Naciones Unidas A/HRC/16/G/4

Asamblea General

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Consejo de Derechos Humanos
16º período de sesiones
Tema 3 de la agenda
Promoción y protección de todos los derechos humanos, civiles, políticos, económicos, sociales y culturales, incluido el derecho al desarrollo

Nota verbal de fecha 3 de marzo de 2011 dirigida a la secretaría del Consejo de Derechos Humanos y a la Experta independiente sobre cuestiones de las minorías por la Misión Permanente de la República Socialista de Viet Nam

La Misión Permanente de la República Socialista de Viet Nam ante la Oficina de las Naciones Unidas, la Organización Mundial del Comercio y otras organizaciones internacionales en Ginebra saluda atentamente a la secretaría del Consejo de Derechos Humanos y, con referencia al informe de la Experta independiente sobre cuestiones de las minorías acerca de su misión a Viet Nam (A/HRC/16/45/Add.2), tiene el honor de adjuntar a la presente los comentarios formulados al respecto por el Gobierno de Viet Nam (véase el anexo). La Misión Permanente de Viet Nam solicita a la secretaría que tenga a bien distribuir los comentarios* como documento del Consejo, en su 16º período de sesiones, antes de la fecha de presentación del informe durante el diálogo interactivo con la Experta independiente, previsto para el 15 de marzo de 2011.

* Se reproduce en el anexo como se recibió, en el idioma en que se presentó únicamente.

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Anexo

Comments of the Government of Viet Nam on the report of the Independent Expert on minority issues, Gay McDougall, on her mission to Viet Nam (5-15 July 2010) (A/HRC/16/45/Add.2)

The Government of Viet Nam wishes to thank the Independent Expert on minority issues for her visit to Viet Nam, which provided an opportunity for open and constructive dialogue with relevant authorities on issues relating to the improvement of the enjoyment of human rights for minorities. The Vietnamese Government also thanks the Independent Expert for her efforts in trying to reflect in the current report the information received during the visit, including that of the Government.

The Government of Viet Nam wishes to make a number of comments on some issues raised in the said report.

1. Viet Nam reiterates that the principles of equality, solidarity, mutual assistance among ethnicities, as well as the prohibition of stigma, discrimination and division inter se, are enshrined in the Constitution and many legislative acts. These are realised through series of policies and programme of special assistance to and preferential treatment of people belonging to ethnic minorities, thus helping.

In furthering these principles, Viet Nam is already striving to improve many aspects as reiterated in the recommendations, such as: disaggregated economic and social data (paragraph 79); increasing the opportunities for minorities to access diverse labour markets and to participate effectively in economic life, improving access to markets (paragraph 80); prioritizing the preservation of the unique cultures, languages, traditions and lifestyles of minorities in poverty reduction policies (paragraph 83); Improving the access and education outcomes of minority girls (paragraph 85); selection of representative (paragraph 99); cooperation in the field of human rights, including the rights of minorities, with the Office of the High Commissioner for Human Rights (Paragraph 102), etc.

2. While the report primarily focuses on the outcomes of the visit, it still contains a number of points emanating from “sources” and “reports” that the Independent Expert may have received well in advance and not in relation to the visit per se, for example in paragraphs 32, 33, 45, 61-64, 66, 93. The information contained therein is misleading and inaccurate. Therefore, the Government of Viet Nam seriously questions the credibility of those “sources”, as well as the relevance of their mentioning in a field visit report.

3. In fact, in preparing for the visit, the Vietnamese side and the Office of the UN High Commissioner for Human Rights in Geneva had worked together to formulate and agree on the visit programme, as stipulated in Article 11 of the Code of Conduct, which was subsequently agreed to by the Independent Expert. UN agencies in Viet Nam, at the Expert's request, also arranged meetings with other organizations and individuals. During the visit to Viet Nam, the Expert met a number of representatives of Government agencies, civil society organisations, scholars and local people. Viet Nam also agreed to help arrange some meetings between the Expert and representatives of religious dignitaries at the Expert's request. In the meetings arranged by Viet Nam, the presence of accompanying officials of the Ministry of Foreign Affairs (MOFA) indicated respect to the hosting agencies, organizations, individuals, as well as the foreign guests. This is a common practice in Viet Nam. The representatives of MOFA did not participate in the meeting arranged by the UN. In addition to the previously agreed programme, during the visit, the

Expert requested additional private meetings, which Viet Nam agreed, and these meeting were held without the presence of MOFA officials.

Therefore, paragraphs 5 and 60 should have been more accurate, objective and balanced.

4. Viet Nam is concerned that some paragraphs referring to the issue of religious freedom contains most of the questionable "sources" mentioned in part 2 above. This cannot provide appropriate grounds for the findings and recommendations as outcomes of the visit (the last paragraph of the Summary, paragraphs 62-66, 93).

The policies and laws of Viet Nam protect freedom of religions and beliefs, which is implemented in reality. This is reflected in increasingly vibrant religious activities in recent years, the increase of followers, worshipping places, various forms of religious activities and training, etc. In Viet Nam, many religions can be found, including major religions of the world (Buddhism, Islam, Christianity…).

The Viet Nam Buddhist Sangha was established in November 1981 as a result of the Meeting for the Unification of 9 Buddhist organisations and denominations in Viet Nam, including the Unified Buddhist Church of Vietnam (UBCV). The Viet Nam Buddhist Sangha has since become the sole legal representative of over 10 million followers all over the country, be they Theravada or Mahayana Buddhists, mendicant monks or Khmer Buddhists.

As witnessed by the Expert in Tra Vinh, Khmer Theravada Buddhist practices were facilitated by the local authorities. Support was provided for the organization of Khmer language classes in the pagodas. The Khmer Cultural Museum of Tra Vinh province was chosen to be located right in front of the most honoured pagoda of the province. In fact, Mahayana and Khmer Theravada Buddhist activities are harmonious and unified in the house of Buddha. At the same time, their identities are preserved, contributing to the diversity of Buddhist practices in Viet Nam. In many activities, Khmer monks make the most contributions the Viet Nam Buddhist Sangha's affairs.

Certain individuals, most of whom residing overseas, claiming to be members of the former UBCV, follow their own political agenda under the pretext of religious beliefs. This goes against the ideologies and teachings of humanitarian love of Buddhism and is heavily criticized by the majority of true Buddhist followers and devotees in Viet Nam.

After Buddhism, Christianity is the second largest religion in Viet Nam with more than 7 million followers (some 6 million Catholics[1] and over 1 million Protestants). Protestantism is currently the fastest growing religion. Today, Catholicism has six grand seminaries and more than 700 training facilities for religious followers.

Apart from the 20 million religious followers, nearly 70 million Vietnamese do not follow any particularly religions, although the may practice their own faith or belief. Therefore, like in many other countries, the organization of religious and belief activities in public places must be conducted in accordance with the law, with a view to ensuring the equal enjoyment by religious followers and others of their respective rights, as well as those religious activities take place in a safe and orderly manner.

With the fast growth of religious activities and of the number of new religions, religious denominations, the 2004 Ordinance on Religion and Beliefs providing for procedures of registration and recognition of religious organisations aims at facilitating

[1] Viet Nam and the Philippines are the two countries with the largest number of Catholic dignitaries and adherents in Southeast Asia.

their activities and conferring a legal standing to them, thus ensuring the rights of registered religious groups and those of other citizens.

In order to facilitate the lawful operation of religious organisations, local authorities have explained, persuaded religious groups to operate in compliance with the law, including the registration of Protestant groups, which are among the latest arriving and fastest developing religions in Viet Nam. In some localities where there is insufficient awareness of the law on religion and belief, the local authorities' requests may be misunderstood as bureaucracy or harassment. In fact, more than 90% of Protestant groups operating in Central Highlands provinces have been recognised and registered, while over 230 other groups of various Protestant congregations, which are yet to be registered, operate normally.

In upholding the rule of law, the Government respects the equality of all citizens before the law. Law violations are dealt with regardless of people's backgrounds, including religious association. Some violations involving people belonging to ethnic minorities or certain religions are cited by some circles with political agendas as "persecutions" on the basis of their ethnicities or religions

5. The Government of Viet Nam also rejects claims of some of the "reports" mentioned in part 2 above (paragraphs 33, 64, 66, 93) alleging that the right to peaceful activities and protest is violated. Lawful activities are carried out and protected under the law. The authorities only intervene where there is violation or when the situation escalates into violence. However, these cases were intentionally framed as "peaceful", "lawful" by some groups with obvious political agenda.

6. Land issues touched upon in the report could also have been more balanced. Given the dynamic history, land-related issues in Viet Nam are often quite complex and sometimes give rise to disputes among a number of people. Under existing law, land is owned by all Vietnamese people and administered by the State, who issues land-use right certificates to its citizens and allocates land for housing, production, cultivation, religious affairs, including through Programme 134 on land for production, housing land, housing and safe water for ethnic minorities.

The situation of people losing land is mainly because they have sold their allocated land/land-use certificates (even after the land had been reallocated after the first sale) and as a consequence, do not have land for production and have to work as hirehands.

In the process of national building and development, the Vietnamese Government has put in place a number of national development projects. These programs targeted the common interest of all people, the development and implementation of projects are all based on the discussion and agreement between the Government and people, including issues related to relocation and compensation. The community of the project areas, including the ethnic minorities are consulted and the process of resettlement is implemented in a voluntary basis in the common interest of the community. The relocation and compensation are all implemented in a transparent manner under the principle that "the new residential must be better than the old one".

Remedies for settlement of disputes include various mechanisms for complaints at different levels as provided for by the laws (e.g. the Law on Complaints and Denunciations).

7. Viet Nam attaches great importance to the issue of education for all the people, including ethnic minorities. The report has not fully reflected the whole picture of the use and teaching of ethnic languages.

The State encourages the preservation and development of cultural values and languages of Vietnamese ethnic minorities without any restrictions, including Khmer language.

Many documents issued by the Party and State have guided the use of the Khmer language and script in education and cultural activities. The order number 117/CT-TW of the Central Committee Secretaries Board dated on September 29, 1981, and the Order number 122/CT of the Council of Ministers dated on the 12th May, 1982 instruct the teaching and use of Khmer language in schools, via radio and publications on culture. On 15 May 1978, the Ministry of Education and Training issued Order number 16/CT, providing clear guidance for the teaching of the Khmer language in primary schools.

In the very first year after the national reunification in 1975, the Khmer language was taught in schools. During the school year of 1975-1976, 41,565 Khmer people studied the Khmer language in schools. The Khmer language has been taught continuously during the last 30 years. In the school year of 2009-2010, 68,853 Khmer students learned the Khmer language in 380 schools, 2979 classes in the Mekong Delta.

The Khmer language is not only taught in schools, but also offered it in pagodas. During summers, in the most of the pagodas, the Khmer language teaching is provided by monks to local youth. Those studying Khmer in schools receive free learning materials, participate in exams and acquire certificates as other regular students.

Apart from the Khmer language, the Pali script is taught in pagodas. From the mid-1990s, the teaching of Pali script has been done at the Intermediate Pali Continuing School in Soc Trang province. The Ministry of Education and Training already introduced the curricula of Khmer language and Pali script teaching at that school, which meets the demand of those wishing to deepen their knowledge and understanding of Buddhist teachings.

Newspapers, television and radio programmes are available in many ethnic languages, including Khmer.

Therefore, allegations to the contrary cannot be substantiated.

8. The issue of participation, consultation is also mentioned in the report. In Viet Nam, the participation of the people, including the minorities, in matters of social life is respected and protected by the State. Mechanisms are in place for the people to express their wishes and participate in the policy making process, including the National Assembly, People's Council, Fatherland Front at all levels and mass organizations.

The people's direct participation is by means of election, nomination, Q&A sessions of elected bodies, complaint and denunciation and implementation of grassroots democracy.

Minority communities are consulted during the development of major minority-related policies and programs with a view to ensuring the compatibility between common interests of the society and the legitimate interests of the minority communities.

The Government of Viet Nam promotes democracy at grassroots level, including through the implementation of the Regulations on Grassroots Democracy and the Law on Complaints and Denunciations.

9. The issue of stigma and discrimination was also addressed in the report. Given the Government's special attention and preferential treatment in assisting ethnic minorities, it is an overstatement to say that the Government highlighting challenges in striving to improve its assistance may negatively influence public perception of ethnic minorities.

Viet Nam is currently developing a normative act to address comprehensively ethnic minorities issues, through providing sufficient legal framework, ensuring equality, concretisation of support for the ethnic minorities, assuring all their rights, etc.

The Government of Viet Nam wishes to reiterate its willingness to continue dialogue and cooperation in a constructive manner with the Independent Expert with a view to improving the enjoyment of human rights for all Vietnamese people.