

**INTERNATIONAL
CONVENTION
ON THE ELIMINATION
OF ALL FORMS OF
RACIAL DISCRIMINATION**



UN LIBRARY



Distr.
GENERAL

CERD/C/101/Add.5
22 December 1983

ENGLISH
Original: FRENCH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Twenty-ninth session

FEB 16 1984

UN/SA COLLECTION

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Initial reports of States parties due in 1983

Addendum

VIET NAM

[14 December 1983]

CONTENTS

	<u>Paragraphs</u>
INTRODUCTION: BASIC VIEWS	1 - 3
PART I: POLICY	4 - 11
PART II: SPECIFIC MEASURES	12 - 22
A. Promulgation of rules and policies with respect to the ethnic minorities	12 - 14
B. Establishment of organs specifically responsible for the affairs of the ethnic minorities	15 - 20
C. The people's courts	21
D. Anti-racist propaganda, diffusion and education measures	22

ANNEXES

- I. Constitution of 1946 (extracts)
- II. Constitution of 1959 (extracts)
- III. Constitution of 1980 (extracts)
- IV. Decree No. 229/SL of 29 April 1955 (extract)

INTRODUCTION: BASIC VIEWS OF THE SOCIALIST REPUBLIC
OF VIET NAM WITH RESPECT TO RACIAL DISCRIMINATION

1. Racial discrimination of every kind is an odious and inhuman act which must be condemned and eliminated.
2. The accession of Viet Nam to the International Convention on the Elimination of All Forms of Racial Discrimination reflects the commitment of the Government of the Socialist Republic of Viet Nam to the struggle of all mankind to eliminate all forms of racial discrimination.
3. The present existence in the world of acts of racial discrimination is rooted in imperialism, colonialism, oppression, exploitation and foreign aggression. Before all the forms of racial discrimination can be completely liquidated, it is essential that all the above-mentioned sources are eliminated.

PART I: THE POLICY OF THE VIETNAMESE STATE TO ELIMINATE ALL FORMS
OF RACIAL DISCRIMINATION, WHICH IS CLOSELY LINKED WITH THE BIRTH
AND DEVELOPMENT OF THE SOCIALIST REPUBLIC OF VIET NAM AND REFLECTS
THE NATURE OF THE SOCIAL REGIME IN VIET NAM

4. Viet Nam is a multinational State. Apart from the majority Kinh, it also harbours in its bosom more than 50 ethnic minorities, most of whom inhabit the highland areas in the north, centre and south of the country. The ethnic minorities - which represent 12.3 per cent of the country's population - consist of Tay, Thai, Muong, Nung, Kho-me, Gia-rai, Ede, Cham, Coho, Etc. Each of these ethnic minorities has its own spoken and written language, and its own manners and customs.
5. During the period of colonial-feudal domination, the ethnic minorities were oppressed in every way. Thanks to the victory of the August revolution and the birth of the Vietnamese Democratic Republic, the nationalities in North Viet Nam began, for the first time in their history, effectively to enjoy equality at all levels: political, economic, cultural and social, and became genuine masters in their own country.
6. By the long resistance against French colonialists and American imperialists, the Vietnamese nationalities waged a heroic struggle to defend their sacred and inviolable national rights. The birth of the Socialist Republic of Viet Nam, a unitary multinational State, has strongly affirmed the basic national rights and the equality of all the nationalities in Viet Nam.
7. Starting from the facts of their history and from the policy of the Socialist Republic of Viet Nam, the Vietnamese nationalities are aware that Viet Nam is a unitary State and that the sister nationalities living on Vietnamese territory and linked closely to one another in a single people are all citizens of a single country, endowed with the same territory, the same economy and the same historical tradition.
8. The Vietnamese people has persevered in the struggle against feudalism, imperialism, colonialism, and neo-colonialism and the foreign war of aggression. The Vietnamese Democratic Republic in the past and the Socialist Republic of Viet Nam in the present, owe their existence and their development to the policy of the grand national union of the nationalities living on Vietnamese territory without any discrimination on the basis of their levels of development. All the nationalities are protected by the State and enjoy the same conditions for developing themselves in every way. The collective masters of Socialist Viet Nam, they are completely equal in rights and in duties.

9. Ever since its inception in 1945, the Vietnamese Democratic Republic has promulgated its Constitution, its decrees and its policies with a view to:

. Achieving the policy of grand national union against all forms of oppression, exploitation and national division;

Recognizing the human rights and fundamental freedoms of all citizens, belonging to all nationalities, and ensuring their full observance;

Giving priority assistance to the ethnic minorities at the economic, political, cultural and social levels with a view to ensuring that equality is effectively enjoyed by the nationalities. This policy has enhanced the role of the ethnic groups as collective masters; and

Consolidating, supplementing and effectively applying the rules and policies with respect to the ethnic minorities.

At the national level

10. Viet Nam has played and is still playing an active part in the common struggle of the peoples against imperialism, colonialism, racism, apartheid and zionism and for peace, independence, democracy and social progress.

11. It has energetically supported:

The struggle for national liberation of the peoples of Asia, Africa and Latin America;

The struggle of the peoples of southern Africa, the Middle East and Latin America against the apartheid regime, zionism and the fascist dictatorships, respectively;

The struggle for the defence of the legitimate rights of the peoples throughout the world and human rights and fundamental freedoms; and

The struggle of the workers in the capitalist countries for freedom, democracy and life.

PART II: SPECIFIC MEASURES ADOPTED BY THE SOCIALIST REPUBLIC
OF VIET NAM TO ELIMINATE ALL FORMS OF RACIAL DISCRIMINATION

A. Promulgation of rules and policies with respect to the ethnic minorities

12. The three Constitutions of 1946, 1959 and 1980 - the basic laws of the Vietnamese State - stipulate inter alia the following principles:

(a) Solidarity, unity and equality among the nationalities, elimination of national divisiveness and marks of contempt, removal of the discrepancy in economic, cultural and social development levels among the various ethnic groups (Article 1, Chapter I; Article 8, Chapter II - 1946 Constitution; Article 3 - 1959 Constitution; and Article 5 - 1980 Constitution).

(b) Guaranteeing the rights and fundamental freedoms of citizens without any discrimination (Articles 23, 24, 25, 26, 28, 29, 30, 32, 33 and 34 - 1959 Constitution; and Articles 56, 57, 58, 60, 61, 62, 64 and 67-72 - 1980 Constitution).

13. On the basis of the constitutional provisions, the Government of the Vietnamese Democratic Republic promulgated, as from 1953, its policy with regard to the ethnic minorities which subsequently took the form of Decree No. 229/SL approved on 29 April 1955 by the National Assembly. That Decree is still in full force.

14. In application of the provisions of Decree No. 229/SL, the Government of the Vietnamese Democratic Republic promulgated, one after another, a number of orders and administrative instructions establishing concrete measures to ensure the development of the ethnic minorities at the economic, political and cultural levels. These instruments included:

Encouraging the development of production in the highlands;

Encouraging the ethnic groups to make use of their own spoken and written languages;

Establishing communal dispensaries in the highlands;

Establishing five universities and training colleges essentially for the children of the ethnic minorities; and

Granting priority access for young people from the ethnic minorities to the country's other universities.

B. Establishment of organs specifically responsible for the affairs of the ethnic minorities

15. In 1955, the Commission on Ethnic Affairs, responsible to the Prime Minister's Office, saw the light. The duty of this Commission was to monitor the application of policies concerning the ethnic minorities and to make any necessary recommendations to the Government.

16. In 1958, the National Assembly decided to convert the Commission on Ethnic Affairs into the Central Committee of Nationalities, an organ with ministerial tasks and powers, whose Chairman is a member of the Council of Ministers.

17. This Committee is responsible for implementing State policies concerning the ethnic minorities and helping the Government to complete and improve them.

18. In the National Assembly of the Socialist Republic of Viet Nam, there is the Council of Nationalities which is elected by the Assembly. The Council of Nationalities studies and submits to the National Assembly and to the State Council resolutions on problems concerning the ethnic minorities and helps them to supervise the implementation of policy with respect to ethnic groups.

19. The Chairman of the Council of Nationalities is entitled to participate in the meetings of the State Council.

20. The State creates favourable conditions for the Committee to express its solidarity with the Afro-Asian and Latin American peoples (mass organizations) in their activities against racial discrimination and national division and in their support for the struggle of the peoples suffering from oppression, aggression and domination throughout the world.

C. The people's courts, whose hearings are in public, pass judgements with complete impartiality towards all citizens irrespective of nationality, in accordance with the provisions of the law.

21. (Article 22 - 1959 Constitution; Articles 55 and 73 - 1980 Constitution; Articles 1, 2, 4 and 6 - Decree No. 229/SL of 29 April 1955).

D. Anti-racist propaganda, diffusion and education measures

22. Through the Voice of Viet Nam, newspapers and magazines and educational programmes in the schools and universities, anti-racist propaganda, diffusion and education measures are designed to:

Promote mutual understanding among all the nationalities living on Vietnamese territory and among all the peoples of the world;

Develop the spirit of solidarity and mutual respect among the nationalities in Viet Nam and between the Vietnamese people and the other peoples of the world; and

Clarify the humanitarian policy of the Vietnamese State with respect to human rights, and condemn and denounce the policy of racial discrimination and national oppression in South Africa, the Middle East and Latin America.

Annex I

1946 CONSTITUTION OF THE VIETNAMESE DEMOCRATIC REPUBLIC (EXTRACTS)

Article 1 (chapter I)

"The entire power of the State shall belong to the people, without any discrimination based on race, sex, wealth, national or social origin or religion."

Article 8, paragraph B (chapter II)

"In addition to equality of rights, the ethnic minorities shall be granted manifold assistance to enable them to rise as soon as possible to the general level of development."

Annex II

1959 Constitution of the Vietnamese Democratic Republic (Extract)

"Article 3. - The Vietnamese Democratic Republic shall be a united multi-national State. All the nationalities living on Vietnamese territory shall have equal rights and duties. The State shall have the duty to preserve and develop the solidarity between the various nationalities. All acts of discrimination against, or oppression of, people on grounds of nationality and acts which undermine the unity of the nationalities shall be strictly prohibited. All nationalities shall have the right to preserve or to change their own customs and habits, to use their spoken and written languages, and to develop their own national culture. Autonomous regions may be established in areas where people of national minorities live in compact communities. Such autonomous regions shall be inalienable parts of the Vietnamese Democratic Republic. The State shall endeavour to help the national minorities to advance rapidly and to keep pace with the general economic and cultural advance."

"Article 22. - Citizens of the Vietnamese Democratic Republic shall be equal before the law."

Article 23. - Citizens of the Vietnamese Democratic Republic who have reached the age of 18 shall have the right to vote, and those who have reached the age of 21 shall have the right to stand for election, whatever their nationality, race, sex, social origin, religious belief, property status, education, occupation, or length of residence, except insane persons and persons deprived by a tribunal or the law of the right to vote and stand for election. Citizens serving in the Army shall have the right to vote and stand for election."

Article 24. - Women in the Vietnamese Democratic Republic shall enjoy equal rights with men in all aspects of life - political, economic, cultural, social and family."

"The State shall protect marriage and the family."

"Article 26. - Citizens of the Vietnamese Democratic Republic shall enjoy freedom of belief; they may practise or not practise a religion."

"Article 28. - The sanctity of the homes of citizens of the Vietnamese Democratic Republic and the inviolability of the mails shall be guaranteed by law."

Article 29. - Citizens of the Vietnamese Democratic Republic may complain to any public body concerning, or may denounce, unlawful acts committed by members of public bodies. These complaints and denunciations must be investigated and dealt with rapidly. Persons wronged by unlawful acts are entitled to compensation."

Article 30. - Citizens of the Vietnamese Democratic Republic shall have the right to work. To guarantee enjoyment of this right by citizens, the State, basing itself on the planned development of the national economy, shall gradually create more employment and improve working conditions and wages."

"Article 32. - Working people shall have the right to material assistance in old age and in case of illness or disability. To guarantee enjoyment of this right by working people, the State shall gradually expand social insurance, welfare and health organizations.

Article 33. - Citizens of the Vietnamese Democratic Republic shall have the right to education. To guarantee enjoyment of this right by citizens, the State shall introduce step by step the system of compulsory education, gradually develop various types of schools and cultural institutions, and expand the various forms of supplementary cultural, technical and professional education in public services and factories, and in the basic organizations in the cities and the countryside.

Article 34. - Citizens of the Vietnamese Democratic Republic shall enjoy freedom to engage in scientific research, literary and artistic creation and other cultural pursuits. The State shall encourage and assist the creativeness of citizens in science, literature, art and other cultural fields."

Annex III

1980 CONSTITUTION OF THE SOCIALIST REPUBLIC OF VIET NAM (EXTRACTS)

Article 5

"The State of the Socialist Republic of Viet Nam is a unitary State belonging to all the ethnic groups living on Vietnamese territory, which are equal in their rights and their duties.

The State shall preserve, develop and consolidate the great unified block of all the ethnic minorities in the country and shall strictly forbid any act of discrimination towards them and any act likely to divide them.

The State shall implement plans to reduce by gradual stages the gap between the levels of economic and cultural development of the various ethnic groups."

Article 55

"All citizens shall be equal before the law."

Article 56

"Citizens shall have the right to participate in the management of the affairs of the State and society."

Article 57

"All citizens, whatever their nationality, sex, social origin, religious belief, educational standard, occupation or length of residence, shall have the right to vote once they have reached the age of 18 and shall have the right to stand for election to the National Assembly and the People's Councils at all levels once they have reached the age of 21, except insane persons and persons deprived of electoral rights by the law or by a decision of a people's court."

Article 58

"Citizens shall have the right to work."

Article 60

"To acquire knowledge is both a right and a duty for every citizen."

The State shall introduce step by step a system of compulsory general education, which shall be free of charge, and shall apply a policy of granting scholarships and creating conditions favourable for citizens to study."

Article 61

"Citizens shall have right to the protection of their health. The State shall introduce a system of free medical consultation and treatment."

Article 62

"Citizens shall have a right to housing."

Article 64

"The State shall protect marriage and the family. Marriage shall abide by the principles of free consent, progress, monogamy and equality between husband and wife."

Article 67

"Citizens shall enjoy freedom of opinion, of the press, of assembly, of association and of demonstration, in accordance with the interests of socialism and of the people."

Article 69

"Citizens shall have the right to security of the person.

The arrest and detention of a person shall be carried out in conformity with the provisions of the law.

All forms of ill-treatment and torture shall be strictly forbidden."

Article 70

"Every citizen shall have the right to protection by the law of his life, his goods, his honour and his human dignity."

Article 71

"Citizens shall have the right to inviolability of the home. Freedom of movement and of residence shall be respected, in accordance with the law."

Article 72

"Citizens shall enjoy freedom to engage in scientific and technical research, literary and artistic creation and other cultural pursuits."

Article 73

"Citizens may complain to any public body concerning, or may denounce, unlawful acts committed by public bodies, social organizations or units of the people's armed forces or by any member of such bodies, organizations or units. These complaints and denunciations must be promptly investigated and dealt with. Any act of vengeance against the author of complaints or denunciations is absolutely forbidden."

Annex IV

DECREE NO. 229/SL of 29 April 1955 (EXTRACTS)

Article 1

"The policy of the Government with regard to the ethnic minorities is designed to strengthen the union of all the country's nationalities and to create conditions enabling them to develop at all levels."

Article 2

"The nationalities living in Viet Nam shall be equal, shall enjoy all the democratic freedoms and shall assist one another in the struggle for peace and democracy and the reunification and independence of the fatherland.

Any act of scorn, oppression or national division shall be rigorously forbidden."

Article 4

"Members of the ethnic minorities shall have the right to vote and to be candidates in general elections."

Article 6

"The ethnic minorities shall have the right to develop their spoken and written languages, to preserve or to change their manners and customs, to practice a religion and to enjoy the political, economic, cultural and social assistance of the State."

NUMBER OF DEPUTIES REPRESENTING THE ETHNIC MINORITIES IN THE
NATIONAL ASSEMBLY, THE SUPREME REPRESENTATIVE ORGAN
OF THE PEOPLE

	Legislative bodies						
	1 1946	2 1960	3 1964	4 1971	5 1975	6 1976	7 1981
Total number of deputies	330	453	455	420	426	492	496
Deputies members of ethnic minorities	36	60	64	73	71	72	74
Percentage	10.9	13.2	14	17.38	16.74	13.55	15.05