



## Asian Indigenous & Tribal Peoples Network

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Embargoed for: 22 January 2003

# Discrimination against the children of indigenous Degar people in Vietnam:

## An Alternate Report to the United Nations Committee on the Rights of the Child on the 2<sup>nd</sup> periodic report of Vietnam



“The National Program of Action on Children sets out seven targets to improve the life of children and women in Vietnam to 2000. However, after some years of operation it was found that “NPA had not shown sufficient concern for children in need of special protection. So this weakness was complimented by the National Program of Action on the Protection of Children against labor exploitation, sexual abuse and drug addiction”.<sup>1</sup> However, many researches<sup>2</sup> show that it is necessary to give special attention to children of ethnic minority groups who are disadvantaged in life and development. Areas inhabited by these groups are least developed in socio-economy, the center of poverty and many difficulties in child care.”- states *Analytical study on Ethnic Minority Children Situation* conducted by Development Research and Consultancy Center (DRCC) based in Hanoi, Viet Nam with the support of UNICEF Vietnam and the Committee for Ethnic Minority and Mountainous Areas (CEMMA) in May 2001.

### 1. Introduction:

On 10 May 2000, the government of the Socialist Republic of Vietnam submitted its second periodic report (CRC/C/65/Add.20) due in 1997 to the United Nations Committee on the Rights of the Child. In its Pres-sessional Working Group (7-11 October 2002) of the 32<sup>nd</sup> session, the Committee on the Rights of the Child identified the list of issues to be taken up during the consideration of the second periodic report at the 32<sup>nd</sup> session

<sup>1</sup> Excerpt from UNICEF, Children and Women in Vietnam: the UNICEF Perspective, 1998, page 11.

<sup>2</sup> For example the researches made by National Committee for Ethnic Minorities and Mountainous Areas, National Committee for the Care and Education of Children, Institute of Ethnology, Hanoi National University, and UNICEF.

from 13-31 January 2003. Thereafter, the Vietnamese government submitted an updated report on the implementation of the Convention on the Rights of the Child Period 1998-2002 and additional and updated information to the issues raised by the Committee on the Rights of the Child during the Pre-sessional Working Group hearing on 11 October 2002.

Yet, these reports of the government of Vietnam do not reveal enough about the discrimination against children belonging to indigenous mountain peoples, who are also known as the Degar people, in the Central and Northern highlands of Vietnam.

The comprehensive field survey conducted by Hanoi based Development Research and Consultancy Center (DRCC) with the support of UNICEF-Vietnam and Vietnam Government's Committee for Ethnic Minority and Mountainous Areas (CEMMA) – which resulted in a report titled *Analytical study on Ethnic Minority Children Situation – theme Action Approach to support ethnic minority families and children* released in May 2001 – reveals the appalling condition of the children belonging to ethnic minorities. The study is based on relevant research, statistical data, fieldwork documents and ten specialised reports on ethnic groups: (1) Tay ethnic group - Huu Khanh commune, Loc Binh District, Lang Son province; (2) Kho mu ethnic group - Ta Hoc commune, Mai Son District, Son La province; (3) H're ethnic group - Son Thuong commune, Son Ha District, Quang Ngai province; (4) H'mong ethnic group - Sang Tung commune, Dong Van District, Ha Giang province; (5) B'rau ethnic group - Bo Y commune, Ngoc Hoi District, Kon Tum province; (6) Cham ethnic group - Nhan Son commune, Ninh Son District, Ninh Thuan province; (7) Thai ethnic group - Chieng Mai commune, Mai Son District, Son La province; (8) Kh'me ethnic group - Lai Hoa commune, (9) Vinh Chau District, Soc Trang province; (11) Ede ethnic group - Krongpuk commune, Krongbuk District, Daklac province; and (12) Bana ethnic group - Yama commune, Kongchro District, Gia Lai province.

In this Alternate Report to the UN Committee on the Rights of the Child, Asian Indigenous and Tribal Peoples Network (AITPN) seeks to provide information on a few key issues relating to the indigenous peoples' children of Vietnam with a view to assist the UN Committee on the Rights of the Child to effectively examine the second periodic report of the Government of Viet Nam at its ongoing 32<sup>nd</sup> session and make appropriate recommendations to the government of Vietnam to enable the indigenous peoples to enjoy their rights as provided in the Convention on the Rights of the Child.

## **2. Non-discrimination (Article 2)**

The plight of children, especially those belonging to ethnic minorities, cannot be seen in isolation. Their plight is intrinsically related to that of the adult members of the community. Discrimination against ethnic minorities and their assimilation into the majority Kinh society pervades the Vietnam government's policies and programmes towards indigenous peoples, especially in the Northern and Central Highlands. The sentencing of eight persons belonging to the Ede indigenous group on 25 December 2002 for allegedly leading the demonstrations on 2-6 February in 2001 in Gia Lai and Daklak provinces to demand for political autonomy, freedom to practise their Protestant faith, the

return of ancestral lands confiscated for coffee plantations and population transfers of the majority Kinh in indigenous territories<sup>3</sup>, is another stark reminder of the repressive policies of the government of Vietnam towards the Degar people.

Yet, on the issue of exercising the right to freedom of association and peaceful assembly, freedom of expression, freedom of thought, conscience and religion, none can accuse the authorities of Hanoi of any discrimination. Irrespective of whether people belong to Kinh majority or indigenous Degar people, the Vietnam government considers the exercise of these rights without the sanction of the government as undermining State and Communist Party policy. Such persons may be charged with, among other things, undermining the unity policy under Article 87, conducting propaganda against the Socialist Republic of Vietnam under Article 88, disrupting security under Article 89 and fleeing abroad or defecting to stay overseas with a view to opposing the people's administration under Article 91 of the Penal Code of the Socialist Republic of Viet Nam. Indigenous peoples could further be accused as agents of the Central Intelligence Agency (CIA) of the United States and the *Front Unifie de Lutte des Races Opprimes* (FURLO).

The indigenous peoples, who are Protestants, are victims of inherently discriminatory policies of the government of Vietnam such as sponsored population transfer of the Kinh majority into the lands of indigenous peoples, appropriation of ancestral lands and suppression of religious freedom. Indigenous peoples' children too face discrimination because of their ethnic origin or simply because of their inability to speak the majority Kinh language.

### **3. The right to life, survival and development (Article 6)**

Since the democratic uprising on 2-6 February 2001 in Gia Lai and Daklak provinces to demand for political autonomy, freedom to practise their Protestant faith, the return of ancestral lands confiscated for coffee plantations and population transfers of the majority Kinh in indigenous territories,<sup>4</sup> hundreds of indigenous peoples sought refuge in Cambodia. As the government of Vietnam refused to allow verification by the United Nations High Commissioner for Refugees the status of the returnees, the repatriation was stopped. While the majority were resettled in the United States of America under a tripartite agreement of 30 March 2002, Cambodian Prime Minister Hun Sen announced that two UN refugee camps would be shut and that border patrols would check the entry of new asylum seekers. Cambodia has turned into a fortress with consistent reports of the asylum seekers being handed over to the Vietnamese authorities. The asylum seekers include a large number of children.<sup>5</sup>

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3. Thunder From The Highlands, Far Eastern Economic Review, 1 March 2001, [http://www.feer.com/\\_0103\\_01/p024region.html](http://www.feer.com/_0103_01/p024region.html).

4 . For details, please see, Discrimination Against Indigenous Mountain Peoples of Vietnam: An Alternate Report to the CERD Committee to the sixth to ninth Periodic Report of Vietnam (CERD/C/357/Add.2), August 2001, a joint publication of International Work Group on Indigenous Affairs (IWGIA) and Asian Indigenous and Tribal Peoples Network (AITPN).

5 . Persecution of indigenous hill peoples of Vietnam, Indigenous Issues-01, Asian Indigenous and Tribal Peoples Network, New Delhi, November 2002.

On 31 August 2002, a group of Ede indigenous mountain people was arrested for allegedly planning to hold a protest in the Sao village under Madrak district of Dak Lak province of Central Highlands on 2 September 2002.<sup>6</sup> According to *Agence France Presse*, around 30 Ede people who allegedly planned to hold a demonstration in the Central Highlands were arrested.<sup>7</sup> An international delegation scheduled to travel to Dak Lak in the second week of September 2002 was abruptly told that the trip would have to be postponed.<sup>8</sup> The region was closed to foreigners.

As repression continued, many indigenous peoples sought to flee to fortress Cambodia. On 24 September 2002, authorities of Ratnakiri province of Cambodia confirmed that a Vietnamese delegation consisting of two governors and a military police chief had visited Cambodian officials in the area. "During their visit they informed us that there were from 30 to 40 Vietnamese Jurai Montagnards who planned to escape from their homeland and into Cambodia," said Ratanakkiri deputy governor Moug Poy.<sup>9</sup>

AITPN is at least aware of one case of reported execution of five indigenous children along with their parents who were abducted and refouled from Cambodia in May 2001.

### **Refoulement and alleged execution of ethnic minority children**

Dien Y Lien, 38 and seven of his family members fled to Cambodia in March 2001 from their home in Kong Dieng village in Viet Nam's Dak Lak province after threats of arrest from authorities there following the protests on 6 February 2001 in the Central Highlands. In an interview to the press in Mondolkiri province of Cambodia on 18 April 2001, he said he was in no danger. But on 8 May 2001 morning six men identified by local sources as Cambodian police and district officials arrived with a truck, loaded Dien Y Lien, his wife Maria Nam Linh, 33, and five children - four girls and a boy - aboard it and disappeared. They have not been seen since.

Both the UN High Commissioner for Refugees and the Office of the High Commissioner for Human Rights in Phnom Penh knew of the family's presence in the province. About 10 days before they were kidnapped the UNHCR gave the family UN protection documents. They also gave a Mondolkiri deputy governor a copy of the

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<sup>6</sup> . Vietnam arrests scores of hill tribe members for attempting new protest, 6/09/2002, The Associated Press, <http://www.heraldtribune.com/apps/pbcs.dll/article?Date=20020906&Category=APN&ArtNo=209060644&Ref=AR&SectionCat=NEWS03>

<sup>7</sup> . HEADLINE: Demonstrators arrested in Vietnam's Central Highlands, BYLINE: BEN ROWSE, DATELINE: HANOI, Agence France Presse, September 6, 2002 Friday 9:04 AM Eastern Time

<sup>8</sup> . The Tehran Times, 7 September 2002.

<sup>9</sup> . Dozens of Montagnards flee recent Vietnamese crackdowns to Cambodia, Deutsche Presse-Agentur, September 24, 2002, Tuesday, 05:20 Central European Time,

protection document and the general whereabouts of the family in the hope that they would be better protected.

Sources in Mondolkiri province said they believe the seven were driven the 35-km journey to the Dak Dam border crossing with Viet Nam and deposited into the hands of waiting Vietnamese officials. Montagnard sources and provincial officials have confirmed that a bounty was being offered by Vietnamese officials for each Montagnard refugee sent back from Cambodia.<sup>10</sup>



(Dien Y Lien, 38 his wife and two of their children by Kevin Doyle, courtesy, Cambodia Daily]

The family of Dien Y Lien were allegedly executed on their repatriation. The Vietnam government has failed to provide information about the alleged execution of Mr Dien Y Lien along with his family members.

In the last one-year, there have been consistent and credible reports of refoulement of refugees including children by the Cambodian authorities. The Vietnamese authorities failed to provide necessary information about the status of the returnees and access to the United Nations High Commissioner for Refugees to verify their status.

#### **4. Freedom of expression (Article 13)**

The mass media in Vietnam are under Government control. The media are responsible for organising mass movements to inform and educate the public and to strengthen socialist ideology and national culture. The Ministry of Culture and Information is responsible for media licenses. The Party (Communist Party) provides overall guidance and orientation on all media content.

There is little freedom of expression in Vietnam.

<sup>10</sup> . By Kevin Doyle and Thet Sambath, The Cambodia Daily, May 10, 2001

## 5. Freedom of thought, conscience and religion (Article 14)

A large majority of the indigenous peoples of Vietnam are predominantly Christians. There have been consistent and credible allegations of extreme religious intolerance by the government of Vietnam. The churches, unless recognised by the government, are banned. People practice their religion in private houses. The government banned these 'house churches', especially the Protestant churches.<sup>11</sup> The government states that its opposition to Protestantism was motivated by a desire to preserve the minorities' traditions. But according to indigenous peoples, many elements of the indigenous Bahnars' traditional animist religion, such as feasts, sacrifices and traditional medicine, were themselves outlawed as "extravagant or superstitious."<sup>12</sup> The Special Rapporteur on Religious Intolerance who visited Vietnam from 19 to 28 October 1998 in the exercise of his mandate (resolution 1998/18 of the Commission on Human Rights) stated that, "The majority of Protestant organizations conduct their religious activities without legal recognition, in places of worship or private homes, or even in the forest in the case of ethnic minorities in mountainous areas. These congregations are at the mercy of the goodwill of the authorities, who may either pursue a form of laissez-faire policy or react to activities that are classed as illegal."<sup>13</sup> The situation remains the same.

As the adults do not enjoy religious freedom, children too have little freedom of thought, conscience and religion.

## 6. Freedom of Association and peaceful assembly

On 2-6 February 2001, thousands of indigenous peoples in the Central Highlands consisting of the southern part of the Truong Son mountain range and the provinces of Lam Dong, Dak Lak, Gia Lai and Kon Tum exercised of freedom of association and peaceful assembly demanding for political autonomy, freedom to practise their Protestant faith and the return of ancestral lands confiscated for coffee plantations and sponsored settlement of the majority Kinh.<sup>14</sup>

The government violently cracked down the protest and deployed thousands of soldiers and militiamen. The government's mouthpiece, the daily *Quan Doi Nhan Dan* (People's Army), reported on 27 February 2001 that a total of 13 regiments and some 20,000 households were settled in a "large economic-defence zone" across the southern part of Dak Lak province and northern part of Bin Phuoc province subsequently.<sup>15</sup> Those settled

11 . Official whitewash cannot hide depth of crisis in Viet Nam Highlands, Agence France Presse, Pleiku, Viet Nam, 17 March 2001

12 . ibid.

13 . E/CN.4/1999/58/Add.2, 29 December 1998

14. Thunder From The Highlands, Far Eastern Economic Review, 1 March 2001, [http://www.feer.com/\\_0103\\_01/p024region.html](http://www.feer.com/_0103_01/p024region.html).

15. Viet Nam settling soldiers, militiamen in restive central highlands, Hanoi, Agence France Presse 27 April 2001

under the programme were expected to be "ready for fighting if a bad situation occurs," the paper said, without elaborating further.<sup>16</sup>

Such a protest is a normal activity in any democratic country. However, at the one-day trial, a court in central Daklak province in a judgement on 25 December 2002 sentenced eight indigenous persons belonging to Ede tribe for "organizing illegal migration to Cambodia" and "undermining state and Communist Party policy". They were also accused of contacting former members of the guerrilla group FULRO, who are now living in the United States, to "sow disunity" among the hill tribes in the Central Highlands and going into Daklak province villages to "propagandise, cheat, lure and force" ethnic minority people into fleeing Vietnam.<sup>17</sup>

Alleged group leader Y Thuon Nie, 30, was sentenced to 10 years in jail, while the other seven persons identified as Y Pum Bya, 38; Y Tien Nie Kdam, 23; Y Boh Lieng, 32; Yaro Nie, 38; Y Lem Bkrong, 41; Y Ju Nie, 39; and Y Nai Mlo, 37 were given eight years jail in addition to four years of house arrest after their jail terms.<sup>18</sup>

The judgement was delivered on Christmas day, 25 December 2002 apparently to humiliate the indigenous peoples, hurt their religious sentiments and belief and send a message to all the indigenous peoples that no such exercise of the right to freedom of association and assembly will be tolerated in Vietnam.

## **7. Standard of Living (Article 27)**

Poverty is the single most important obstacle for realization of the rights of the children in Vietnam. Indigenous peoples are the poorest in Vietnam and their children are worst affected.

The World Bank acknowledged "significant regional disparities in the incidence of poverty. The North Central region is by far the poorest, with a poverty incidence of 71 per cent, followed by the Northern Highlands region with 59 per cent. These two regions account for about 40 per cent of all the poor in Viet Nam though they are inhabited by just 29 per cent of the population..."<sup>19</sup>

The World Bank further confirmed, "Ethnicity is also an important factor in the distribution of poverty. Ethnic minorities have a much higher incidence of poverty than the national average, ranging from 66 per cent among the Tay to 100 per cent among the H'mong (cited in World Bank, 1999). Similarly, ethnic minorities have higher crude death rates and infant mortality rates and lower life expectancies than the Kinh majority."<sup>20</sup>

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16. Ibid.

17. Vietnam sentences eight men for organizing exodus, Wednesday, December 25, 2002, Associated Press, <http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2001/06/26/MN165807.DTL>;

18. Ibid.

19. Quoted in Children and Women: A situation Analysis 2000, UNICEF, Hanoi, Vietnam.

20. Ibid.

A World Bank assessment of poverty in Vietnam found that by number of people in 1993 the poor made up 54% of the Kinh and 86% of ethnic minority groups. In 1998, the poor made up 31% of the Kinh and 75% of ethnic minority groups.<sup>21</sup>

Planned population transfer of the majority Kinh in the indigenous peoples territories is directly responsible for increasing pauperisation and assimilation of indigenous peoples that also affects the indigenous children. The World Bank observed, “As the new arrivals have a more dynamic nature than the native populations and often have some starting capital, they have rapidly imposed their social, economic and cultural superiority in the most accessible and most fertile areas of the region”.<sup>22</sup> (Please refer to *Special Focus: Population transfer of the majority Kinh and marginalisation of the indigenous peoples* in page 11)

## 8. Education:

The UNICEF and government of Vietnam sponsored study<sup>23</sup> is once again instructive about the problems of the indigenous children with right to education. The study states “the rate of children who never go to school: Dac Me: 71.16%, Son Thuong: 31.8%, Sang Tung: 17%, Chieng Mai: 15%, Ta Hoc: 11.85%, Krong Puc: 5%”.

On school dropout rates of the ethnic minority children, the study further states:

***School dropout among ethnic minority pupils has become something like a predestined fate. After initial enthusiasm, numerous obstacles prevent these children from continuing their education as they and their parents wish.***

***According to a report from World Bank, in 1999, primary school enrolment of the Tay was 94.7%; of the Thai was 83.9%; Khmer: 76.3%; H'mong: 41.5% and Bana: 57.8%. At lower secondary school, the rates are as follows: Tay: 51.0%; Thai: 32.1%; Khmer: 22.5%; H'mong: 4.5% and Bana: 8.9%.***

***Dropout at primary school over the last few years: in some classes of the Brau minority children: 100%, Cham 50%- 80%, H'Mong 26%, Kho Mu 10%, Khmer 10%, Black Thai 4%, Ede and Bana 2%.***

<sup>21</sup> According to UNICEF Hanoi –Vietnam, April 2000.

<sup>22</sup> . World Bank, VIETNAM: AGRICULTURAL DIVERSIFICATION PROJECT, DRAFT: ETHNIC MINORITY DEVELOPMENT PLAN, Working Document, 10 November 1997.

<sup>23</sup> . *Analytical study on Ethnic Minority Children Situation – theme Action Approach to support ethnic minority families and children*, May 2001 by Development Research and Consultancy Center (DRCC) supported by UNICEF-Vietnam and Vietnam Government’s Committee for Ethnic Minority and Mountainous Areas (CEMMA).



The UNICEF in Vietnam identified the time honoured practice of charging children as one of receiving education and high drop outs. Despite the fact that the Vietnamese Constitution provides that primary education is free of charge, and although Article 92 of the Education Law specifically states that "pupils of primary education at primary schools shall not have to pay school fees," the practice of teachers requiring their students to pay monthly fees to attend classes continues unabated. Many Ethnic Minority families have difficulty providing their children with the basic necessities, and when "contributions" are requested by their children's teachers, many families who are unable to pay the fee simply withdraw their children from school.<sup>24</sup>

The study identified the following obstacles for realization of right to education:

**First**, poverty and expensive education is the most common cause of denial of right to education. The common cause of drop outs are "economic difficulties, having no money to buy textbooks and notebooks, not money to contribute to school building, no money to pay for people's founding boarding school, etc. Children of school age but have never gone to school or drop out often come from large-sized families, sick parents or their houses are too far from school. Their household's income cannot meet their minimum needs so they cannot attend school but have to join their parents in productive activities. In the past the State subsidized educational activities, which enabled parents of many children to send them to school. At present, each pupil has to pay at least VND 200,000 in each school year for school fees and school building. It is a big amount for the households, which is enough for subsistence in 2 months of a poor household.

As Mr Kho Mu testified to the surveyor, "There are numerous difficulties. Firstly because many too poor households cannot buy textbooks, notebooks, pens and can not contribute to school building. Secondly, there is no grade 5 in the village so most of 4th grade leavers cannot continue learning. If they want to further their study they have to go to other communes of the district and their parents can not affords all the expenses"

**Second**, the children have to work from their childhood.

**Third**, poor performance and repetition of class is one of the main reasons of drop out. UNICEF states, "many causes can lead to poor performance: The children don't know the Kinh language, have no time to study at time as they have to work to help their families, and have not tutors."

**Fourth**, students are fed up with learning, as they don't see the future. The higher the grade is the higher the dropout rate. They found that further education does not help them improve their lives so they think it is not necessary to learn more. Most of ethic minority children often leave school at lower secondary school, not many of them move to upper secondary school. It does not mean that their parents do not want them to learn. The reasons are their poor performance and

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<sup>24</sup> <http://www.unicef.org.vn/>

enthusiasm. Upper secondary schools have a limited indicator for enrolment and there is no learning movement in the locality.

**Fifth**, classrooms are not sufficient and cannot meet the needs of teaching and learning.

### **The Kinh language - key to or key obstacle to educational development**

The teaching in Kinh poses the most serious obstacle for the indigenous children of Vietnam to obtain education.

UNICEF-Vietnam states, “The fundamental problem with current bilingual education efforts, however, is that national educational policies mandate the teaching of non-native speakers’ languages as subjects, rather than allowing the languages to be used as a medium of classroom instruction. The lack of a true bilingual education programme leads to most non-native speakers struggling horribly during their first years of school, and severely limits the amount these children are able to learn.

It is a well-recognised fact that students need proficiency in the language of instruction in order to be able to learn and actively participate in their classes. Unfortunately, most young ethnic minority children in Viet Nam can’t understand what their teachers are saying for years. Since the vast majority of teachers are from the majority Kinh ethnic group, and can’t adequately communicate in the language their Ethnic Minority students speak, it is almost impossible for the teachers to convey information to their students, and to ascertain and accommodate their students’ needs.<sup>25</sup>”

“The ethnic minority children are very disadvantaged when they enter primary school. They do not understand and speak the Kinh language well; many of them did not attend pre-primary classes. According to the education reform program, the children are required to spell and write the Vietnamese alphabet. They should have learned the Vietnamese alphabet at pre-primary classes. However there is no pre-primary classes in many communes, so the children directly enter grade 1. As a result, grade 1 teachers have to teach them speak and write the Viet language while fulfilling the curriculum”.<sup>26</sup>

For example, teachers in Yama commune have to use Bana language to teach the young pupils. However from grade 3, they have to observe the regulations which define to use the Kinh language as the teaching language only. As a result, it will be difficult for the children to understand the lesson. Our interviews show that most of them can understand the Kinh language if the speaker speaks slowly. However it is difficult for them to express their idea in the Kinh language. They can listen to the question and give answer if

<sup>25</sup> . The struggle to provide a bilingual education for Vietnam’s ethnic minority children, UNICEF, Vietnam, available on the website, <http://www.unicef.org.vn/>.

<sup>26</sup> . *Analytical study on Ethnic Minority Children Situation – theme Action Approach to support ethnic minority families and children*, May 2001 by Development Research and Consultancy Center (DRCC) supported by UNICEF-Vietnam and Vietnam Government’s Committee for Ethnic Minority and Mountainous Areas (CEMMA).

the answer is just yes or no. If they have to describe something more than 5 words, they have to speak in the Bana language.<sup>27</sup>

UNICEF recommended that “in order to assist the profound development of ethnic minority communities, projects on teaching Kinh language to their children at primary school should be developed. It will help them befriend Kinh children and integrate into the Viet culture. Then, projects on improving cultural and historical knowledge of their own ethnic group should also be designed to help them develop their personalities.”

### **9. Special Focus: Population transfer of the majority Kinh and marginalisation of the indigenous peoples<sup>28</sup>**

“At the heart of the indigenous peoples’ discontentment against the State authorities is population transfer and migration of ethnic Kinh in indigenous territories in the name of New Economic Areas and the State Farms. However, migration of the Kinh into the indigenous peoples’ territories had been sponsored by all governments of Vietnam whether the Diem Dictatorship in former South Vietnam or the communists since the Vietnam war.” –AITPN-IWGIA in their alternate report to the CERD Committee in August 2001.<sup>29</sup>

“The Committee is further concerned about the alleged population transfer to territories inhabited by indigenous groups, disadvantaging them in the exercise of their social, economic and cultural rights. The Committee requests further information on the matter.” – CERD Committee in August 2001.<sup>30</sup>

On 11 April 2002, Vietnamese authorities defended the population transfer in the central highlands. “The government has a responsibility to move people to other areas if their current place of settlement can’t provide them with the basic necessities of life,” the deputy head of the Ethnic Minorities and Mountainous Areas Commission, Tran Luu Hai, told a news briefing. “Every Vietnamese citizen has the right to reside in Vietnam. The government will help people to settle down in places that are suitable for them and good for their development,” said Hai.<sup>31</sup>

The Red River Delta province of Thai Binh alone plans to relocate 10,000 migrants a year between now and 2005, many of them to the highlands.<sup>32</sup>

<sup>27</sup> . *ibid.*

<sup>28</sup> . Persecution of indigenous hill peoples of Vietnam, Indigenous Issues-01, Asian Indigenous and Tribal Peoples Network, New Delhi, November 2002.

<sup>29</sup> . Discrimination Against Indigenous Mountain Peoples of Vietnam: An Alternate Report to the CERD Committee to the sixth to ninth Periodic Report of Vietnam (CERD/C/357/Add.2), August 2001, a joint publication of IWGIA and Asian Indigenous and Tribal Peoples Network.

<sup>30</sup> . Concluding observations of the Committee on the Elimination of Racial Discrimination: Vietnam, 15/08/2001, CERD/C/59/Misc.21/Rev.3.

<sup>31</sup> . Agence France Presse, April 11, 2002 Thursday, HEADLINE: Hanoi defends resettlement of ethnic Vietnamese in highlands, DATELINE: HANOI

<sup>32</sup> . *ibid.*

Since the end of the Vietnam War in 1975, well over a million ethnic Vietnamese have moved to the highlands in an influx, which has left the region's indigenous hilltribes a minority in all four provinces. But calls from the region's provincial authorities for a slowdown in the migrant influx have yet to be heeded.<sup>33</sup>

According to the World Bank “The population movements which have occurred over the last fifty years have radically transformed the human composition of the Highlands population. The migrants are mainly populations of the Kinh ethnic group, to which a few minority groups from the North can be added. They have left the coastal provinces in the South and North in successive waves, some controlled and some spontaneous, caused by agricultural reforms, the recent wars and, since the reunification of the country, by the government's economic policy. Between 1956 and 1994, the population of the Highlands increased more than fivefold, going from 530,000 to 2,800,000 units. Even now, the flow of spontaneous migrants is continuing at a high rate which is difficult to control.”<sup>34</sup>

“As the new arrivals have a more dynamic nature than the native populations and often have some starting capital, they have rapidly imposed their social, economic and cultural superiority in the most accessible and most fertile areas of the region.”<sup>35</sup>

“In the context of the policy of resettlement and settlement of the populations of indigenous ethnic minorities started by the government in 1975, the greater and constant pressure exerted on the land by the migrants makes the production systems of the ethnic groups increasingly impracticable. The poorly educated indigenous populations, who in the main do not speak Kinh, are poorly placed to defend themselves and risk not benefiting fully from the national policy to develop the Highlands. In addition, the traditional way of life of the indigenous populations is gradually being supplanted by the dominant civilisation of the Kinh, giving rise to dangers of assimilation and marginalisation.”<sup>36</sup>

“During recent years, movements controlled and subsidised by the State have gradually taken the place of spontaneous movements. The new arrivals, originating from the North, are mainly Kinh and, to a lesser extent, ethnic minorities (Tàì, Thai, Nung). In Dak Lak, the high potential of the agricultural environment and the development of coffee cultivation have allowed the majority of these to rapidly become rich. Currently, in a population of 1.2 million inhabitants, 900,000 are migrants, i.e. 75%, and the flow is still continuing today at an annual rate of 6 to 15%.”<sup>37</sup>

“Of the 860,000 inhabitants in the province of Gia Lai, 42% are Kinh and 12% belong to the Thai, Nùng and Tàì ethnic minorities. The remainder is composed of 33% Gia-rai and

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<sup>33</sup> . *ibid*

<sup>34</sup> . World Bank, VIETNAM: AGRICULTURAL DIVERSIFICATION PROJECT, DRAFT: ETHNIC MINORITY DEVELOPMENT PLAN, Working Document, 10 November 1997.

<sup>35</sup> . *ibid*.

<sup>36</sup> . *ibid*.

<sup>37</sup> . *ibid*.

13% Ba-na. The current flow of spontaneous migrants into the province is following a dynamic similar to the migrations in Dak Lak, but with a time delay.”<sup>38</sup>

“In Kontum, the controlled movements have hardly caused any resultant spontaneous migration because, due to the poor soils, the province offers little chance of enrichment for the new arrivals.”<sup>39</sup>

“The new arrivals almost always settle along the main communication routes. The integration between the migrants and the ethnic minorities whose villages are situated in remote areas accessible only by dirt tracks is very limited.”<sup>40</sup>

The ethnic minorities who have recently migrated from the provinces in the North have been arriving in large numbers during the 1990s and have settled particularly in Dak Lak. The statistics indicate, in 1994, 28,500 Nung, 18,300 Tai and 3,500 Thai in this province. The social conditions of these groups are generally inferior to those of the Kinh.<sup>41</sup>

## 10. Recommendations to the Committee on the Rights of the Child

- The Committee should encourage the government of Vietnam to continue its efforts to ensure that members of ethnic minorities, in particular minorities in mountain regions, enjoy equal protection of their rights;
- The Committee should urge government of Vietnam to protect the rights of all returnee refugees especially the Children and provide access to the United Nations High Commissioner for Refugees to verify the status of the returnees;
- The Committee should request the government of Vietnam to provide information about the alleged execution of the family of Dien Y Lien;
- The Committee should express serious concerns regarding reports of discrimination in the exercise of freedom of thought, conscience and religion by ethnic groups and request additional information from the State party on the exercise of this right by children belonging to the ethnic minorities in Vietnam;
- The Committee should express serious concerns about the population transfer of the majority Kinh to the territories inhabited by indigenous groups including children, disadvantaging them in the exercise of their social, economic and cultural rights and its implications on the rights of the child. The Committee should request further information including total number of people transferred so far in different provinces, on the matter;

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38 . *ibid.*

39 . *ibid.*

40 . *ibid.*

41 . *ibid.*

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- The Committee should express concerns about the high charges even for pre-primary and primary education which disadvantages indigenous children to have access to education;
  - The Committee should request the government of Vietnam to provide about the steps being taken by the government of Vietnam to promote bilingual education and providing historical knowledge of their own ethnic group to help them develop their personalities.

## Annexure - I



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UNICEF

Report**Analytical study on Ethnic Minority Children Situation  
Theme "Action Approach to support  
ethnic minority families and children"****with 10 ethnic groups****“1. General orientations**

Our findings provide evidence for the following issues:

Ethnic minority communities are not ensured of good living and working conditions, sanitation and healthcare services, which are likely threatening the health of individuals and the community particularly that of small children. Poor health is always a problem for household economic situation. Many households having serious sick persons have to mortgage all their land and become labourers working for hire.

Food is not very secured, jobs and income are not stable, and as a result women and children are not well nourished.

As they are weak in the national language, poor people are not able to access the programs on the mass media and have no chance to improve their education.

Some programs implemented in mountainous areas are not very effective because the implementation methods do not base on people's specific conditions and so they do not meet their needs. Developers do not take into account combined measures to sustain their effectiveness.

Our study findings show that hunger eradication and poverty reduction are basic solutions to help women and children rid of their current disadvantaged living conditions. However, it is an urgent and long-term national goal, which requires big community efforts and strong determination. In some locations, improvement of children and women's rights is not in line with improvement of living standard. This paradox relates to

cultural laws. We are required to study deep into each issue in the lives of ethnic minority communities.

In the socio-economic situation of rural mountainous agricultural areas, issues of children, woman and families are closely tied to one another. To help children, it is required to help women, who give birth to them, and the family, which nurture and take care of them. Most of housework including productive work and childcare are done by women. So assistance to the family, women and children should be considered the same objective.

Helping the household improve income and living standard will help women take better care of their children. The children, as a result, will receive more nutrition and can go to school at their right age. They will do the work suitable to their health, not have to work too much, and not abused of labour.

Women need help not only to increase their income but also to improve their social awareness, childcare and educational skills, and other social activities. A woman with good social awareness will have a chance to participate in social activities, which will positively influence her family environment including improvement of the relationship between husband and wife, and between parents and children”.

## **Annexure II: What is Asian Indigenous and Tribal Peoples Network?**

The Asian Indigenous and Tribal Peoples Network (AITPN) is an alliance of indigenous and tribal peoples’ organisations and individual activists across the Asian region. It seeks to promote and protect the rights of indigenous and tribal peoples in Asia by providing accurate and timely information to national human rights institutions, the United Nations and its specialised mechanisms, as appropriate; by conducting research, campaigning and lobbying on country situations or individual cases; by increasing the capacity of indigenous peoples through relevant training programmes for indigenous peoples’ rights activists and community leaders; by providing legal, political and practical advice to indigenous peoples organisations; by providing input into international standard-setting processes on the rights of indigenous peoples; and by securing the economic, social and cultural rights of indigenous peoples through rights-based approaches to development.

AITPN has Special Consultative Status with the United Nations Economic and Social Council (ECOSOC).

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