6,235 (in 2013), to 81,393 (in 2019).

Right to education and training

96. Ensuring the right to education is a fundamental objective in the development policy of the State of Viet Nam. The Vietnamese law provides that the State gives priority to education development in mountainous areas, islands, ethnic minority areas and areas with exceptional socio-economic difficulties. Citizens have the right to acknowledge their ethnicities, use their mother tongues, choose languages in daily life.³⁷ All citizens, irrespective of ethnicities, religions, beliefs, sexes, family backgrounds, social status, economic circumstances, enjoy equal studying opportunities. The State accords priority to and create favorable conditions for young people of ethnic minority groups, of families living in areas of very difficult socio-economic setting...to exercise the above rights and perform their obligations for studying.³⁸

97. The 2019 Education Law stipulates that the State facilitates the ethnic minority community in learning their spoken and written languages with a view to preserving and promoting their national cultural identity, helping students of ethnic minority groups easily absorb the knowledge, while at schools or in other educational establishments.³⁹ The schooling facilities have been basically built in all ethnic minority communes. The networks of school in hamlets, boarding schools and semi-boarding schools for ethnic minority children, together with the policy of providing allowances to poor students enabled their access to the national education. Detailed account on the outcomes of the right to education and training of ethnic minority people is presented in Article 7 of the Report.

Right to equal participation in cultural activities

98. Viet Nam pays special attention to promoting the cultural rights of ethnic minority people. The 2013 Constitution provides: “Every ethnic group has the right to use its own spoken and written language to preserve its own identity and to promote its fine customs, practices, traditions and culture” (Article 5). Article 16 of the above Constitution reads: “No one is subject to discrimination in political, cultural and social life.” Ethnic minority people have equal right to take part in cultural activities and to preserve and conserve their own cultural identity. The State has introduced various policies and projects for cultural conservation and development, prepared curriculum framework for the teaching of ethnic minority languages for State employees working in the ethnic minority areas, and promoted the traditional costumes of Vietnamese ethnicities. Detailed information on exercising the right to equal participation in cultural activities of ethnic minorities is included in Article 7 of this Report.

³⁷ Articles 42, 61 of the 2013 Constitution.

³⁸ Article 13, the 2019 Law on Education.

³⁹ Article 11, the 2019 Law on Education.

Right of access to utilities and mobility

99. Over the past years, exclusive policies and regulations serving the ethnic minorities have remarkably facilitated their mobility and access to utilities. Remarkable investments were made for the development of essential infrastructure. The 2008 Law on Road Traffic stipulates that the State mobilizes resources for road transport development, with priority given to road transport networks in the key economic regions, cities, mountainous, remote, border, island areas as well as ethnic minority areas (Article 5). The length of reinforced roads connecting commune centers with district centers in ethnic minority areas increased from 48,364 km (in 2015) to 91,061 km (in 2019). The percentage of villages in ethnic minority areas having asphalted roads connecting to commune centers increased from 43.5% (in 2015) to 84,8% (in 2019).

100. The 2012 Law on Water Resources provides for the State policies on water resources, with priority accorded to investment in the prospecting, exploration and exploitation of water resources. Incentives have been adopted for water exploitation projects serving household and productive purposes in mountainous ethnic minority areas (Article 4). The State will prioritize exploitation and use of water resources for household purpose by investing in or supporting domestic, clean water supply projects, with priority given to the ethnic minority communities (Article 45). Communication work has been promoted throughout the country to raise awareness and change the rural people's mindset on the use of clean water, hygienic lavatories, hygiene and environment protection, hence significant improvement in the people's hygienic practices. The percentage of ethnic minority households having access to clean water increased from 73.3% in 2015 to 88.6% in 2019; the percentage of ethnic minority households using hygienic lavatories was up from 27.9% in 2015 to 59.6% in 2019.

101. Article 60 of the 2004 Electricity Law (revised in 2012) provides for the facilitation of access to electricity for production and domestic purposes of people living in remote and ethnic minority areas and areas with exceptional socio-economic difficulties. The number of villages in ethnic minority communes having access to electricity increased from 46,942 (97.1%) in 2015, to 55,644 (98.6%) in 2019.

Article 6

102. The 2013 Constitution affirms that everyone has equal rights before the law and is not subject to discrimination, which is concretized in many legal documents such as the Criminal Code, the Criminal Procedure Code, Law on Organization of the People's Procuracies, Law on Enforcement of Custody and Temporary Detention, Law on Execution of Criminal Judgments, Law on Belief and Religion, Law on Legal Aid, etc. This has clearly demonstrated the principle of considering people as both a driving force for and the goal of all national development policies. Given the rule of the Constitution and laws, the promotion and protection of human rights is reflected throughout the judicial reform strategy, including: prohibiting torture, harassment, corporal punishment, discrimination or any other forms of physical abuse, ensure the exercise of Human Rights, and unrestricted rights of detainees and inmates at detention facilities. This report refers to articles 9 and 10 of the 3rd ICCPR Report on the right to body inviolability and regulations on custody and temporary detention.

103. Importance is attached to the inspection and supervision of the enforcement of custody, temporary detention and execution of criminal sentences so as to ensure the safety of life, health, property, and dignity of detainees and inmates. The inspection and supervision are to ensure compliance with the regulations on custody, detention and enforcement of criminal sentences, while also take into account persons who are foreigners, members of ethnic minority groups, sick or infected with HIV/AIDS.

104. Direct inspection and supervision and case files review shows that the reception and management of detainees into detention facilities has been carried out in accordance with regulations of the 2015 Law on Enforcement of Custody and Detention and the 2017 Law on Legal Aid. Food supply, education, entertainment activities and medical care for detainees and inmates are basically ensured in accordance with the law.

105. According to Article 20 of the 2014 Law on Organization of the People's Procuracies, Article 163 of the 2015 Law on Criminal Procedure and Article 30 of the 2015 Law on Organization of Criminal Investigation Bodies, the investigation body of the Supreme People's Procuracy has jurisdiction to conduct investigation into public justice offences with offenders being officers or public employees of investigation bodies, Courts, People's Procuracies, sentence execution authorities, and those who are competent to conduct judicial activities when such offences fall under the jurisdiction of people's courts. While performing their functions and tasks, the investigation body of the Supreme People's Procuracy has always properly and fully complied with the provisions of the law, ensured the proper functioning of the judiciary, contributed to the protection of human rights and citizen's rights during legal proceedings; communicated the substance of the CERD and relevant Vietnamese laws on the elimination of all forms of racial discrimination in order to raise the awareness of civil servants and laborers.

106. A number of measures taken by the investigation body of the Supreme People's Procuracy to ensure the execution of Article 6 of the CERD Convention: (i) To ensure that there is sufficient information regarding the rights and obligations of proceeding participants under the provisions of the 2015 Criminal Procedure Code (Chapter IV); (ii) To ensure that proceeding participants are not afraid of objections or retaliation; (iii) To ensure the consistent protection of whistleblowers, witnesses and other participants in the proceedings as well as their relatives; strengthen coordination among and supervision of authorities, state agencies and the people in the enforcement of the law on the protection of whistleblowers and victims, etc.

107. Up to now, the Supreme People's Procuracy has not received any complaints about racial discrimination against ethnic minorities as it carries out its function. As the Supreme People's Procuracy performs its role as the public prosecutor and exercises its power of supervision of judicial activities, the agency has always complied with the laws and ensured human rights and citizen's rights. The information on the existence of discrimination against members of certain ethnic groups such as surveillance, intimidation, detention, and restriction of access to education is incorrect. The State respects and protects the rights of ethnic minorities in civil, political, economic, social and cultural fields, ensuring that ethnic minorities are provided with support to improve their material and spiritual life, have access to information and education, file complaints when their rights and interests are infringed upon.⁴⁰

108. To ensure equality of rights in procedures, the 2015 Civil Procedure Code provides for the right to request courts to protect legitimate rights and interests (Article 4); equality in rights and obligations in civil procedures (Article 8). The 2015 Law on Administrative Procedures stipulates that in administrative procedures, everyone is equal before law, regardless of his/her ethnicity, gender, belief, religion, social stratum, educational level, occupation and social status; all agencies, organizations and individuals are equal in exercising their rights and performing their obligations in administrative procedures before the court; the court shall create conditions for agencies, organizations and individuals to exercise their rights and perform their obligations. The fact that the 2015 Civil Procedure Code and the 2015 Law on Administrative Procedures both recognize equal rights of all people, whether they are Vietnamese citizens or not, is an important development in ensuring human rights compared to the previous Civil Procedure Code and the previous Law on Administrative Procedures (which only recognized equal rights of citizens before the Court).

109. Article 20 of the 2015 Civil Procedure Code, Article 21 of the 2015 Law on Administrative Procedures, and Article 29 of the 2015 Criminal Procedure Code provide that the spoken and written language used in civil procedures is Vietnamese; participants in civil procedures have the right to use the spoken and written language of their own ethnic groups. In this case, prosecuting agencies must ensure interpreters are available while involved parties exercise their rights.

⁴⁰ In response to Concluding Observation no. 9 of the Committee on the Elimination of Racial Discrimination (CERD) in 2012. See also Annex 3.

110. Document verification in civil proceedings for racial discrimination-related cases is grounded on the principle of providing evidence and proof in civil proceedings. Accordingly, “1. The involved parties shall have the right and obligation to initiatively collect and supply evidence to Courts and prove that their petitions are well grounded and lawful. Agencies, organizations and individuals initiating lawsuits or file their petitions to protect legitimate rights and interests of their own or of other persons shall have the right and obligation to collect and supply evidence and to prove the ground and the lawfulness like the involved parties. 2. The Courts shall assist the involved parties to collect evidence and shall only collect and verify the evidence in the cases prescribed by this Code”.⁴¹ Such principle is also reflected in many other provisions of the 2015 Civil Procedure Code such as Article 22 (Court’s responsibility for forwarding documents and papers), Article 91 (Obligations to prove), Article 92 (Details and facts that are not required to be proved), Article 96 (Hand-over of materials and evidences), Article 97 (Verification and collection of evidences), Article 106 (Requesting agencies, organizations and individuals to supply materials and evidences), Article 109 (Disclosing and using materials and evidences), Article 478 (Recognition of papers and materials sent by foreign agencies, organizations and individuals to Vietnamese courts).

111. While resolving administrative, commercial, labor and other cases in accordance with the law, procurators have been complying with the law concerning the functions, duties and powers of the People’s Procuracies, ensuring that all agencies, organizations and individuals are equal in exercising their rights and obligations before the law, regardless of ethnicity, gender, belief, religion, social stratum, educational level, occupation and social status.

112. The establishment of a national human rights body is a commitment of Viet Nam to the international community. Currently, the Vietnamese authorities are working on a national institution for human rights that works for Viet Nam.⁴² Although Viet Nam has not yet established a national human rights agency, the Vietnamese legal system provides for a strict surveillance system, ensuring the compliance of public authorities in promoting and protecting human rights in general, and limiting racial discrimination in particular during the delivery of public service. Human rights enforcement is supervised by such stakeholders as the legislative, the executive, the judiciary agencies, with the participation of socio-political organizations such as the Viet Nam Fatherland Front.

113. The handling of human rights violations is specified in Viet Nam’s legal documents such as the Penal Code, the Law on Complaints, the Law on Denunciations. Accordingly, these legal documents provide that competent agencies, organizations and individuals shall receive and settle complaints and denunciations about human rights violations, and strictly handle violators; take necessary measures to prevent possible damage, ensure the safety of life, health, property, honor, dignity, reputation, employment, and confidentiality for denouncers; ensure decisions on handling violations are strictly enforced and be accountable in front of the law for these decisions.⁴³

Article 7

Education and Training

114. The State has issued many guidelines and policies on strengthening and promoting education in ethnic minority and mountainous areas, including remuneration policies for teachers, priority enrollment policies, support for pre-K children, pupils and students of ethnic minorities with particularly small population, incentives for learners and policies for educational institutions.⁴⁴

⁴¹ Article 6, the 2015 Civil Procedure Code

⁴² In response to Concluding Observation no. 11 of the Committee on the Elimination of Racial Discrimination (CERD) in 2012.

⁴³ In response to Concluding Observations no. 9 and no. 11 of the Committee on the Elimination of Racial Discrimination (CERD) in 2012.

⁴⁴ See Annex 4.

115. Benefits for children and students in ethnic minority and mountainous areas include tuition fee exemption and reduction policy, scholarships for students of boarding schools for ethnic minorities, support for students of ethnic minorities with particularly small population, students at lower and upper secondary boarding schools in severely disadvantaged areas, social allowance policy, prioritized enrollment policy in tertiary and preparatory programs. Upon the expiration of Decision No. 2123/QĐ-TTg on education development for ethnic minorities with particularly small population in the 2010-2015 period, the Government issued Decree No. 57/2017/NĐ-CP on prioritized enrollment and support for pre-K children, pupils and students of ethnic minorities with particularly small population.

116. The teaching and learning of ethnic minority spoken and written languages are guaranteed. Currently, 06 ethnic minority languages are officially taught and learnt nationwide (with programs and textbooks issued by the Ministry of Education and Training), namely Mong, Cham, Kho Me, Jrai, Ba Na and Ede throughout 23 cities and provinces in 715 schools, 4,812 classes with 113,231 students. The training and retraining of ethnic minority languages for State employees working in mountainous ethnic minority areas has been promoted. From 2017 to 2019, as many as 56,628 civil servants were taught ethnic minority languages.⁴⁵

117. The Government has adopted the Project on Education Development for Ethnic Minorities with Particularly small Population in the period 2010 - 2015, compiled a number of specialized documents to assist teachers, including those on education and preservation of cultural identity for ethnic minorities with particularly small population, teaching methods for students from ethnic minorities with particularly small population at primary and secondary levels, improving Vietnamese proficiency and life skills for students from ethnic minorities with particularly small population at primary and secondary levels, aptitude tests and evaluation suitable for students from ethnic minorities with particularly small population at primary and secondary levels, training on active teaching methods with IT application for those who teach students from ethnic minorities with particularly small population at primary level, training on student psychology, customs and cultural identity of ethnic minorities with particularly small population, and teaching capacity building on life skills for those who administer and teach students from ethnic minorities with particularly small population.

118. At present, 100% of communes in ethnic minority and mountainous areas have a secondary school, a primary school, most of the communes have kindergartens. The State has established ethnic minority boarding schools, ethnic minority semi-boarding schools and pre-university schools for children from ethnic minorities, children from families of ethnic minorities permanently residing in areas with exceptional socio-economic difficulties to prepare human resources for these regions (Article 61). Up to now, Viet Nam has a total of 316 ethnic minority boarding schools across 49 provinces and centrally-run cities with a total of 109,445 boarding students, accounting for about 80% of total ethnic minority secondary school students. Of which, 59 schools are at provincial level (with 35,214 boarding students) and 256 schools (with 74,031 boarding students) at district level. As many as 68 schools at district level offer both lower and upper secondary education. There are 3 schools directly under the Ministry of Education and Training that offer boarding services for ethnic minority students. All ethnic minorities have their children enrolled in ethnic minority boarding schools. As many as 28 provinces have ethnic minority semi-boarding schools with 1,097 schools and 185,671 semi-boarding students. In addition, there are 29 provinces nationwide with 2,273 semi-boarding schools (each with 30 semi-boarding students or more) and 161,241 semi-boarding students. There are 05 pre-university schools for ethnic minorities. 51/53 ethnic minorities have students enrolled in university through entrance nomination. Some ethnic groups with large number of students enrolled through university entrance nomination include Thai (15.17%), Khmer (12.46%), Tay (9.59%), Mong (8.04%), Dao (5.58%).

119. The 2005 Youth Law provides for the State's policies towards ethnic minority youth which include improving the quality of education in ethnic minority boarding, semi-boarding and pre-university schools; adopting the University Entrance Nomination policy on the right

⁴⁵ In response to Concluding Observation no. 14 of the Committee on the Elimination of Racial Discrimination (CERD) in 2012.

persons and professions; offering tuition fees exemption and deduction, providing textbooks and other preferential policies in accordance with the laws to provide ethnic minority youths in areas with exceptional socio-economic difficulties with an opportunity to study and access information; to encourage and assist ethnic minority youths to preserve and promote their ethnic cultural identity, lead a civilized lifestyle and fight against backward customs and practices; prioritizing ethnic minority youths when it comes to vocational training, employment and loan arrangement for production expansion, technological application in production and life, promoting ethnic minority youth's activeness in labor and production, life improvement; investing in elite young members of ethnic minorities to prepare human resources for future managers and leaders (Article 24). The 2014 Law on People's Public Security Forces stipulates that the State puts in place a priority policy for training and retraining of officers, non-commissioned officers and soldiers who are ethnic minorities (Article 35).

120. Viet Nam implements a policy of prioritizing and supporting education development for people residing in ethnic minority and mountainous areas such as exemption and deduction of tuition fees, allowance from the 2015-2016 school year to the 2020–2021 school year (Decree No. 86/2015/ND-CP dated October 2, 2015), allowance for ethnic minority students at higher education institutions (Decision 66/2013/QĐ-TTg dated November 11, 2013), allowance for students and schools in severely advantaged communes and villages (Decree No. 116/2016/ND-CP dated July 18, 2016), prioritized enrollment and allowance for pre-K children, pupils and students of ethnic minorities with particularly small population (Decree 57/2017/ND-CP dated September 5, 2017), allowance for children, pupils and students of 16 ethnic minorities with particularly small population studying in ethnic minority boarding schools, pre-university faculties and schools, higher education institutions, vocational institutions and allowance for preschoolers and students of ethnic minorities with particularly small population. The rate of monthly allowance ranges from 30% to 100% of the common minimum salary, depending on each beneficiary category.

121. According to Article 17 of the 2012 Law on Law Dissemination and Education, attention should be paid to the dissemination and education of law for people living in ethnic minority, mountainous, remote, border, coastal areas, islands and areas with exceptional socio-economic difficulties. Elements covered in law dissemination and education are quite diverse, including the rights and obligations of citizens, new provisions; State regulations and policies such as settlement and sedentary farming encouragement, production stabilization, hunger eradication and poverty reduction; educate and encourage ethnic minorities to refrain from nomadism.

122. Many law dissemination and education activities for ethnic minority people have been carried out in following formats: (i) Compile materials for law dissemination and education for ethnic minorities (eg: as many as 40,000 copies in 30 leaflet designs on law dissemination and education were distributed; as many as 25,500 copies of the book "Mediation skills at the grassroots level" and "Handbook for mediators" were distributed free of charge to Departments of Justice in provinces and cities with ethnic minorities and to ethnic minority mediators in poor districts as communication materials); (ii) Promote law dissemination and education on mass media (such as working with newspapers and radio to formulate programs, establish columns, produce articles and reports; put in place specialized sections on law education page under the Ministry of Justice's web portal such as Law Q&A, Law Cases ...); (iii) Assist and select nearly 50 pilot localities (including many localities with large population of ethnic minorities such as Dien Bien, Tuyen Quang, Soc Trang ...) to provide training on law and experience in law dissemination and education for law rapporteurs and law communicators; (iv) hold training courses and seminars for ethnic minorities.

Culture

123. The 2001 Law on Cultural Heritage (amended and supplemented in 2009) stipulates that cultural and media agencies have the responsibility to communicate and widely disseminate at home and abroad the cultural assets of the Vietnamese ethnic community, contributing to raising the awareness of protecting and promoting cultural heritage values among the people (Article 11). Vietnamese cultural heritage is used for the purpose of promoting the fine traditions of the Vietnamese ethnic community (Article 12).

124. With a view to building a united yet diverse culture among the Vietnamese ethnic minority community, with priority given to the cultural promotion of ethnic minorities with particularly small population, the Government has endorsed a number of projects, including the Project on Ethnic Minority Cultural Conservation and Development to 2020 “ (Decision No. 1270/QĐ-TTg dated July 27, 2011 of the Prime Minister), the Project on Conservation and Promotion of Ethnic Minority Spoken and Written Language in Cultural Activities; the Project on Conservation and Promotion of the values of literature and artistic works by ethnic minorities in Viet Nam. Ethnic minorities in all regions can participate in cultural activities imbued with ethnic identity, many radio and television programs and cultural publications are published in ethnic minority languages such as Mong, Ede, Cham, Khmer ... Many positive traditional festivals have been restored and promoted, contributing to the preservation and safeguarding of ethnic cultural identity.

125. There have been 62,283 intangible cultural heritages from 63 provinces and cities accounted for, 288 intangible cultural heritages are included in the list of national intangible cultural heritages (of which 145/288 heritages belong to ethnic minorities - accounting for more than 50% of the total number of heritages); 05 heritages are categorized as spoken and written languages; 07 heritages as folk knowledge and are included in the list of national intangible cultural heritages; 04 heritages as folklore, 69 heritages as folk performing arts, 66 heritages as social practices and beliefs, 30 heritages as traditional crafts and are included in the list of national intangible cultural heritage. In 03 years from 2016 to 2018, 06 ethnic groups have their own cultural festivals held, namely Dao, Muong, Mong, Thai, Cham and Khmer.

126. Viet Nam values and promotes the development of UNESCO Global Geopark’s model for sustainable development, where values of geological and natural heritages as well as traditional culture of ethnic minorities in these special geological areas, usually remote and mountainous areas, are preserved and promoted. The Government promotes the adoption of the global geopark model to create livelihoods for ethnic minorities in provinces that already have global geoparks like Ha Giang and Cao Bang and continues to explore new global geoparks in Northern mountainous provinces and the Central Highlands.

127. The 2006 Law on Physical Training and Sports stipulates that investment in physical training and sports development is given priority in areas with exceptional socio-economic difficulties, conservation and development of ethnic sports (Article 4). The State adopts a policy to protect and promote national sports; encourage organizations and individuals to participate in exploitation and development of traditional sports, focusing on ethnic minority sports (Article 17).

128. Implementing policies towards ethnic minority artists, so far, the State President has signed decisions to confer the title of “People’s Artist” to 24 individuals and the title of “Distinguished Artist” to 535 individuals from ethnic minorities in 37 provinces/cities nationwide who have made excellent contributions to the conservation and promotion of the values of national intangible cultural heritages.

129. In international fora, Viet Nam has been a dedicated, active and responsible member of the 1972 UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage, the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, the UNESCO 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions. So far, UNESCO has recognized 8 world’s cultural and natural heritages, 13 intangible cultural heritages,⁴⁶ 2 world’s documentary heritages and 4 documentary heritages of the Asia-Pacific region, 2 global geoparks, 9 world’s biosphere reserves in Viet Nam, many of which are closely linked with the cultural identity and residential areas of ethnic minorities. Viet Nam is submitting the dossiers on Thai Dance and Cham pottery art to UNESCO for consideration and recognition of the cultural heritages of Vietnamese ethnic minorities.

⁴⁶ Space of gong culture in the Central Highlands of Viet Nam (2005), Quan Ho Bac Ninh folk songs (2009), Ca trù singing (2009), Xoan singing of Phu Tho Province (2011), Tugging rituals and games (2015), The art of Bai Choi in Central Viet Nam (2017), Practices of Then by Tay, Nung and Thai ethnic groups in Viet Nam (2019).

Information

130. Communication and dissemination of knowledge and practical experience on human rights, especially the CERD Convention and the policy of national solidarity and anti-racial discrimination is promoted and carried out in various formats such as seminars, training courses, local radio and TV programs in ethnic minority languages, through internet, loudspeakers, smart phones, tablets, etc. The Government adopted the project “Mainstreaming human rights education into the universal education system” to communicate and educate on human rights to create a transformative shift in learners, educators and educational administrators’ understanding of the importance and sense of protecting one’s own rights, respect for others’ dignity, rights and freedoms; sense of responsibility and obligations of citizens towards the State and society, contributing to the comprehensive development of Vietnamese people to meet the nation’s requirements of integration and sustainable development. Human Rights education and communication has equipped officials at all levels and people with basic knowledge in both breadth and depth, increasing the awareness and capacity, enhancing the effectiveness of human rights work.⁴⁷

131. The State of Viet Nam has been stressing the importance of information to fellow ethnic minorities. The 2006 Law on Information Technology (Article 64) provides for investment, financial and other incentives in accordance with the law for organizations and individuals who promote IT development and application to enable people in remote and isolated areas, areas with ethnic minorities, with socio-economic difficulties or exceptional socio-economic difficulties to use IT in production and everyday life. The information provided is very specific and covers the topics of political issues, law, national defense, security, social order and safety, economics, culture, social issues. Notifications of emergencies and incidents are communicated directly to local people within a district, a commune, an agency, a unit or a certain clearly defined group.

132. Viet Nam pays special attention to ensuring access to information in ethnic minority areas through many policies such as the pilot Project on distributing radios in mountainous ethnic minority, border and extremely disadvantaged areas, and the Project on “State budget’s special investment in film showing infrastructure for remote, border islands, ethnic minority and extremely disadvantaged areas”. As of 2018, 92% of ethnic minorities have access to radio, 85% can watch television, many programs are broadcast in ethnic minority languages such as: Mong, Thai, Ede, Cham, Khmer, etc.

133. Viet Nam has been providing favorable conditions to improve the material and spiritual life of ethnic minority communities, providing a number of essential means to ensure the right to information such as delivering 18 types of newspaper and magazine publications with the volume of 51.2 million copies from 2016 to now, the total expense for publishing and distribution is VND 322 billion. Publishers in 2017 published nearly 100 books in 250,000 copies for ethnic minorities. In addition, publishers also produced leaflets to be distributed to libraries in mountainous districts and extremely disadvantaged border communes and ethnic minority schools. The Viettel Group has invested in thousands of cell towers in most communes in mountainous ethnic minority areas. There are around 16,000 post offices, including about 7,640 post offices cum communal cultural venues to ensure all people have access to basic mail services.

134. Central to local radio and television stations have specialized channels in ethnic minority languages. The Voice of Viet Nam broadcasts nearly 30 hours of programs in 13 ethnic minority languages daily (Channel VOV4). The Viet Nam Television broadcasts 24 hours daily in 26 ethnic minority languages (Channel VOV5). The radio frequency covers 97.5% of the domestic territory. Information is provided via satellite and TV channels (including VTV5) and internet platform (VTVgo mobile app), accommodating well all people’s information needs, especially those in ethnic minority, remote, island and mountainous areas. Local radio and television stations in some provinces with a large population of ethnic minorities have radio and television programs in ethnic languages.

⁴⁷ In response to Concluding Observation no. 19 of the Committee on the Elimination of Racial Discrimination (CERD) in 2012.

135. The provision of information at grassroots level is undertaken nation-wide through around 10,000 commune-level radio stations; thousands of newsletters and materials along with the public message board system available in most communes, wards and towns. Regarding the staff involved in the management and conduct of information works at grassroots level, there are tens of thousands of communal radio station staff; hundreds of thousands of rapporteurs, communicators in State agencies, socio-political organizations, the armed forces, and a large number of staff managing and operating newsletters and other basic information services, in various formats, both full-time and part-time. According to the orientation until 2025, with a vision until 2030, Viet Nam will improve infrastructure for information and communication at the grassroots level, including establishing more than 2,000 new commune-level radio stations, upgrading over 3,200 commune-level radio stations, more than 300 district-level radio and television stations and reception stations, setting up over 4,500 new village radio stations in mountainous, remote, border and island areas far from the commune center. By 2020, 95% of communes have met standard No 08 on information and communication for new-style rural areas.

136. The State of Viet Nam supports investment in developing broadband telecommunications infrastructure nationwide, with priority given to remote, disadvantaged, border and island areas; provide universal and public telecommunications services, ensure the right to equal and proper access of all people and households, step by step, prioritize the provision of public telecommunications services and terminal equipment for poor households, near-poor households, households who are social policy beneficiaries; provide support for information and communication in search and rescue, natural disaster prevention and control; provide emergency communication services; provide support for public broadband telecommunications service access points in remote areas; provide support in implementing the Project “Digitize terrestrial television transmission and broadcasting to 2020”. It is Viet Nam’s consistent policy to promote the utilization of the internet for socio-economic and cultural development, administrative reform, improving the quality of life and the basic freedoms of the people. By 2019, the number of internet users accounts for 60% of the population, or about 64 million people (compared with 30.8 million in 2013 and 20 million in 2008), higher than the world’s average of 33%. This strong growth shows that Vietnamese people have daily access to the internet not only for livelihoods, study and entertainment but also to directly exercise their human rights, including civil and political rights (e.g: feedback on draft legal documents has been properly gathered in various formats).

IV. Conclusion

137. Viet Nam has been protecting and promoting the rights of ethnic minorities and foreigners in Viet Nam, especially since Viet Nam acceded to the CERD Convention in 1982. Viet Nam’s system of legal documents and policies has been formulated in accordance with international laws. Viet Nam continues to improve the legal system, mechanisms and policies, and mobilize resources for development while ensuring equality, respect, solidarity and harmony of relations between and among ethnic groups, encouraging them to help one another to develop for economic, cultural and social progress in ethnic minority areas. Viet Nam is also seeking to improve the quality of education and training, the quality of human resources and prepare a contingent of ethnic minority cadres to meet the requirements of sustainable development in the new context.

138. To further fulfill its CERD membership, Viet Nam is committed to promoting the communication and education of the Convention nation-wide, including among the mountainous ethnic minority communities. At the same time, Viet Nam will continue strengthening the inspection, supervision and evaluation of law enforcement, especially the supervisory role of the people, unions, and socio-political organizations. Viet Nam will also step up international cooperation on the implementation of the Convention to share international experiences and lessons learnt in protection and promotion of the rights of ethnic minorities and foreigners in Viet Nam and working against all forms of racial discrimination.