



VIETNAM

Submission to the Human Rights Committee

RELATING TO THE RIGHTS OF INDIGENOUS PEOPLES

Submitted by
The Advocates for Human Rights,
a non-governmental organization in special consultative status

and
Tai Studies Center

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The Advocates for Human Rights (“The Advocates”) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact-finding, direct legal representation, education and training, and publications.

The Tai Studies Center (“TSC”) is a volunteer USA-based nongovernmental organization founded by Tai Dam refugees and American friends in 1984. Its mission is to research and publish Tai history and literature, to preserve and promote Tai culture, to support students in higher education, to promote the common welfare and well-being of Tai people globally, and to promote intercultural understanding and cooperation in the community at large. TSC has produced books, albums of Tai songs, and many DVDs about the Tai people.

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Vietnam fails to uphold its obligations to protect the rights of indigenous groups under the International Covenant on Civil and Political Rights

1. Vietnam ratified the International Covenant on Civil and Political Rights in 1982.¹ The International Covenant on Civil and Political Rights explicitly outlines the rights and protection of minorities in Article 27, which states:

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.²

2. In Concluding Observations for Vietnam's last periodic report in 2002, the Human Rights Committee (Committee) expressed concern about the lack of specific information concerning indigenous peoples and about measures taken to ensure respect for their rights under article 27 to enjoy their cultural traditions, including their religion and language, as well as to carry out their agricultural activities.³ In particular, the Committee noted concern about the treatment of the Degar (Montagnard), an indigenous group in the Central Highlands of Vietnam, and the State Party's denial of any violation of their Covenant rights.⁴ The Committee recommended that Vietnam "take immediate measures to ensure that the rights of members of indigenous communities are respected."⁵

I. Vietnam's Third Periodic Report to the Committee

3. In Vietnam's third periodic report, the government highlights the existing constitutional provisions that protect minorities and new measures it has taken since its second periodic review in 2002. Article 5 of the Vietnamese Constitution outlines the equal rights enjoyed

¹ United Nations, *Status of Ratifications*, available at <http://indicators.ohchr.org/> (Accessed: December 29th, 2018).

² United Nations, International Covenant on Civil and Political Rights, available at <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> (Accessed: December 29th, 2018)

³ International Covenant on Civil and Political Rights, *Concluding Observations: VIET NAM*, para. 19, CCPR/C/VNM/4 (August 2, 2002).

⁴ International Covenant on Civil and Political Rights, *Concluding Observations: VIET NAM*, para. 19, CCPR/C/VNM/4 (August 2, 2002).

⁵ International Covenant on Civil and Political Rights, *Concluding Observations: VIET NAM*, para. 19, CCPR/C/VNM/4 (August 2, 2002).

by all ethnicities and the prohibition of any type of discrimination based on ethnicity.⁶ Article 61 supports the educational and work advancement in mountainous and island areas which are populated by indigenous people.⁷ Article 75 outlines the powers of the Ethnic Council. It states that the Council is eligible to make recommendations to the National Assembly on behalf of ethnic groups, and the implementation of programs for the socio-economic development of their regions.⁸ The presence of the Ethnic Council, which is elected by the National Assembly, and the Committee for Ethnic Minority Affairs are also instrumental in the drafting, and implementation of policies that advocate for the interests of indigenous groups.⁹

4. The Criminal Code also protects the rights of minorities in Article 116 which states, “causing hostility, discrimination, secession, infringement upon equal rights among the ethnic communities of Vietnam.”¹⁰
5. The Vietnamese government reports that it has taken up several projects that share the cultural diversity in the country. Projects such as the “Preserving and Developing the Culture of Ethnic Minorities in Vietnam up to 2020” and the project “Conserving and Promoting the Value of Literary and Artistic Works of Ethnic Minorities in Vietnam,” promote the different cultural backgrounds of indigenous peoples by endorsing cultural activities. These activities are often offered in several indigenous languages, such as Hmong, Ede, Cham, and Khmer.¹¹ The linguistic diversity is further preserved by Decree No. 82/2010/ND-CP which protects the rights of indigenous peoples to study their language in educational institutions.¹²
6. There have been some positive developments related to the situation of indigenous peoples since Vietnam’s last report to the Committee, including a slow but steady economic

⁶The Constitution of the Socialist Republic of Viet Nam (2014). Available at <http://vietnamnews.vn/politics-laws/250222/the-constitution-of-the-socialist-republic-of-viet-nam.html#GjHhmavGzLGgTUCQ.99>

⁷ The Constitution of the Socialist Republic of Viet Nam (2014). Available at <http://vietnamnews.vn/politics-laws/250222/the-constitution-of-the-socialist-republic-of-viet-nam.html#GjHhmavGzLGgTUCQ.99>

⁸ The Constitution of the Socialist Republic of Viet Nam (2014). Available at <http://vietnamnews.vn/politics-laws/250222/the-constitution-of-the-socialist-republic-of-viet-nam.html#GjHhmavGzLGgTUCQ.99>

⁹ Human Rights Committee, *Third periodic report submitted by Vietnam under article 40 of the Covenant*. Available at https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/VNM/CCPR_CVNM_3_6343_E.docx

¹⁰ The Criminal Code of the Socialist Republic of Viet Nam (2015).

¹¹ Human Rights Committee, *Third periodic report submitted by Vietnam under article 40 of the Covenant*. Available at

https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/VNM/CCPR_CVNM_3_6343_E.docx

¹² Human Rights Committee, *Third periodic report submitted by Vietnam under article 40 of the Covenant*. Available at

https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/VNM/CCPR_CVNM_3_6343_E.docx

advancement of indigenous peoples. The government reports, “As of 2015, for every 100 ethnic minority households, it has 46.7% of permanent houses, 43.7% of semi-permanent houses and 9.6% of temporary houses.”¹³ Furthermore, the rate of households in indigenous groups increased by 2% in 2016.¹⁴ In the political system, the government has made efforts in appointing members of indigenous groups to key positions such as the former General Secretary of the Communist Party of Vietnam (2001 - 2011), the Vice President of the National Assembly (2016-present), and the Chairman of the Ethnic Council of the National Assembly. Indigenous peoples also account for 17.4% of the total National Assembly Deputies.¹⁵ This political presence is further supported by the Prime Minister’s new project titled, “Development of the Contingent of Cadres and Civil Servants of Ethnic Minorities in the New Period,” which aims to enhance the legal and policy system from 2016 to 2020 in order to implement proportional indigenous representation.¹⁶

7. The State Party also highlighted measures it has taken to preserve and promote the diversity in Vietnam. Some of these efforts include the preservation of the Cham people’s potter products, and the art work of the Hmong people, as well as efforts to enlist the “Xoe Thai art,” as one of UNESCO’s list of World intangible cultural heritages (ICH).¹⁷ TSC is aware of these efforts regarding the “Xoe Thai art” (Tai circle dance) and supports it as a way to raise awareness about the Tai people, their culture and their needs. TSC does, however, have some concern that the government’s intent may be focused on income-generating tourism that does not benefit the Tai people.

II. List of Issues Paragraph 27: Discrimination Against Indigenous Peoples in Vietnam

8. In the List of Issues in relation to the third periodic report of Vietnam, the Committee requested that Vietnam address the numerous reports that indigenous communities are “among the poorest and suffer discrimination based on stereotypes; religious persecution;

¹³ Human Rights Committee, *Third periodic report submitted by Vietnam under article 40 of the Covenant*. Available at https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/VNM/CCPR_CVNM_3_6343_E.docx

¹⁴ Human Rights Committee, *Third periodic report submitted by Vietnam under article 40 of the Covenant*. Available at https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/VNM/CCPR_CVNM_3_6343_E.docx

¹⁵ Human Rights Committee, *Third periodic report submitted by Vietnam under article 40 of the Covenant*. Available at https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/VNM/CCPR_CVNM_3_6343_E.docx

¹⁶ Human Rights Committee, *Third periodic report submitted by Vietnam under article 40 of the Covenant*. Available at https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/VNM/CCPR_CVNM_3_6343_E.docx

¹⁷ Human Rights Committee, Replies of Viet Nam to the List of issues, para. 113 (26 November 2018). Available at file:///theamspgcfp01/users/eyilma/My%20Documents/INT_CCPR_RLI_VNM_33107_E.pdf

the suppression of their cultural traditions; arbitrary arrest; the expropriation of ancestral lands and displacement, including for development projects and the construction of hydropower dams, in many cases without prior consultation or the provision of adequate compensation.”¹⁸ The Committee also requested The State Party to comment on allegations of the absence of consultations with indigenous groups prior to administrative decisions about the seizure of lands. In addition, the Committee requested information on any measures planned for the establishment of an agency to effectively monitor the rights of indigenous groups and adopt comprehensive legislation to protect their rights.¹⁹

9. Further, in its List of Issues the Committee requested that the State Party indicate whether any steps have been taken to adopt comprehensive anti-discrimination legislation and to provide information on measures taken to enforce non-discrimination provisions already existing in domestic law, in particular regarding indigenous groups.²⁰
10. In the Replies to the List of Issues, Vietnam stated that it ensured that the civil and political rights of indigenous groups in the Central Highland of Vietnam are protected. “Stereotyping of discrimination, religious persecutions, suppression of cultural traditions, arbitrary detention, or expropriation of land without prior consultation ...are completely inaccurate.”²¹ They asserted that the decrease of poverty in indigenous and mountainous areas to be 4.3%, higher than the national average poverty reduction rate.²²
11. Furthermore, Vietnam restated the existence of the Ethnic Council and the Committee for Ethnic Minority affairs, which have discretion over legislative affairs. The government also highlighted organizations such as the Center for Research of Human Rights in Ethnic Minorities and Mountainous Areas or the Center for Research and Development of Ethnic Minorities, Mountainous Areas and Red River Basins, which protect indigenous groups from civil and political rights abuses. Although the State Party did not specify the details of

¹⁸Human Rights Committee, *Replies of Viet Nam to the List of issues*, para. 111 (26 November 2018). Available at file:///theamspgcfp01/users/eyilma/My%20Documents/INT_CCPR_RLI_VNM_33107_E.pdf

¹⁹Human Rights Committee, *List of Issues in relation to the third periodic report of Viet Nam*, para. 27 (16 August 2018). Available at https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fVNM%2fQ%2f3&Lang=en

²⁰Human Rights Committee, *List of Issues in relation to the third periodic report of Viet Nam*, para. 3. Available at https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fVNM%2fQ%2f3&Lang=en

²¹ Human Rights Committee, *Replies of Viet Nam to the List of issues*, para. 111 (26 November 2018). Available at file:///theamspgcfp01/users/eyilma/My%20Documents/INT_CCPR_RLI_VNM_33107_E.pdf

²² Human Rights Committee, *Replies of Viet Nam to the List of issues*, para. 111 (26 November 2018). Available at file:///theamspgcfp01/users/eyilma/My%20Documents/INT_CCPR_RLI_VNM_33107_E.pdf

the law, it also asserted the Law on Support for Development in Ethnic Minority and Mountainous Areas.²³

12. In response to paragraph 18 of the List of Issues, which inquired about the civil and political rights of the Montagnard/Degar people, the State Party discouraged of the use of those terms and instead used “ethnic minorities in Tay Nguyen” to refer to this indigenous group.²⁴ Further, paragraph 32 of Vietnam’s periodic report states that:

“Vietnam is a unitary State of 54 ethnic groups which have been united to live together and to support each other for thousand years of history in order to build and safeguard the fatherland of Vietnam. Neither indigenous people nor indigenous issues are found in Vietnam.”²⁵

These statements clearly illustrate the government’s failure to recognize and lack of respect for the true history of the indigenous peoples in Vietnam.

13. **Information about the Tai Indigenous People of Vietnam.** The Tai, known as Thai in Vietnam, is an indigenous people living in northwest Vietnam. The Tai people have lived in their homeland for thousand years, long before the Vietnamese people obtained a foothold for the first time in the Tai homeland in 1954 after the Battle of Dien Bien Phu.

14. The Tai are generally subsistence farmers growing mainly rice and vegetables. They rely heavily on buffalo to plow their fields. For centuries, they lived along rivers and creeks to grow wet-rice. The Black River, which runs through the middle of the country, was considered the main artery of the Tai Country. On this life-line river, the Hoa Binh hydro-electric dam was built in 1994; Son La dam in 2011; and Lai Chau dam in 2015. These three dams are classified as the three largest dams in Southeast Asia inundating the most land previously occupied. These dams also generate an income of 1+ billion USD/year for the Vietnamese government, which the Tai never see. Consequently, the Tai had to move from inundated plains to the hills and mountains. To survive, whole forests were razed to build houses and to create terraced rice fields. These terraced fields made rice growing exponentially more difficult.

²³Human Rights Committee, *Replies to List of issues*, para. 119 (26 November 2018). Available at file:///theamspgcfp01/users/eyilma/My%20Documents/INT_CCPR_RLI_VNM_33107_E.pdf

²⁴Human Rights Committee, *Replies to List of issues*, para. 116 (26 November 2018). Available at file:///theamspgcfp01/users/eyilma/My%20Documents/INT_CCPR_RLI_VNM_33107_E.pdf

²⁵ Human Rights Committee, *Third periodic report submitted by Vietnam under article 40 of the Covenant*, para. 32. Available at https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/VNM/CCPR_CVNM_3_6343_E.docx

15. Although the Tai Dam have lived in today's five provinces of Vietnam - Lai Chau, Dien Bien, Son La, Lao Cai and Yen Bai for millenniums, they are not recognized as indigenous peoples. The Tai have many ancient written works about our history, rich traditions, customary laws, and literature. However, much of it was confiscated and lost due to invaders and colonizers, who took over the land and peoples. Tai people have lived in what was once known as "Sip-Song-Chau-Tai" or the "Twelve Tai Principalities." Before the war, the Tai were self-governing and autonomous. During the war, the Tai leaders decided that they would fight with the French against the Vietnamese. Many Tai continue to face retaliation and persecution because of this past alliance.²⁶
16. In 1955, the Thai-Meo Autonomous Zone was created by treaty between the Tai people and the Vietnamese government. This treaty gave the Tai people allowance for self-governance and self-determination. However, the Autonomous Zone and the treaty were quickly abolished by the Vietnamese in 1975 after the second Vietnam war with the Americans.
17. Ever since the end of the war and up until now, the Tai are being marginalized and not given a voice in their own governance. Their lands have been seized by the government for large hydropower projects of which the Tai are not fully compensated for.²⁷ Their environment, water and health are being threatened by rare earth mining.²⁸ Once again the Tai people have not received any economic benefits from this. Neither of these projects included input or representation from the Tai people. Their lands, livelihood and right to self-determination have been taken away.
18. Members of indigenous groups such as the Tai face constant discrimination on the basis of their indigenous identity in Vietnam. As reported to TSC, a Tai person who moved to one of the larger cities in Vietnam described how the majority Kinh people throw rocks at her, causing her to stop wearing her hair in a bun or traditional clothing. In addition, Tai indigenous students who do not have a birth certificate are disadvantaged in school as their

²⁶ Communications between Tai in northwest Vietnam and relatives living overseas (2000-present).

²⁷ Dao, Ngo. (2010). Dam Development in Vietnam: The Evolution of Dam-Induced Resettlement Policy. *Water Alternatives* 3(2): 324-340. Available at <https://goo.gl/khAZ1y>

²⁸ Vu, Dinh-Hieu & Bui, Xuan-Nam & Hai Le, An. (2012). The Effect of Mining Exploitation on Environment in Vietnam. Available

at: https://www.researchgate.net/publication/234055847_The_Effect_of_Mining_Exploitation_on_Environment_in_Vietnam

school records won't be kept and they aren't able to access State support such as free lunch, tuition fee reductions, or allowances.²⁹

19. **There is a significant gap in socioeconomic status for indigenous groups.** Several studies show that households of indigenous groups are less economically stable and more liable to economic shocks.³⁰ These socioeconomic gaps occur, not necessarily due to educational discrepancies or location, but because the “returns to the characteristics,” are lower.³¹ This shows that the lack of economic returns indigenous groups in Vietnam experience is tied to the income discrimination they experience at work. There is also a need for vocational programs in certain provinces inhabited by members of Vietnam's 53 indigenous and minority groups.³² According to the poverty rate in 2015, indigenous peoples experienced poverty 3.3 times higher than the national average.³³ In response to this need, the government launched Project 1956 “Vocational training for rural workers,” which has not sufficiently met the needs of indigenous groups due to its underfunding.³⁴
20. Inequality continues as indigenous groups, predominantly the Tay, Thai and Hmong peoples, compose approximately 80% of the population in the region [NW Vietnam]. It is one of the poorest parts of the country. The poverty rate among ethnic minorities in the region is 73% and the extreme poverty rate 45.5%. By comparison, the extreme poverty rate among the Kinh majority (88% of population) nationwide is 2.9%.³⁵ Inequality is deepening in Vietnam, especially in mountainous areas.³⁶

²⁹ Vietnam News. “Kids Without Birth Certificates Suffering at School”. 29 December 2018. Available at <http://vietnamnews.vn/society/482997/kids-without-birth-certificates-suffering-at-school.html#YKGymYcq3HCS9sAJ.99>

³⁰ International Review of Applied Economics, Poverty, Inequality, and Ethnic Minorities in Viet Nam (2011). Available at <https://www.tandfonline.com/doi/abs/10.1080/02692171.2010.483471?journalCode=cira20>

³¹ International Review of Applied Economics, Poverty, Inequality, and Ethnic Minorities in Viet Nam (2011). Available at <https://www.tandfonline.com/doi/abs/10.1080/02692171.2010.483471?journalCode=cira20>

³² Oxfam, *Enhancing the Effectiveness of Vocational Training in Ethnic Minority Areas* (2017). Available at https://d1holjzqk5247a.cloudfront.net/vietnam.oxfam.org/s3fs/public/file_attachments/Oxfam_Day%20nghe_EN_0.pdf

³³ Oxfam, *Enhancing the Effectiveness of Vocational Training in Ethnic Minority Areas* (2017). Available at https://d1holjzqk5247a.cloudfront.net/vietnam.oxfam.org/s3fs/public/file_attachments/Oxfam_Day%20nghe_EN_0.pdf

³⁴ Oxfam, *Enhancing the Effectiveness of Vocational Training in Ethnic Minority Areas* (2017). Available at https://d1holjzqk5247a.cloudfront.net/vietnam.oxfam.org/s3fs/public/file_attachments/Oxfam_Day%20nghe_EN_0.pdf

³⁵ Meding, Jason von. “In Vietnam Poverty and Poor Development, Not Just Floods, Kill the Most Marginalised.” The Conversation, The Conversation, 20 June 2018, <https://goo.gl/hUQyXP>

³⁶ Meding, Jason von. “In Vietnam Poverty and Poor Development, Not Just Floods, Kill the Most Marginalised.” The Conversation, The Conversation, 20 June 2018, <https://goo.gl/hUQyXP>

21. The United Nations Country Team noted that members of disadvantaged groups such as indigenous peoples continued to encounter special difficulties in accessing the labor market and in finding decent work. High rates of unskilled labor in indigenous areas were a barrier to accessing the labor market. Unemployment rates among young people were more than three times higher than the adult rate.
22. In the last few years, Tai people overseas have received calls and pictures of men pulling plows in place of a buffalo. On Facebook and other media, these kinds of pictures are common, and with comments such as, “Son La we are actually very poor, hunger, the suffering keeps chasing us forever.” Most young Tai men travel to Hanoi to find a job in construction. They are paid 10 USD a day for extremely hard work. These laborers must also separate from their spouses who also have to travel elsewhere to work. Their children are raised by grandparents. They meet as a family every other year. This is the unfortunate life of today’s northwest Vietnam. Tai people overseas have been helping our relatives there, but millions more have no relatives to help alleviate their burdens.³⁷
23. **The government confiscates land from indigenous groups without adequate compensation.** In paragraph 114 of the Replies to the List of Issues, the government promoted their efforts in building irrigation projects and hydroelectric power plants, as well as the compensation of resettlement costs for those displaced due to these projects. The government stated that Vietnamese laws and regulations exist to protect affected persons if the community has not reached consensus on the compensation and resettlement plans.³⁸
24. The reality experienced by indigenous groups in the Highlands of Vietnam is much different. The land of indigenous peoples in Highlands’ villages is frequently confiscated to build state economic development projects without adequate relocation reimbursements.³⁹ These uncompensated confiscations of land is particularly common high in the north-west and central highlands due to the high demand for property concessions for mines, plantations and hydropower dams.⁴⁰ Relocation affects indigenous peoples’ access to electricity, water, and medical care, further widening the socioeconomic gap.⁴¹

³⁷ Communication between Tai people in northwestern Vietnam and relatives living overseas, by telephone calls or visits (2018).

³⁸ Human Rights Committee, *List of issues in relation to the third periodic report of Viet Nam* (26 November 2018). Available at file:///theamspgcfp01/users/eyilma/My%20Documents/INT_CCPR_RLI_VNM_33107_E.pdf

³⁹ Vietnam Human Rights Network, *Report on Human Rights in Vietnam 2016 – 2017* (2017). Available at <http://www.vietnamhumanrights.net/english/documents/ReportVNHRN2016-17-Net.pdf>

⁴⁰ The Economist, *Out of Sight* (2015). Available at <https://www.economist.com/asia/2015/04/04/out-of-sight>

⁴¹ Vietnam Human Rights Network, *Report on Human Rights in Vietnam 2016 – 2017* (2017). Available at <http://www.vietnamhumanrights.net/english/documents/ReportVNHRN2016-17-Net.pdf>

25. During construction of the Son La hydropower plant, which was under direct supervision of the government, the Prime Minister and other government officials repeatedly declared they would guarantee 20,340 households and 93,201 people from 248 villages in the three provinces of Son La, Điện Biên, and Lai Châu, who were affected by the Son La dam, an equal or better life after resettlement.⁴²
26. The government has released water from the dams into the Tai people's sacred, living, and farm areas without giving them compensation. The TSC has received video footage of a flash flood caused by water released from the Son La dam in June 2015 that shows the devastating consequences for the Tai farmers.⁴³ The video shows that the farmers were caught by the surprise of the water being released, were separated by the flood from their family members and friends, and were trying to figure out how to reunite with them.
27. While most of the benefits of the dam projects assisted urban areas and lowland farmers, problems generated by the projects fell mostly on the displaced people, who faced many difficulties in setting up their new lives. The compensation given to the displaced people were far from enough to enable them to settle in their new locations.⁴⁴
28. "Allocation of residential land in this village is not equal, while some households get 320m² only, others get 350m², or 380, or 400m². Though people want to raise animals, they can't because the land is so narrow." A village leader in Quynh Nhai district said, "There are 112 households in the village, of which only 35 households have salaries or a stable income. The other 77 households are typically the poor. As farmers for generation, today we have no land, no money. We do not know what to do, how to live; it is very difficult. We are eating today but do not know what we will have for food tomorrow." Villagers have to sell their labor force, they are worried about their day-by-day earning. A villager in Mai Son district stated, "We mainly grow maize. Being landless, we have to work as hired laborers in order to get VND 120,000-130,000 (5.4 USD to 5.8 USD) per day." However, jobs are scarce.⁴⁵

⁴² Phạm, Dũng. (2016). Responses to compensation affected by the Son La hydropower resettlement in Northwestern Vietnam. Available at: https://www.researchgate.net/publication/316828655_Responses_to_compensation_affected_by_the_Son_La_hydropower_resettlement_in_Northwestern_Vietnam. See also Dao, Ngo. (2010). Dam Development in Vietnam: The Evolution of Dam-Induced Resettlement Policy. *Water Alternatives* 3(2): 324-340. Available at <https://goo.gl/khAZ1y>.

⁴³ Communication to TSC from Tai individual in Son La area (June 2015).

⁴⁴ Dao, Ngo. (2010). Dam Development in Vietnam: The Evolution of Dam-Induced Resettlement Policy. *Water Alternatives* 3(2): 324-340. Available at <https://goo.gl/khAZ1y>

⁴⁵ VietnamNews Bridge 02/03/2013

29. Vietnam and the Australian government have launched several agroforestry projects in hopes of finding sustainable economic solutions for the area.⁴⁶ Unfortunately, these studies will take years to produce results and study participants are limited. Promising results have been produced but widespread adoption of agroforestry has been slow. The dissemination of agroforestry resources and education will require more government support.⁴⁷
30. After multiple typhoons and severe cold temperatures in recent years, hundreds of thousands of Tai families suffered when their homes or rice fields were washed away, and their buffalos died. Emergency aid from the government for Tai people was almost null. The district delivered aid worth about VND10 million [about 400 USD] to each family whose family member died or went missing from the flood, and VND 2.5 million [100 USD] to each of those with injured members.⁴⁸

III. List of Issues Paragraph 14: Members of indigenous groups experience persecution at the hands of the government.

31. The United States' 2016 International Religious Freedom Report on Vietnam highlighted that religious leaders from indigenous groups have endured different forms of government harassment, which includes arbitrary detention, physical violence, monitoring and restrictions on travel.⁴⁹ Amnesty International has recorded at least two cases of enforced disappearances of indigenous peoples who were prisoners of conscience from three to four months. These defendants were not granted legal representation during their trial which heavily affected their sentences.⁵⁰
32. International human rights organizations have also reported that members of indigenous groups flee the country seeking asylum from persecution due to the continued harassment and intimidation from the government. When confronted with the issue, the government

⁴⁶ ACIAR. "Developing and Promoting Market-Based Agroforestry and Forest Rehabilitation Options for Northwest Vietnam." ACIAR, ACIAR, 9 Oct. 2018. Available at www.aciar.gov.au/project/FST/2016/152.; Diem, Le.

"Australia & Vietnam to Boost Cooperation in Agriculture Research, Education."

⁴⁷Hoang, TL. "Agroforestry - The Most Resilient Farming System for the Hilly Northwest of Vietnam." World Agroforestry, 2017. Available at www.worldagroforestry.org/publication/agroforestry-most-resilient-farming-system-hilly-northwest-vietnam.

⁴⁸ Meding, Jason von. "In Vietnam Poverty and Poor Development, Not Just Floods, Kill the Most Marginalised." The Conversation, The Conversation, 20 June 2018. <https://goo.gl/hUQyXP>

⁴⁹ U.S. State Department, *Viet Nam 2016 International Religious Freedom Report* (2016). P.1 Available at <https://www.state.gov/documents/organization/269024.pdf>

⁵⁰ Amnesty International, *Prisons within prisons: Torture and ill-treatment of prisoners of conscience in Viet Nam* (2017). Available at <https://www.amnesty.org/download/Documents/ASA4141872016ENGLISH.PDF>

labeled them illegal migrants who left Vietnam to pursue their own economic interests.⁵¹ Those who fled to Cambodia or Thailand to return shortly recalled the antagonistic detention and questioning conducted by the Vietnamese authorities. They not only feared for their own lives, but for those of their loved ones who were under surveillance during this time.⁵² Other members of indigenous groups experienced varying degrees of persecution for their involvement in human rights advocacy. These include Pastor Ksor Xiem, the imprisonment of Pastor Nguyen Cong Chinh, and the imprisonment and denial of medical attention to Tran Thi Thuy.⁵³ Furthermore, it is reported that the Vietnam government targets specific indigenous groups, such as the Degar, through monitoring, interrogating and detaining members of the community.⁵⁴

IV. List of Issues Paragraphs 19 and 24: The government suppresses the rights to freedom of expression, association and peaceful assembly of indigenous peoples.

33. National security provisions of the penal code are used to arbitrarily detain indigenous peoples and lengthen prison sentences. The government used the potential ties of indigenous groups to organizations abroad that promoted, “separatist aims.”⁵⁵ For example, Vietnam deployed troops to contain a protest by ethnic Hmong Christians, some of whom were calling for an independent kingdom. There were as many as 7,000 people protesting in the Dien Bien Province.⁵⁶ Lastly, when ethnic minorities join peaceful political protests in order to oppose the unfair confiscation of their lands, they are often subjected to assault and harassment for their involvement.⁵⁷
34. Human rights organizations report that individuals in Vietnam are being threatened by the government after speaking up for freedom and human rights.⁵⁸ Human rights advocates and peaceful political activists today are being beaten, jailed, and given the death penalty for

⁵¹ U.S. State Department, *Viet Nam 2017 Human Rights Report*. P.13. Available at <https://www.state.gov/documents/organization/277375.pdf>

⁵² U.S. Department of State, *Country Reports on Human Rights Practices for 2016* (2017). Available at <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265386>

⁵³ U.S. State Department, *Viet Nam 2016 International Religious Freedom Report* (2016). Available at <https://www.state.gov/documents/organization/269024.pdf>

⁵⁴ U.S. State Department, *Viet Nam 2017 Human Rights Report*. Available at <https://www.state.gov/documents/organization/277375.pdf>

⁵⁵ Amnesty International, *Prisons within prisons: Torture and ill-treatment of prisoners of conscience in Viet Nam* (2017). Available at <https://www.amnesty.org/download/Documents/ASA4141872016ENGLISH.PDF>

⁵⁶ Reuters, *Thousands of Hmong stage rare Vietnam protest* (2011). Available at <https://uk.mobile.reuters.com/article/amp/idUKTRE7450Q120110506>

⁵⁷ The Economist, *Out of Sight* (2015). Available at <https://www.economist.com/asia/2015/04/04/out-of-sight>

⁵⁸ Amnesty International, *Viet Nam 2017/2018* (2018). Available at <https://www.amnesty.org/en/countries/asia-and-the-pacific/viet-nam/report-viet-nam/>

simply speaking out against basic human rights violations.⁵⁹ Two additional pro-democracy activists were arrested on January 13, 2019, bringing the estimated total of detained human rights advocates to 200.⁶⁰ In this context of the current repression of all dissenting opinion and the additional scrutiny placed on the Tai due to their past French connection, members of the Tai indigenous group are particularly afraid to speak out against the government in any form.⁶¹

35. Most recently, Vietnam has passed a repressive new cybersecurity law, which grants the government powers to allow them to force technology companies to hand over potentially vast amounts of data, including personal information, and to censor users' posts, which will end all online freedom of expression.⁶²

V. Suggested recommendations for the Government of Vietnam

36. The Advocates for Human Rights and the Tai Studies Center respectfully suggest that the Committee recommend to the Government of Vietnam to :

- Acknowledge the indigenous status of the Tai people and their self-determination;
- Create an effective mechanism to compensate for loss of lands and livelihood;
- Solicit and include input from the Tai people regarding the use of their lands and natural resources;
- Care for all their citizens, especially the poor people in the mountainous areas, who have nowhere to take refuge during typhoon seasons, by building a stormproof evacuation shelter for each village;
- Respect the people and the environment and ensure a sustainable future for all to include agro-reforestation;
- End rare earth mining;

⁵⁹ Amnesty International, *Viet Nam: New research reveals almost 100 prisoners of conscience as crackdown on dissent intensifies* (8 April 2018). Available at <https://www.amnesty.org/en/latest/news/2018/04/viet-nam-new-research-reveals-almost-100-prisoners-of-conscience-as-crackdown-on-dissent-intensifies/>

⁶⁰ Richard Finney, "Vietnam Arrests Two More Democracy Advocates", Radio Free Asia, (January 25, 2019).

⁶¹ Amnesty International, *Viet Nam: New research reveals almost 100 prisoners of conscience as crackdown on dissent intensifies* (8 April 2018). Available at <https://www.amnesty.org/en/latest/news/2018/04/viet-nam-new-research-reveals-almost-100-prisoners-of-conscience-as-crackdown-on-dissent-intensifies/>

⁶² Amnesty International, *Viet Nam: New Cybersecurity law a devastating blow for freedom of expression* (12 June 2018). Available at <https://www.amnesty.org/en/latest/news/2018/04/viet-nam-new-research-reveals-almost-100-prisoners-of-conscience-as-crackdown-on-dissent-intensifies/>

- Implement policies that protect indigenous groups from harassment and detention at the hands of the local government;
- Provide adequate monetary compensation for all confiscated land;
- Respect indigenous peoples' right to freedom of expression, association, and assembly;
- Implement policies against employment discrimination against members of indigenous groups;
- Ensure the Ethnic Council and the Committee for Ethnic Minority affairs properly represent the rights of indigenous groups by adding Tai Dam people and other indigenous representatives who are directly affected by issues to the council and committee; and
- Implement programs that properly preserve the cultural and linguistic heritages of indigenous groups.