UN Committee calls on Vietnam to cease persecution of religious and ethnic minorities

GENEVA, 24 February 2012 (VCHR) - The **Vietnam Committee on Human Rights** regrets that Vietnam missed a precious opportunity to engage in a meaningful dialogue with the United Nations in Geneva on 21-22 February 2012 during the examination of its 10th-14th periodic reports on implementation of the UN International Convention on the Elimination of all forms of Racial Discrimination (ICERD) to which it acceded in 1982. Instead of addressing real challenges, Vietnam confined itself to propaganda. *"Vietnam cites the quantity of laws it has adopted as proof of the rule of law in Vietnam. It pretends to believe that everything in the garden is rosy, simply because it says so. In fact, many of Vietnam's mass-produced laws are rarely or never enacted; the stark reality for religious and ethnic minorities is the anti-human rights policy of the regime"*, said **Vo Van Ai**, President of the Vietnam Committee for Human Rights (VCHR).

"Vietnam's presentation of its periodic report was surreal", said Mr. Ai. *"The delegation began by describing the resounding success of its policies on ethnic minorities, supporting its claims with Soviet-style statistics - 100% of cities have primary schools and free clinics! It then proceeded to lament the lack of access to education and health in the remote regions where ethnic communities live. In fact, the report was more like a bad exercise in propaganda than a genuine effort to address problems of racial discrimination in Vietnam".*

The CERD experts saw through Vietnam's claims, and sharply criticized the delegation for presenting a theoretical vision of racial discrimination, with a long list of laws but no concrete details on their implementation. Regretting that no factual examples of discrimination were mentioned, French expert **Regis de Gouttes** observed that *"the lack of complaints against racism is not proof that racism does not exist. On the contrary, this could stem from the victims' lack of knowledge of their rights, or their lack of confidence in the Police and judiciary".* He also questioned the system of *ho khau*, or household registration permits, which is the basis of all discrimination. The US expert **Carlos Manuel Vazquez** commented that Vietnam's claim that *"discrimination is prohibited"* is no guarantee that it does not exist on the ground.

The UN experts also criticized Vietnam's legal system, notably Article 87 of the Penal Code on *"undermining the unity policy; sowing divisions between the religious and non-religious"* which the government claimed was enacted to protected minorities. Mr. Vazquez noted that this article was *"so vaguely worded as to be used against minorities, especially those engaged in peaceful demonstrations"*, and called on

Vietnam to revise it. The Vietnamese delegation initially avoided this question, then stated that they would “think about it”, adding that if ethnic minorities had their rights, there were also people who *“abused”* these rights. Such people were *“deceitful and harmful, and must be sanctioned by the law”*. Article 87 is one of a whole chapter of “national security” provisions in the Vietnamese Penal Code. Since 1995, the UN has repeatedly pressed Vietnam to revise these “catch-all” provisions which criminalize the legitimate exercise of human rights.

Taking up reports by NGOs, notably the 30-page alternative report of the Vietnam Committee on Human Rights, the CERD experts expressed concern about the use of negative stereotypes that stigmatize ethnic minorities as being “backward” or “uncivilized”. Once again, the Vietnamese delegation responded that such stereotypes were *“prohibited”*. In practice, however, these negative misperceptions are very real. *“The Vietnamese government, the state-controlled media and the Vietnamese population in general continue to refer to ethnic minorities by the derogatory term “moi” (“savages”), whereas the word “Kinh”, used for the majority Vietnamese population, is a term which implies superiority”*, commented Vo Van Ai.

The CERD expressed further concern about abuses of political and economic rights suffered by ethnic and religious minorities. French expert **Regis de Gouttes** and several other experts cited violations such as expropriation from ancestral lands, forced population displacement, restrictions on the rights of freedom of movement and expression, violence, arbitrary arrests and religious persecution. Mr. de Gouttes expressed particular concern about repression against *“Khmer Krom Buddhists, affiliated to the Unified Buddhist Church of Vietnam, as well as Montagnards and Hmongs, who are predominantly Christian”.*

Chinese expert **Huang Yong’An**, who is also Rapporteur for the CERD examination of Vietnam, raised the serious problem of state confiscation of lands: *“A Chinese proverb says, “oppressive government drives the people to rebellion”. When we look at the conflicts in ethnic minority regions, we find that many are related to issues of land-use rights. One NGO report said, I quote, “peaceful demonstrations on these issues are repressed by excessive force and violence, resulting in frequent arrests”.*

Confronted by the experts’ concerns on human rights violations, the Vietnamese delegation simply repeated that *“there is no racial discrimination in Vietnam”*. On specific allegations of Police violence used to repress demonstrations of ethnic Hmongs in May 2011, the government denied all use of force. In fact, many press agencies reported Vietnam’s use of armed helicopters and troops to disband these peaceful demonstrations in Dien Bien province. Vietnam even mobilized support from armed forces in Laos to prevent Hmongs escaping across the Vietnam-Laos border.

Several experts urged Vietnam to develop mechanisms to enable ethnic minorities to claim and defend their rights. Nigerian expert **Waliakoye Saidou** urged Vietnam to recognize the competence of the CERD Committee to receive complaints from victims of abuses in Vietnam, in accordance with Article 14 of the ICERD Convention. The Vietnamese delegation made no reply. Asked whether Vietnam was considering the creation of a National Human Rights Commission on the lines of the Paris Principles, the delegation replied that it was considering the creation of such a Commission according to the *"country's specific conditions"*, which would not necessarily conform with the Paris Principles. *"Under current circumstances in Vietnam, where spurious laws have remained unchanged for decades, where there is no independent civil society and especially no independent judiciary, a National Human Rights Commission would be a parody of justice, a total farce"*, said Vo Van Ai.