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**SUBMISSION TO THE HUMAN RIGHTS COMMITTEE OF THE UNITED NATIONS FOR DEVELOPMENT OF THE “LIST OF ISSUES (LOI)” TO GUIDE CONSIDERATION OF THE THIRD PERIODIC REPORT OF THE GOVERNMENT OF VIETNAM’S COMPIANCE UNDER THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR)**

**Presented to the Human Rights Committee by the Council of Indigenous Peoples in Today’s Viet Nam on behalf of a working group representing the Montagnard, Cham, Khmer Krom and other native populations of Viet Nam**

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**A. Summary**

At its 123rd Session scheduled for 2-27 July 2018, the Human Rights Committee will be considering and adopting a “List of Issues” to guide the Committee’s official review of compliance by the government of Viet Nam under the International Covenant on Civil and Political Rights (ICCPR), pursuant to Viet Nam’s third periodic report under the ICCPR. This submission is being made as part of the Human Rights Committee’s List of Issues process in order to make certain that the special needs and interests of the indigenous peoples of Viet Nam are properly understood and taken into account as the Committee identifies the issues and concerns that will be given attention in connection with the Committee’s official review and hearing on Viet Nam.

Our working group acknowledges and endorses the List of Issues submission dated 25 April 2018 that was made to the Committee by the Vietnam Coalition Against Torture. But we note, and wish to bring to the special attention of the members of the Human Rights Committee, that the indigenous peoples of Viet Nam, and the groups that represent their interests, have been especially targeted by the government of Viet Nam for many of the human rights abuses and violations that are reviewed in the Vietnam Coalition Against Torture’s List of Issues report, and that are described and documented as well in reports issued by a large number of independent human rights monitoring organizations and officials, including human rights agencies and officials of the United Nations itself. It is urgent that, in its adoption of its List of Issues for the review of the government of Viet Nam’s Third Periodic Report, that the Human Rights Committee give special attention and consideration to the long-standing and highly negative impacts that the indigenous populations of Viet Nam have been experiencing for many years – impacts that in many instances amount to genocide because they threaten the very existence of Viet Nam’s native peoples, and seek to eliminate them in whole or in part, and to deny their ability to maintain their identity and existence as native populations.

**B. Issues of Special Concern for Viet Nam’s Indigenous People**

**1. Viet Nam’s Failure and Refusal to Recognize the Status and Protections of Its Indigenous Populations**

The underlying problem that must be addressed at the outset, and with the greatest emphasis, is that the government of Viet Nam refuses to recognize and accept the existence and specially protected status of its native peoples. From the perspective of the government of Viet Nam, their goal of eliminating and minimalizing the rights of members of its indigenous populations, and their ability to maintain their cultural identities and their very existence, is based on their policy of denying that there are any indigenous peoples in its territories. In violation of both the ICCPR, and the principles embodied in the United Nations Declaration on the Rights of Indigenous Peoples, sees the existence of its indigenous peoples, and any expression of connection with indigenous cultures and native groups, interests, and cultural practices and beliefs, as an inherent threat to the hegemony and stability of its nation and its governance and control over its citizens. Instead, the government of Viet Nam considers and treats its native peoples as “ethnic minorities,” without any of the special standards and protections that are afforded to native populations.

In many ways, this policy underlies the government of Viet Nam’s wide ranging efforts to subject its indigenous communities to harsh repression, prohibiting their ability to express their views, join others in association, carry out any political or cultural activities, or even maintain their native names. It also underlies the wide ranging attempts by the government of Viet Nam to force their native peoples off their lands, deny them schooling and jobs, and even the use of their native languages. This approach also justifies the use of practices that seek the outright reduction or elimination of the indigenous population, and that result in the harsh repression and even execution of those seeking to exercise leadership roles in the native communities. Ultimately, it also provides a rationale (however misguided and illogical) for carrying out the genocide and mass executions of members of the Montagnard and other native communities. Simply expressing and practicing an allegiance to ones’ native communities is viewed by the government of Viet Nam as a denial of support for the government and the nation, and a justification for imposing harsh and arbitrary punishments that violate numerous provisions of the ICCPR.

The first and most important remedial action recommended by our working group is that the government of Viet Nam, consistent with its obligations under the ICCPR and the UN Declaration on the Rights of Indigenous Peoples, be encouraged and required to recognize the existence and special status of its indigenous populations.

Set out below for inclusion in the Human Rights Committee’s List of Issues are a number of the specific practices and policies that have been especially targeted for use against members of the indigenous populations, and that are designed to eliminate and minimalize the rights and protections of Viet Nam’s native peoples that are incorporated in the ICCPR.

**2. Acts and Policies of Genocide Targeted to Viet Nam’s Native Peoples**

At various points in its history, most recently at the conclusion of the Viet Nam war with the United States in the 1970s, what is now the governmentof Viet Nam has carried out mass executions of Montanard and other indigenous groups, in part because they were identified as having fought against the government in the regional conflicts. But even apart from any military justifications, the government of Viet Nam has engaged in a determined effort to reduce or eliminate the size of its native communities, using forced abortions and sterilizations, among other techniques, to lower the birth rate and reduce native populations. Policies to restrict and prohibit the use of native languages, force the assimilation of native peoples into the larger Vietnamese community, eliminate the use of native names and cultural practices, displace native populations from their homes, and deny native peoples educational and work opportunities, are all part of the larger effort aimed at destroying native communities and eliminate the ability of its members to survive.

**3.**  **Consistent and Widespread Use of Torture As An Instrument of Repression and Control.**

As item number four of the Vietnam Coalition Against Torture’s 25 April 2018 list of issues report correctly points out, torture has become a widespread policy and practice of the government of Viet Nam, not only with respect to arbitrary and unlawful detentions and interrogations of those believed to be engaged in what the government treats as anti-government behavior, including the simple exercise of basic rights such as free expression and free association, but as a means of suppression and punishment for all activities that the government does not approve of and wishes to suppress. Reports issued by Human Rights Watch and Amnesty International, among others, as well as findings and reports by independent human rights observers, including United Nations’ agencies and officials such as the Special Rapporteur on Arbitrary Detention, have amply documented and criticized the widespread use of torture by the government of Viet Nam directed against its own citizens. Expressions of political dissent or opposition, support for workers’ rights, protests against government policies and practices, including arbitrary property seizures and displacements, are treated as unlawful and treasonous actions that require harsh treatment and punishments that amount to torture. The arbitrary and extra-legal death of detainees in custody is a particularly common and pernicious way that torture is applied on a widespread basis as a means of harsh repression and control. Over two hundred of these death in custody cases have been acknowledged by the government to have taken place in the three year period between 2011 and 2014, but this may have been a gross underestimate of the scope of the problem.

**4. Restrictions on Freedom of Expression and Association.**

Item 5 of the Vietnam Coalition Against Torture’s list of issues report describes how basic rights and protections of the ICCPR related to the exercise of freedom of expression and association are regularly denied by the government of Viet Nam, which treats any indication of opposing views and activities as tantamount to treason against the state, justifying the use of arbitrary arrest, long-term imprisonment and torture on a widespread and indiscriminate basis. What the Vietnam Coalition’s report does not explain, and that needs to be given special attention and consideration by the Human Rights Committee, is how these policies and practices have been especially targeted against members of the indigenous populations to prevent them from advocating or encouraging activities that support the existence and rights of native people in Viet Nam. Groups and individuals seeking to come to the assistance of native peoples, or registering protests about the way the government treats its indigenous populations, are outlawed and harshly repressed. Even small groups of individuals seeking to simply engage in cultural practices associated with native populations and their languages and cultural beliefs, are subjected to arbitrary arrest and imprisonment, irrespective of what the international community would describe as the peaceful and lawful nature of their activities.

**C. Recommended Actions for the Human Rights Committee**

The Indigenous Peoples in Today’s Viet Nam urge the Human Rights Committee to take the following specific actions as part of its review process for the government of Viet Nam’s third periodic compliance report under the ICCPR, aimed at giving special attention to the government of Viet Nam’s treatment of its indigenous populations:

1. **Include in the List of Issues that the Committee will use to guide its official review of the government of Viet Nam’s compliance under the ICCPR, a number of specific items focused on the special issues and concerns faced by Viet Nam’s native peoples, including the problems of genocide and torture described above in this submission.**
2. **Encourage and require the government of Viet Nam to take official actions aimed at recognizing and granting official status and protection to its indigenous peoples, and specifically granting them status, recognition and protection under the United Nations Declaration on the Rights of Indigenous Peoples.**
3. **Encourage and require the government of Viet Nam to end practices and policies aimed at the elimination and suppression of forms of expression and association related to indigenous peoples, including those that restrict births of native peoples; deny them educational and employment rights on a parity with others in the population; restrict their use of native languages and names, and prevent them from engaging in native cultural practices; and subject them to torture and other forms of arbitrary treatment and punishment aimed at preventing their association and activities as native peoples,**
4. **Encourage and require the government of Viet Nam to end policies and practices targeted on the arbitrary arrest, long-term imprisonment, and torture of those associated with indigenous peoples, and the exercise and protection of the rights of native populations.**