



General Assembly

Distr.
GENERAL

A/HRC/WG.6/5/VNM/3
23 February 2009

Original: ENGLISH/FRENCH

HUMAN RIGHTS COUNCIL
Working Group on the Universal Periodic Review
Fifth session
Geneva, 4-15 May 2009

**SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (C) OF
THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1***

Viet Nam

The present report is a summary of twelve stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

* The present document was not edited before being sent to the United Nations translation services.

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations

1. International Federation of Human Rights and Viet Nam Committee on Human Rights (FIDH and VCHR) called on the Government to guarantee that the Vietnamese Constitution conforms to the International Covenant on Civil and Political Rights (ICCPR) and ensure that Vietnamese law guarantees the effective protection of all Covenant rights in accordance with the recommendations of the Human Rights Committee (HRC).²

B. Constitutional and legislative framework

2. FIDH and VCHR noted that the protection of human rights is guaranteed by the 1992 Constitution and several other legislative provisions. However, the exercise of these rights is severely curtailed, even nullified, by extensive domestic legislation which influences human rights in compliance with “the policies and interests of the State.”³

3. Amnesty International (AI) noted that Article 69 of the 1992 Constitution affirms the right to freedom of expression, assembly and association, but only “in accordance with the provisions of the law”. These laws include, amongst others, Internet decrees, the Press Law (amended in 1999), the Publishing Law, the State Secrets Protection Ordinance and the 1999 Penal Code. Moreover, important provisions of these laws are explicitly in breach of international human rights treaties that Viet Nam has ratified.⁴

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Cooperation with human rights mechanisms

4. FIDH and VCHR noted that Viet Nam’s periodic report on the International Covenant on Economic, Social and Cultural Rights (ICESCR) is overdue since 1995. Viet Nam also fails to cooperate with the United Nations Special Procedures. Since 2002, five Special Procedures have requested to visit Viet Nam, following repeated allegations of human rights violations without any answer. Viet Nam has allowed no visits since 1998, when the Special Rapporteur on Freedom of Religion and Belief raised concerns on religious freedom abuses. Viet Nam then announced it would never again “*accept any individuals or organizations coming to investigate religious freedom or human rights*”.⁵

5. FIDH and VCHR called on the Government to implement the recommendations of the Committee on the Elimination of Discrimination Against Women (CEDAW), particularly with regard to the Land law by taking the necessary steps to remove any administrative obstacles that may prevent the issuance of joint land use certificates to husbands and wives.⁶

6. Human Rights Watch (HRW) noted that Viet Nam has not revised or repealed national security laws that criminalize peaceful expression of political views and independent religious activities, despite appeals to do so by the HRC (2002), the Working Group on Arbitrary Detention (1995), and the Special Rapporteur on Freedom of Religion and Belief (1998).⁷

B. Implementation of international human rights obligations

1. Equality and non discrimination

7. FIDH and VCHR stated that grave violations of women's rights persist in Viet Nam, despite legal commitments taken by the Government to promote gender equality. Abuses include domestic violence, violations of reproductive rights, prostitution and trafficking of women and girls – often with the connivance of Party and Police officials.⁸

8. FIDH and VCHR noted that lack of implementation and awareness, official power abuse and corruption result in mass abuses of women's right to land. Despite revisions in the Land Law that entitle women to register Land User Certificates along with their husbands, only 3 per cent are registered in women's names, and 3 per cent joint-held. Widows find themselves completely destitute after working for decades on their husband's lands.⁹

2. Right to life, liberty and security of the person

9. AI noted that twenty-nine offences, economic crimes and crimes against national security, in the Penal Code carry the death penalty as an optional punishment. The majority of death sentences are imposed for drug trafficking offenses.¹⁰ AI further noted reports in July 2008 that the Ministry of Public Security had recommended that the death penalty be abolished for 12 crimes: appropriating property by fraud; smuggling; producing and trading fake food and medical products; being involved in producing, storing and circulating counterfeit money, bonds and cheques; organising the illegal use of drugs; hijacking aeroplanes or ships; corruption; taking and giving bribes; destroying army weapons or technical equipment; being involved in an invasion; "anti-human" crimes; and those convicted of war crimes. According to an official media report, it has been proposed that Article 35 of the Penal Code, which stipulates the death penalty for certain offences, should be amended to apply only to the "most heinous crimes and to people considered to be a serious danger to the community and the nation's security".¹¹

10. According to AI, in January 2004 a government decree prohibited the reporting of statistics on death sentences and executions as a "state secret," and the total numbers are therefore not made public. AI noted that this lack of transparency runs counter to repeated calls by the United Nations for the death penalty to be used only in an open and transparent manner, and for all information about its use to be made publicly available.¹²

11. AI called on the Government to: immediately impose a moratorium on executions, with a view to abolition of the death penalty, in line with United Nations General Assembly resolution 62/149; reduce the number offences liable for the death penalty, as proposed by the Government in July 2008; make public all information about the imposition and use of the death penalty, including information on executions carried out; and encourage discussion among National Assembly members and other appropriate legislative institutions on abolition of the death penalty for all crimes.¹³

12. HRW stated that it has compiled compelling evidence of torture and ill-treatment of political and religious prisoners, and punitive placement of prisoners in solitary confinement in dark and unsanitary cells.¹⁴

13. FIDH and VCHR stated that detention conditions are extremely harsh. Beatings and torture are routine. Prisoners, including the sick and elderly must perform hard labour. Prisons are overcrowded and filthy, and food rations are grossly insufficient. Medical care is available only to those who can pay it.¹⁵

14. FIDH and VCHR noted “Ordinance 44 on “Regulating Administrative Violations”, which empowers local officials not only to arrest and detain citizens, but also to commit them to mental hospitals or “rehabilitation camps” without any due process of law. The Ordinance is particularly used against political and religious dissidents, and legalizes the arbitrary practice of detention without trial.¹⁶ HRW recommended that Viet Nam repeal Ordinance 44, which authorizes administrative detention, house arrest, or detention in Social Protection Centers (*Trung Tam Bao Tro Xa Hoi* in Vietnamese) and psychiatric facilities for two year renewable periods, without trial, for individuals deemed to have violated national security laws.¹⁷

15. HRW noted that police are authorized to arrest and detain people without warrants in Social Protection Centers when they are deemed to be “social evils,” including street children, sex workers, trafficking victims and street peddlers. Such detainees are also subject to harsh treatment and physical abuse. For example, in 2006 Human Rights Watch has documented serious mistreatment of street children arbitrarily detained at Dong Dau Social Protection Center near Hanoi—including instances of corporal punishment, collective punishment, placement in isolation, deprivation of food and medical treatment, and denial of family contact.¹⁸

16. FIDH and VCHR noted that under the amended 2004 Criminal Procedures Code (Article 120), suspected “national security” offenders may be held in custody pending investigation for four months. This period may be extended four times by the Chairman of the Supreme People’s Procuracy, after which the authorities must either release detainees or “*if deeming it necessary, apply other deterrent measures*”. FIDH and VCHR stated that *Quan che*, or “probationary detention” (Article 30 of the Penal Code) is a second punishment inflicted on former political prisoners. It enables the State to place “national security” offenders “*under the supervision and re-education of the local authority*” for a period of 1-5 years’ probation after their release. During this time, they are forbidden to leave their homes, deprived of their civic rights and maintained under constant police surveillance. In theory, *quan che* cannot be applied without a court decision, but in practice it is automatically applied to political and religious prisoners after their release for many years.¹⁹

17. Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that corporal punishment of children is lawful in the home in Viet Nam. Various laws protect children’s dignity, honour and integrity – including the Law on the Protection, Care and Education of Children – but there is no evidence that these are interpreted as prohibiting all forms of corporal punishment of children inflicted by parents in the name of “discipline”. In schools, laws protect children’s honour and dignity and prohibit physical harm, but there is no clear statement that this means corporal punishment is prohibited and such punishment continues to be used. GIEACPC further noted a research of 2005 into the experiences of 500 children and 300 adults, showing that 94 per cent of the children reported experiencing physical and emotional punishment at home and 93 per cent at school; 82 per cent reported being physically punished on all parts of their bodies. The majority of children felt that being caned was the worst punishment and this was very common at school and at home. Other punishments included being hung from a tree and caned, being electrocuted, having limbs broken and being burned with cigarettes. In the penal system, corporal punishment is unlawful as a sentence for crime and as a disciplinary measure in penal institutions. Corporal punishment is lawful in alternative care settings.²⁰

3. Administration of justice, including impunity, and the rule of law

18. International PEN noted the existence of the so called “people’s tribunals” where members of the public are gathered by Government agents to form orchestrated mock trials to criticise dissidents. Individuals are denounced before these “people’s tribunals”, they are blamed

and humiliated, and finally '*sentenced*' in total disregard of the principles of fair trial.²¹ International PEN requested the Vietnamese authorities to discontinue the practices within "people's tribunals" which do not respond to international standards of fair trial set forth in Article 14 of the ICCPR as well as to ensure that conditions in prisons and camps are improved, pending the release of all prisoners of conscience, and allow for adequate medical treatment for those in need.²²

19. HRW recommended that Viet Nam address rural grievances about land rights and local corruption without resorting to excessive use of force or other human rights violations by strengthening the legal system and the independence of the judiciary, and making legal services available to the rural poor.²³

4. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

20. European Centre for Law and Justice (ECLJ) noted that there has been a noticeable improvement in religious freedom, but that the majority religion continues to benefit from a preferential treatment while signs of hostilities remain concerning minority religions and non-authorized religions, notably Christians. The Christians are closely monitored and be subjected to discrimination, even to violence when they belong to a particular ethnic group.²⁴

21. Institute on Religion and Public Policy (IRPP) stated that virtually every religious group within the country, from Buddhists to Catholics to Protestants, has faced discrimination and persecution. Such persecution is exacerbated by the fact that many of these religious communities are found among Viet Nam's ethnic minorities, which the Government already views with suspicion.²⁵

22. While noting that the 1992 Constitution provides for freedom of belief and religion (Article 70), IRPP noted that it also contains clauses that serve to undermine freedom of religion. Article 30 of the Constitution states: "the State undertakes the overall administration of cultural activities. The propagation of all reactionary and depraved thought and culture is forbidden; superstitions and harmful customs are to be eliminated." This clause provides the Government with an administrative loophole, which allows Vietnamese authorities to brand certain forms of religious expression as "depraved culture," "superstitions," or "harmful customs." This article gives the Government the constitutional power to discriminate against religious beliefs or groups without any specific, objective criteria.²⁶ International PEN expressed similar concerns.²⁷

23. Christian Solidarity Worldwide (CSW) noted two policy documents: "Ordinance Regarding Religious Beliefs and Religious Organizations" that came into effect on 15 November 2004 and 'Decree on Religion' promulgated on 1 March 2005 as a set of guidelines for the implementation of the Ordinance, including the complex and ill-defined process for the registration and recognition of denominations and congregations. CSW noted that, while the Ordinance guarantees the right to freedom of religion and religious belief, it however sets out a series of ill-defined caveats to the practice of religion, which go considerably further than the limitations stipulated in international protections for freedom of religion, including Article 8(2) that prohibits the 'abuse' of religion to undermine national unity, to 'sow division among the people, ethnic groups and religions' or to 'spread superstitious practices', and Article 15 that provides that religious activities will be suspended if they 'negatively affect the unity of the people or the nation's fine cultural traditions'.²⁸

24. CSW further noted that there continues to exist a particular intolerance of the propagation of Christian faith, and new Christians are subject to particular restrictions. Instances of forced evictions, restrictions on freedom of movement and restrictions on access to theological training are occasionally reported. The use of torture against religious adherents has generally declined, although it has not disappeared entirely.²⁹

25. With regard to the status of registrations for Protestant congregations, CSW noted that the rate at which congregations have been registered has decreased to a standstill, leaving those which are unregistered in an indeterminate legal condition, vulnerable to harassment and aware of the threat of possible closure. Congregations without clear denominational affiliation are the most likely to encounter problems with registration, although new churches and those with ethnic minority congregations are also liable to face particular difficulties. There exists in some areas a tendency on the part of the authorities to request a list of names of members of the congregation.³⁰

26. CSW stated that Protestantism is treated with continued suspicion by the Government and local party leaders, resulting in several forms of repression and discrimination. The trend of forcible renunciations of faith is widely acknowledged as having lessened substantially although there is evidence that this approach has not been abandoned uniformly, particularly in the northern and central highlands. However, a more persistent threat facing Protestants across Viet Nam is the cutting of their access to funding and benefits originating with the government and NGOs, which are mediated through the village-level authorities.³¹ According to CSW, the legal rights of ethnic minority Protestants in northern Viet Nam have been impaired by the refusal of the competent authorities to issue them with identity cards that recognize their religious affiliation. Without proper recognition of their Protestant status, they are left in an indeterminate and vulnerable position: either they have no identity card, or the fact that they are identified as subscribing to no religion may be used to prevent their attendance of churches.³²

27. CSW noted that in the context of the central highlands, there continues to emerge evidence of a residual conflation of Protestantism with the *Degar* political movement by government officials, indicative of a continued distrust of Protestant activity on political grounds. Although there exists and has historically existed some degree of overlap between the *Degar* movement and its predecessors, and adherents to Protestantism, the attendance of the protests in 2001 by some Protestants was portrayed by the authorities, in some contexts, as indicative that all Protestants were being sympathetic to *Degars'* political ambitions.³³

28. FIDH and VCHR noted that the situation of the Unified Buddhist Church of Viet Nam (UBCV), adhered to by the majority of the Vietnamese population, is of particular concern. Banned effectively in 1981 following the creation of the State-sponsored Viet Nam Buddhist Church, its leaders and members are subjected to detention, intimidation and constant harassment. Despite repeated appeals from the international community, Viet Nam has not re-established its legal status.³⁴ FIDH and VCHR further noted that in 2007 the authorities arrested 20 Khmer Krom Buddhist monks for participating in a peaceful protest calling for religious freedom. Five received prison sentences. Excessive force has been used against Khmer Krom farmers petitioning for resolution of land conflicts.³⁵

29. AI noted that in September 2008 police carried out a violent crackdown on peaceful mass protests in Ha Noi. Since December 2007, members of the Catholic Church were engaged in peaceful mass protests and prayer vigils to support the church's claims to ownership of two pieces of land.³⁶ AI further noted that the authorities continued to threaten and otherwise intimidate Catholics who supported the church's claims.³⁷

30. CSW expressed concern over reports that minors have been excluded from attending house churches in some northern provinces since 2007, with the threat of registration papers being revoked for any infringements, and similar reports the previous year.³⁸

31. CSW further noted that *Chau Pha* members have been active in attempting to recruit Hmong, including Protestants, in Dien Bien province, using a promise of full religious freedom. Hmong Protestants in the region risk being caught between violent hostility from *Chau Pha* activists, and the Government's suspicion that they are sympathetic to the *Chau Pha* movement.³⁹

32. International PEN stated that it has observed the pattern of a campaign to silence dissent in the printed media and the Internet, and to suppress peaceful disagreement and political opposition. Harsh prison sentences are handed down in Vietnamese courts, in some cases to be served in forced labour camps, after which individuals are placed under residential surveillance, where the restriction to their rights persists.⁴⁰

33. International PEN also noted that many writers, journalists and dissidents currently imprisoned in Viet Nam, have been jailed for expressing their opinions or dissent publicly, publishing underground or on the Internet. Those who are not in prison but decide to exercise their right to freedom of expression are often subject to regular interrogations and house arrest.⁴¹ Association Tournier la PAGE (ATLP) also expressed similar concerns.⁴² International PEN noted that Viet Nam's process of authorisation of publications has been reported as extremely complex, as each piece must go through a systematic screening mechanism and registration before printing. This has forced some writers and publishers to use underground means to print their material and distribute it amongst the population.⁴³

34. AI noted that strict controls are maintained over the media in Viet Nam, and press freedom is severely restricted. An increase in recent years of public concern over corruption scandals has resulted in more coverage in the media of important cases.⁴⁴

35. FIDH and VCHR stated that Viet Nam systematically suppresses peaceful demonstrations and punishes protesters under criminal law. Peaceful demonstrations by farmers and peasants, known as the "Victims of Injustice", many of them women, have also been brutally repressed. This rural protest movement, in which dispossessed farmers march to Hanoi or Saigon to file petitions and camp outside government buildings protesting state confiscation of lands for development projects and lack of compensation, has reached explosive proportions, with over 2 million complaints filed over the past 10 years.⁴⁵

36. AI stated that the authorities frequently use provisions of the Penal Code to stifle freedom of expression, including criticism of government policies, and reference to issues considered as politically sensitive.⁴⁶ AI further stated that the authorities continue to try to control and restrict Internet traffic deemed undesirable. Many of those arrested in the on-going crackdown include lawyers, trade unionists, religious leaders and political activists who are loosely connected through Bloc 8406, an Internet based pro-democracy movement formed on 8 April 2006, and with other un-authorized political groups advocating democracy and human rights. Charges laid against dissidents often include references to sending and placing information on the Internet aimed at "slandering" and "distorting" government policies.⁴⁷

37. AI called on the Government to: repeal or amend provisions in the 1999 Penal Code to ensure that ambiguous provisions relating to national security are clearly defined or removed, so they cannot be applied in an arbitrary manner to stifle legitimate dissent, debate, opposition and freedom of expression; repeal provisions in the 1999 Penal Code allowing house arrest or

probation used to violate freedom of expression and assembly; and remove all restrictions and arbitrary interference on the operation and use of the Internet that violate the right to freedom of expression and end practices, such as censorship, and surveillance.⁴⁸

38. AI further called on the Government to: end restrictions on the right to practice one's religion of choice without discrimination, in accordance with Article 69 and 70 of the Constitution as well as international human rights law; ensure that relevant authorities are aware of their duty to protect individuals' right to freedom of religion; take measures to ensure protection of the right to peaceful expression of political beliefs; take all necessary measures to end restrictions on the rights to freedom of expression and peaceful assembly; ensure that police officers are made aware of their duty to protect the human rights of all individuals; immediately and unconditionally release all prisoners of conscience; and invite the United Nations Special Rapporteur on the right to freedom of opinion and expression to visit Viet Nam.⁴⁹

5. Right to work and to just and favourable conditions of work

39. FIDH and VCHR noted that the Government adopted a new decree obliging workers to pay their employers 3 months salary in compensation if their strike is deemed illegal. Whilst the 1995 Labour Code authorizes the right to strike, strikes are prohibited in 54 sectors considered to be of "public service" or important to the national economy or defence (including the post office, public transport, banking). The Prime Minister can "terminate" any strikes perceived as "*detrimental to the national economy or public safety*". The Labour Code does not authorize freedom of association. All labour unions are under the umbrella of the "Viet Nam General Confederation of Labour" (VGCL) controlled by the Communist Party of Viet Nam (CPV). Free trade unions are prohibited. In 2007, several people who set up an unofficial United Worker-Farmers Organization (UWFO) were arrested and sentenced to harsh prison terms simply for seeking to protect workers' rights and demanding the right to form free trade unions.⁵⁰ FIDH and VCHR called on the Government to guarantee the right to freedom of assembly, to guarantee freedom of association and to allow the establishment of trade unions independent of the CPV.⁵¹

40. HRW recommended that Viet Nam immediately and unconditionally release all persons detained for peaceful activities to promote the rights of workers to freely associate, including the right to form and join trade unions of their own choice, to peacefully assemble to protect and advance their rights, and to exercise their right to freedom of expression on behalf of workers and their concerns and recognize independent labour unions.⁵²

6. Right to social security and to an adequate standard of living

41. Khmers Kampuchea-Krom Federation (KKF) noted that there are approximately 3,000 Khmer-Krom who have been affected by an epidemic of blindness with either left eye or right eye, or some cases even both eyes in Vinh Chau district, Khleang (renamed Soc Trang) province. Cases of this epidemic blindness have been reported throughout Kleang province, in particular in My Tu and My Xuyen districts, and in Preah Trapeang (Tra Vinh) province. Blinded individuals require immediate medical attention and also a thorough investigation to determine the root of the disease and prevent further outbreaks. Despite the media attention and the fact that KKF brought this matter to the attention of the United Nations Permanent Forum on Indigenous Issues in 2005, the Government has not attempted to investigate, or to resolve this health issue.⁵³

7. Right to education and to participate in the cultural life of the community

42. INDIG supported the recommendations of the Committee on the Rights of Child, especially training of teachers. INDIG noted that the monks in the traditional temples have provided education in inter alia, the mother tongue of Khmer Krom children. More must be done to create a program to ensure education.⁵⁴

43. KKF noted that the current teaching of the Khmer language in public school does actually not allow Khmer Krom children to learn their mother-tongue. Some of the public schools provide two to three hours per week for teaching of Khmer language only. Khmer is not recognized as an official language in Kampuchea Krom and there are no books written in Khmer. All applications including forms, signs and legal documents should be written in both Khmer and Vietnamese. The education gap between the majority people (Vietnamese) and minorities, especially Khmer-Kroms, is particularly significant in higher education especially. Outside efforts to support Khmer Krom advancement in education are blocked because the Government ties these efforts to political motives.⁵⁵

8. Minorities and indigenous peoples

44. UNPO urged the Vietnamese authorities to: acknowledge the indigenous status of both the Khmer Kampuchea Krom peoples, as well as that of the Christian *Montagnards*; create an effective mechanism for the settlement of outstanding land claims by both indigenous groups and to compensate those groups for the loss of their ancestral lands, in line with article 8 of the Universal Declaration on the Rights of Indigenous Peoples; and sign and ratify ILO Convention 169 with the aim of respecting the traditions of indigenous peoples in relation to the use of their ancestral lands.⁵⁶

45. AI noted that human rights violations against ethnic minority *Montagnards* in the Central Highlands continue. These include restrictions on movement and forcing Christians belonging to unauthorized “house churches” to renounce their religion. An unknown number of Montagnards from among the more than 250 who were sentenced to lengthy prison terms in connection with the large-scale protests in 2001 and 2004 around land ownership and religious freedom, are believed to remain in prison.⁵⁷

46. FIDH and VCHR stated that the *Montagnards* in the Central and Northern Highlands of Viet Nam suffer discrimination, including social exclusion, confiscation of ancestral lands, state-sponsored migration of ethnic Vietnamese into highland areas and the undermining of traditional culture. Religious persecution is also a key issue, since many Montagnards have converted to Protestantism.⁵⁸

47. INDIG noted that the Khmer Krom people have faced systematic and severe human rights violations through waves of settlements by the Vietnamese in their homelands of Kampuchea Krom. For centuries and specifically since June 1949, the Vietnamese governments instituted practices and policies to discriminate against Khmer Krom people and decrease the possibility for Khmer Krom to exercise the right to self-determination. Through every phase of the occupation, Khmer Krom people resisted to perpetuate their culture, language and continued existence as a collective identity.⁵⁹

48. ATLP a noté que dans le cas des Khmer Krom, la question religieuse est non seulement liée à la liberté de culte mais également à la préservation et la transmission de l'héritage culturel. Dans un contexte où le vietnamien est la langue d'enseignement et la langue utilisée par

l'administration, l'enseignement et la pratique du Khmer se font essentiellement à travers les temples bouddhistes (les Khmers Krom pratiquent majoritairement le bouddhisme therevada, contrairement à la majorité des bouddhistes vietnamiens qui pratiquent le bouddhisme mahayana). Les restrictions à la pratique du bouddhisme therevada ont donc non seulement un impact direct sur la liberté de culte des populations khmères du Viet Nam, mais également sur la transmission de langue et culture khmères.⁶⁰

49. Concerning the right of the Khmer Krom to own the property, Unrepresented Nations and Peoples Organization (UNPO) noted that Viet Nam has neither recognized the Khmer Krom as indigenous peoples, nor have they signed and ratified the International Labour Organization (ILO) Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries. Khmer people wishing to enforce their rights as laid down by the Universal Declaration on Human Rights, faces violence, arbitrary arrest and on occasion, torture.⁶¹

50. UNPO also noted that the Khmer Krom disproportionately suffer from misconduct by Vietnamese security personnel and police officers as a result of discrimination. Peaceful protests on numerous occasions have been repressed, as it was the case with a peaceful protest by some 80 farmers on 28 February 2008, in An Giang Province, to request their ancestral farmlands back from the Vietnamese authorities.⁶²

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

51. UNPO stated that generally speaking, in spite of widespread violations of human rights inflicted upon members of the Khmer Krom and Montagnard minorities, the Government should be commended for having incorporated key human rights, such as freedom of religion, in its national constitution. In addition, they should be commended for having ratified the International Covenant on Civil and Political Rights, despite the fact that the implementation of these rights remains poor.⁶³

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

N/A.

V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

NA.

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council.)

Civil society

AI	Amnesty International*, London, United Kingdom
ATLP	Association Tourner la PAGE, Maurepas, France
CSW	Christian Solidarity Worldwide, Surrey, United Kingdom.
ECLJ	European Centre for Law and Justice*, Strasbourg, France
FIDH and VCHR	International Federation of Human Rights*, Paris, France and Viet Nam
	Committee on Human Rights
GIEACPC	Global Initiative to End All Corporal Punishment of Children,

HRW	Human Rights Watch*, New York, United States
INDIG	INDIG, Hawaii, United States
International PEN	International PEN,* London, United Kingdom
IRPP	Institute on Religion and Public Policy, Washington D.C., USA
KKF	Khmers Kampuchea-Krom Federation, NJ, USA
UNPO	Unrepresented Nations and Peoples Organization, The Hague, the Netherlands

² FIDH and VCHR, p. 5.

³ FIDH and VCHR, p. 1.

⁴ AI, p. 3. See also FIDH and VCHR, p. 1.

⁵ FIDH and VCHR, p. 1.

⁶ FIDH and VCHR, p. 6.

⁷ HRW, p. 1.

⁸ FIDH and VCHR, p. 4.

⁹ FIDH and VCHR, p. 4.

¹⁰ AI, p. 3. See also FIDH and VCHR, p. 3.

¹¹ AI, p. 4.

¹² AI, p. 4.

¹³ AI, p. 7. See also FIDH and VCHR, p. 6.

¹⁴ HRW, p. 2.

¹⁵ FIDH and VCHR, p. 5. See also International PEN, p.3.

¹⁶ FIDH and VCHR, p. 2.

¹⁷ HRW, p.4.

¹⁸ HRW, p. 2.

¹⁹ FIDH and VCHR, p. 2.

²⁰ GIEACPC, p. 2.

²¹ International PEN, p.4.

²² International PEN, p.4.

²³ HRW, p.5.

²⁴ ECLJ, p. 1.

²⁵ IRPP, p.1.

²⁶ IRPP, pp.1 - 2.

²⁷ International PEN, p.3.

²⁸ CSW, p. 2. See also ECLJ, pp. 1 – 3, FIDH and VCHR, p. 3., and HRW, p. 2.

²⁹ CSW, p. 4. See also AI, pp. 5 - 6.

³⁰ CSW, p. 3.

³¹ CSW, p. 4.

³² CSW, p. 4. See also FIDH and VCHR, p. 4.

³³ CSW, p. 4. See also ECLJ, p. 4.

³⁴ FIDH and VCHR, p. 3. See also IRPP, p.2., and International PEN, p.2.

³⁵ FIDH and VCHR, p. 4. See also ATLP, p.2. IRPP, p.2., KKF, pp.1 – 2 and UNPO, p.2.

³⁶ AI, p. 5. See also FIDH and VCHR, p.4., and IRPP, p.3.

³⁷ AI, p. 5.

³⁸ CSW, p. 5.

³⁹ CSW, p. 5. See also IRPP, p.4.

⁴⁰ International PEN, p.1

⁴¹ International PEN, p.1

⁴² ATLP, p.1

⁴³ International PEN, p.3

⁴⁴ AI, p. 5. See also FIDH and VCHR, p.2, and International PEN, p.2

⁴⁵ FIDH and VCHR, p. 4. See also HRW, p.3

⁴⁶ AI, p. 4. See also HRW, p. 1.

⁴⁷ AI, p. 5. See also FIDH and VCHR, p.2., HRW, p.3., and International PEN pp.2 - 3.

⁴⁸ AI, p. 7. See also FIDH and VCHR, p.6., and HRW, p.4.

⁴⁹ AI, p. 7. See also HRW, p.4.

⁵⁰ FIDH and VCHR, p. 5. See also HRW, p.3.

⁵¹ FIDH and VCHR, p. 6.

⁵² HRW, p. 5

⁵³ KKF, p. 5

⁵⁴ INDIG, p. 3

⁵⁵ KKF, p. 3

⁵⁶ UNPO, p.5.

⁵⁷ AI, p. 6.

⁵⁸ FIDH and VCHR, p. 4. See also IRPP, p.p. 3 – 4, and UNPO, pp. 3 -4.

⁵⁹ INDIG, p. 1. See also UNPO, p.1.

⁶⁰ ATLP, pp. 2 – 3.

⁶¹ UNPO, p.2.

⁶² UNPO, p.3.

⁶³ UNPO, p.5.
