



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination 111th session

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Item 4 of the provisional agenda

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

List of themes in relation to the combined fifteenth to seventeenth periodic reports of Viet Nam

Note by the Country Rapporteur*

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session¹ that the Country Rapporteur would send to the State party concerned a short list of themes, with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

Statistics

2. Updated and comprehensive statistics on the demographic composition of the State party's population, disaggregated by race, colour, descent, language, ethnicity and national origin. Information on the tools developed to collect statistics, including information on the distribution of census forms in the Mekong Delta. Data with socioeconomic indicators on the situation of non-citizens, ethnic minority groups and all Indigenous Peoples, including the Khmers-Krom and Degar (Montagnards), in accordance with the principle of self-identification.

Convention in domestic law and the institutional and policy framework for its implementation (arts. 1, 2, 4, 6 and 7)

3. Measures taken to bring the definition of discrimination in article 16 of the Constitution of 2013 in line with article 1 of the Convention and to incorporate the Convention into domestic law.

4. Steps taken or planned to amend or repeal domestic legislation that is incompatible with the Convention, in particular article 5 thereof, such as the Press Law (2016), the Access to Information Law (2016) and the Cybersecurity Law (2018).

5. Examples of cases in which the Convention has been applied by and invoked before domestic courts.² Updated information on the measures taken to increase the visibility of the Convention among judges, prosecutors, lawyers and other law enforcement officials.

* Agreement was reached to publish the present document after the standard publication date owing to circumstances beyond the submitter's control.

¹ A/65/18, para. 85.

² CERD/C/VNM/CO/10-14, para. 8.



Information on the outcome of the aforementioned measures, including on the tools used to evaluate their impact.

6. Update on the number of cases brought before or decisions taken by domestic courts on incidents of racial discrimination, including on their outcomes and the penalties delivered to perpetrators. Information on measures taken to address barriers to reporting incidents of racial discrimination, including lack of awareness of rights and their justiciability, lack of confidence in the judiciary, fear of reprisals and limited access to available mechanisms. Information on past or planned efforts to establish a comprehensive, effective and independent complaint mechanism that is competent to receive complaints concerning racial discrimination.³

7. Information on independent monitoring mechanisms responsible for investigating complaints of racial discrimination.

8. Steps taken or planned to review policies and programmes that may be interpreted as reinforcing discriminatory stereotypes and prejudices against ethnic minority groups, such as National Assembly resolution No. 88/2019/QH14 (2019) on the socioeconomic development of ethnic minority and mountainous regions and Decision of the Prime Minister No. 219/QĐ-TTg (2019) on information and propaganda on ethnic and religious affairs.

9. Updated information on the development of the draft law on ethnicity, including on civil society consultations and a timeline for adoption.

Criminal justice system (arts. 2, 5 and 6)

10. Information in response to reports of a high number of people belonging to ethnic and ethno-religious minority groups that have been sentenced to death, executed or are on death row, including official data and information on the crimes for which the individuals have been convicted.

National human rights institution

11. Updated information on progress made towards the establishment of a national human rights institution, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), with the necessary financial and human resources. Information on consultations undertaken with relevant stakeholders, in particular civil society organizations, on the establishment of a national human rights institution.

Racist hate speech, incitement to racial hatred and hate crimes (arts. 2, 4 and 6)

12. Information on legislation prohibiting or measures taken to condemn hate speech and incitement to hatred and violence, including that which is made by public officials aimed at delegitimizing the work carried out by Indigenous rights defenders or human rights defenders belonging to ethnic or ethno-religious minority groups, as well as those advocating for the rights of Indigenous Peoples or ethnic minority groups. Information on legislation prohibiting or measures taken to condemn all organizations and activities disseminating or promoting racial hatred, including Red Flag Associations. Information on legislation recognizing racial discrimination as an aggravating circumstance for all crimes. Information on guarantees to ensure that such measures are not used in a manner that leads to unnecessary or disproportionate interference with freedom of expression.

Protection of civic space (art. 5)

13. Measures taken to guarantee the civil and political rights of Indigenous Peoples and people belonging to ethnic or ethno-religious minority groups, as well as those of individuals advocating for the rights of Indigenous Peoples, ethnic or ethno-religious minority groups, including measures to prevent and investigate all cases of intimidation, harassment, threats, reprisals, enforced disappearances, arbitrary detention and killings.

³ Ibid., para. 9.

14. Steps taken towards the amendment of article 121 of the Penal Code, which criminalizes “fleeing abroad or defecting with a view to opposing the people’s administration”. Information on reports that Indigenous Peoples and people belonging to ethnic or ethno-religious minority groups, as well as individuals advocating for the rights of Indigenous Peoples, ethnic or ethno-religious minority groups, have been prevented from leaving the State party’s territory to seek asylum abroad. Information on the forcible return, the confiscation or refusal to renew the passports of, and criminal proceedings brought against, the aforementioned.

Equal participation in public and political affairs (art. 5)

15. Measures taken to guarantee the equal enjoyment of the right to political participation by Indigenous Peoples and individuals belonging to ethnic or ethno-religious minority groups, including information on that right enjoyed by independent candidates. Information on the prohibition of discrimination on the grounds of race, colour, descent or national or ethnic origin under the Law on Election of Deputies to the National Assembly and Deputies to People’s Councils (2015).

16. Measures taken to guarantee equal participation in public affairs by Indigenous Peoples and individuals belonging to ethnic or ethno-religious minority groups, including by way of consultations carried out to engage them in the decision-making on projects that may affect them. Measures taken to guarantee the right to free, prior and informed consent of Indigenous Peoples, as well as their right to appropriate compensation.⁴ Measures taken to prevent, mitigate and redress the impact of development projects on the aforementioned individuals and their communities, as well as on the environment and climate change.

Equal enjoyment of economic, social and cultural rights (art. 5)

17. Information on the outcome of human rights-based and gender-sensitive policies and programmes implemented to address the socioeconomic disparities measured across the majority Kinh and Hao groups in comparison with the minority ethnic groups and Indigenous Peoples, in particular those residing in the north-west of the country, the Central Highlands and Mekong Delta.

18. Information on measures adopted to guarantee equal access to quality education that is culturally and linguistically appropriate at schools that are geographically accessible. Information on the quality of education provided at boarding schools, in particular on steps taken to ensure that attending children belonging to ethnic or ethno-religious minority groups or Indigenous groups are able to maintain their cultural or religious identity.

19. Information on the number of requests for the registration of ethno-religious minority organizations and their activities that have been received, including the outcome of these requests, and the available mechanisms to appeal denied requests.

20. Measures taken to prevent, investigate and redress all cases of forced renunciation of faith, interference in religious services and activities, the confiscation of religious materials and the destruction of religious property faced by individuals belonging to ethno-religious minority groups.

Non-citizens, refugees, asylum-seekers and stateless persons (arts. 2 and 5)

21. Updated information on the adoption of the Law on Residence (2020), including on the household registration system (*hộ khẩu*) and the ability of unregistered households and non-citizens to access basic services.

22. Information on measures adopted to combat statelessness among children, including those of returned marriage immigrants, and to guarantee their right to access to basic services.

⁴ Ibid., para. 5.

Trafficking in persons (arts. 2, 5 and 6)

23. Measures taken to combat trafficking in persons, which disproportionately affects Montagnards and other ethnic minority groups. Measures taken to investigate all instances of trafficking in persons, to prosecute and appropriately punish perpetrators and to provide redress and assistance to victims.

Public awareness-raising and training courses on racial discrimination (art. 7)

24. Information on educational initiatives to combat prejudice and increase tolerance and coexistence, raise awareness of racial discrimination and the rights enshrined in the Convention. Evaluations of the impact of such educational initiatives.

25. Evaluations of measures adopted to address the lack of acknowledgement of the existence of racial discrimination and inequality between ethnic groups.⁵ Information on public awareness-raising initiatives and training activities, specifically on racial discrimination and the rights enshrined in the Convention, for professionals in the media, law enforcement officials, judges, lawyers and representatives of State bodies, local government entities and relevant associations.

Durban Declaration

26. Information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

⁵ Ibid., para. 19.