

**Shadow Report to the 61st Session
United Nations Committee on the Elimination of All Forms of Discrimination
Against Women
(CEDAW) for the Combined 7th & 8th Periodic Reports of Viet Nam**

**The Four Freedoms Forum
A NGO Dedicated to Dignity, Equality and Freedom for All**

**Historical Review of Human Rights in Vietnam
Women's Rights are Human Rights**

The indigenous peoples of Viet Nam are rendered invisible by the lack of inclusion in

the official government report to CEDAW. Two important examples relate to the Central Highlands where the Degar people inhabit and the Mekong Delta where the Khmer Krom people have lived since time immemorial. The shadow report will provide holistic review of women's rights in modern Viet Nam with deep understanding of historical discrimination and unique cultures and spiritual practices of the Degar and Khmer Krom. The specific examples raised are geared to provide recommendations to realize women's rights and focus on specific rights enshrined in the first 16 articles of the UN Convention on All Forms of Discrimination Against Women (CEDAW).

Article 1: Discrimination Against Women

In meeting its obligation under CEDAW regarding discrimination, the state actions are centered mainly in the cities but never reach the indigenous communities thus perpetuating the dominant practices of discrimination. While the government claims to be comprehensive, it is cursory and limited. The double discrimination that indigenous women of the Degar and Khmer Krom face illustrates the lack of commitment to end all forms of discrimination against all women in Viet Nam.

There is little done even on International Women's Day of March 8 in indigenous communities. Mrs. Neang Sen, a Khmer-Krom woman, noted in an internet broadcast she was not aware of the commemoration or any activities to promote and protect her rights. Actually, Neang Sen and other Khmer Krom remain in abject poverty due to confiscation of her families farmlands. Her story symbolizes what many women face.

Recommendation:

The CEDAW recommendations of the session should be distributed across the country and in the indigenous languages of women in Vietnam so they can be aware of their fundamental freedoms.

Article 2: Measures Eliminate All Forms of Discrimination Against Women, Obligation of State

Indigenous women are discriminated against as the center of the Degar and Khmer Krom family passing on and sharing the cultural practices, norms and beliefs to the next generation. The women are also connected to the sacred lands of their ancestors working closely with the land. Tran Thi Chau is one of those brave women that had multiple rights in CEDAW violated for contesting a land grab. The state has an obligation to protect her right and not sentence her to two and a half years in prison. Also troublesome was being unable to defend herself during the court proceedings. After serving her sentence and continuing her struggle for her land, she was forced to accept a nominal amount for her confiscated lands. All she desired was to live in own home on her land.

Recommendations:

The Convention on the Elimination of All Forms of Discrimination Against Women should be translated into Degar and Khmer Krom language and be freely distributed in the villages and provinces. CEDAW should be displayed in local public authority buildings from schools to court rooms including police stations.

The CEDAW Optional Protocol should be ratified immediately allowing women to raise cases so the jurisprudence could help amend and improve current laws that perpetuate historical discrimination.

International Women's Day commemorations should be the minimum for awareness raising distributing copies of CEDAW in indigenous languages at festivals. Best practices would include providing small grants for Degar and Khmer Krom to organize own CEDAW events that reflect the cultural values of the community.

Women such as Tran Thi Chau should have legal assistance to assist in matters of law that directly impact on the intersectionality of their daily lives.

Article 3: Ensure Full Development and Advancement of Women State Appropriate Measures

Progress and advancement is what Degar and Khmer Krom women seek from Vietnam. Yet, the alarming trend is a decrease not development. While Tran Thi Chau's case is devastating, there are even worse. Ly Thi Huong faced sheer brutal violence when authorities armed with weapons from guns to sticks actually burned her home. On February 24, 2008, she became homeless at the hands of Vietnamese authorities who are supposed to protect her rights.

Recommendations:

The state of Viet Nam should consider, create and coordinate effective policies and practices based in legislation to improve daily living conditions geared toward meeting human rights recognized in CEDAW.

Women should be able to file forms to secure their land right title and also defend themselves against actions of the state without facing reprisals. Women should also be able to exercise rights in CEDAW and other ratified human rights treaties without being harassed and also subject to imprisonment as well as forms of torture.

Article 4: Temporary Special Measures to Enhance Gender Equality, Combat Discrimination

Degar and Khmer Krom women require affirmative action in every field from education to electoral politics. However, instead they face discrimination at every turn when they organize to improve their lives and enhance their community.

Regarding education as covered in Vietnam's report para 75, the high quality jobs and vocational training promised have not arrived in the indigenous Degar and Khmer Krom regions. With land being seized and constant harassment with no opportunity, young girls and women leave their villages accepting low paying wages in major cities where they face discrimination through multiple means including servants in wealthy families with no rights.

Recommendations:

Starting with the UN Sustainable Development Goals adoption in September, there must be an inclusion of the indigenous peoples in the national agenda.

The indigenous peoples in Vietnam should be guaranteed a percentage of seats in local political positions to be able to draft legislation based on community input that could improve state structures and their specific actions from education to employment and electoral politics.

There must be popular education campaigns to guarantee women's rights to all cultures of Vietnam.

Article 5: Gender Role and Gender Stereotypes Modify Social and Cultural Patterns

While in many societies female face traditional discrimination, the Khmer Krom culture cherishes the role of women. There are many cultural practices that illustrate this. One example is before being married, men move in with the female family to prove their worth. Even the name Khmer illustrates with the root of "Mer" meaning female or mother with the "K" in front showing higher respect. The cultural practices that defend the traditional role of Khmer women in leadership must be pursued.

It is a similar story in the Central Highlands of Vietnam where Degar have lived since time immemorial. Women traditionally hold positions of respect and are thus targeted by authorities to break down the societal structures that support the perpetuation of the culture.

Recommendations:

It is necessary to allow Khmer Krom women to self-identify as Khmer Krom without state repercussion and also a return to traditional respect based on cultural norms. The same is also for Degar women.

Article 6: Prevention and Control of Trafficking in Women, Abuse of Female Sex Workers

Trafficking and sexual abuse are the most heinous violations of women's rights in Vietnam. This issue illustrates the intersectionality of women's lives. As women in the Mekong Delta and Central Highlands are denied the right to their lands and lack of opportunity to secure basic living, they are forced to be targets of trafficking in major

cities. Thach Thi Hong Ngoc, a Khmer Krom female, became a statistic after she was forced into an arranged marriage with a Korean man more than double her age. On July 8, 2010, she was murdered by her new husband in Korea. All reports claimed she was a Vietnamese victim and didn't note she was from Can Tho province or more of her story how due to lack of opportunity, she went to look for work in Saigon City.

Another systemic situation that requires state action is domestic servitude. Many young women from indigenous homelands have little economic opportunity due to land grabs, lack of resources and intentional domestic policies that force girls and young women to major cities for a livelihood. There is an epidemic of sexual violence happening to young indigenous women in the major cities closest to indigenous villages and provinces. When the acts of abuse and sexual violence take place women are ashamed and afraid to report and when they do are often ignored and the perpetrators have impunity. In the indigenous traditions.

Part time professionals are how the government claims it is tackling these challenges of sexual crimes. It requires community based programming based on the local cultural practices employing people from the village and province. Prevention through education is required to eliminate this practice as well as full pursuit of the rule of law in punishing the perpetrators.

Recommendations:

There must be educational material to alert women to the dangers of trafficking and also sexual abuse that has already taken place in own indigenous languages.

There should also be forms of easy communication for anyone in harms way to be able to immediately contact full time social work and also cultural practitioners that would assist young women in danger.

There should also be concerted effort at land reforms that recognize the right of Degar and Khmer Krom to title and to ensure full respect.

Article 7: Exercise Women's Rights to Equality in Political and Public Life at the National Level

This right is denied entirely for many women due to the current political structure as a one-political party that dominates all opportunities to serve in public life. The Communist Party denies independent and those seeking genuine positive political reform for pluralism to participate. The efforts by the government to include women is more formality than respecting fundamental freedoms. While the government lauds in its report Para 117 that Viet Nam Women's Union is a member organization of the Fatherland Front. Unfortunately, it is all under control of the current regime and doesn't allow for Degar and Khmer Krom participation. In recent years, Khmer-Krom are appointed to hold positions in the government. However, they serve the state in this

capacity and don't uphold the rights of Khmer Krom women.

It is important for Degar and Khmer Krom women to be able to exercise their rights under the Universal Declaration of Human Rights and freely choose their elected officials that then represent their views and values and most important serve to enact legislation that reflects the political promises. This cycle of accountability must be created in Vietnam especially in indigenous communities where there is more repression than rights protection.

Recommendation:

There should be standing invitation to all UN human rights special procedures to provide recommendations to assist in dealing with all political and public life at the national level. There are many human rights situations that could benefit from the advice and expertise of the UN special procedures. The coordination of the visit could be coordinated in partnership with indigenous associations to highlight the most important issues.

Khmer Krom women should be able to freely form associations that can coordinate campaigns to guarantee equality. There should also be ability to exercise right to vote and actively participate in electing own representatives in all levels of government.

Article 8: Equality in Political and Public Life at the International Level

The actions of the diplomatic corps of Viet Nam say more than could ever be written in a shadow report. In the first attempt for the Khmer-Krom to be able to represent their people as a NGO, Viet Nam took many measures to ensure their application to ECOSOC would be denied. While it was passed out of the UN Committee of NGOs, Viet Nam took action around the world to reverse the vote in an unprecedented manner calling for a vote at ECOSOC accusing the peaceful Buddhist culture of terrorism and separatism. All that was being sought was to the right to public and political life at the international level. Unfortunately, Viet Nam continues to deny this basic right. The Khmers Krom Federation youth participate annually at the UN Permanent Forum on Indigenous Issues. After every peaceful intervention by young Khmer women at the PFII requesting cooperation and partnering to solve situations inside Viet Nam, the response remains consistently discriminatory denouncing the KKF and declaring these young women as separatists. If the CEDAW committee reviews the statements it is obvious how Art 8 is being violated. Even in May 2015, Viet Nam continued to discriminate actively lobbying to deny the ECOSOC application even taking the floor when they don't even serve on the committee.

Recommendations:

Vietnam should cease preventing the women's participation in international activities at the United Nations and also in ASEAN events.

Women should also be allowed to attend conferences and meetings relating to women's rights and themes such as the UN Commission on the Status of Women. The women should also be supported to return to Viet Nam and educate fellow women about the topics covered and share success stories and best practices from other women around the world.

Article 9: Equality of Women's Participation in Nationality Laws

This right is the root of the double discrimination that Degar and Khmer Krom women face. Women must be allowed to participate in every component of life. Women must be allowed to self-identity as well as also use their own language to describe their hometowns, villages, communes, districts and provinces.

Article 10: Equality in Education

Education is crucial for a future of freedom and human rights in Viet Nam. It begins in early education. However, there are multiple levels of discrimination denying equality in education. The indigenous language of Degar and Khmer Krom is not included in formal education. In fact, when community leaders attempt to teach and offer courses in indigenous language, there is harsh repression including torture and imprisonment for monks that deprives young boys and girls from learning their mother tongue.

Also due to the poverty in the indigenous regions of Central Highlands and Mekong Delta, girls must drop out of school and support their families. Even if girls were to continue their education in Vietnamese language schools, there is a significant lack of scholarships provided from government for young women pursuing higher education. The government also controls any opportunity for women to be able to study abroad and the Degar and Khmer Krom are significantly denied this career choice, while ethnic Vietnamese are capable to continue their pursuit of knowledge.

Recommendations:

To build upon the important work of UNICEF to open one language school in Khmer language. This should be a model for more schools that allows for the realization of the right to equality in education.

There are also many models of indigenous schools covering not only courses in language but also curriculum covering culture and knowledge necessary to do succeed and live safely.

Provide desegregated data on the number of Degar, Khmer Krom and other indigenous peoples in education including higher education including Masters and Doctorate degrees.

Article 11: Equality in Employment and Labor Rights

Education is the foundation for employment. As education is denied to young women from Degar and Khmer Krom communities, there is little opportunity in employment. As noted in earlier reviews of CEDAW articles, the indigenous women face double discrimination and have no recourse to defend their rights.

Recommendations:

Vietnam should ratify the important International Labor Organization conventions that would provide an effective means to measure improvements relating to employment and labor. Regarding indigenous rights we believe ILO Convention 169 is essential and should be ratified immediately.

There should be national campaigns to provide informational sessions and positive public campaign respecting cultural integrity of the indigenous cultures and not force assimilation.

Traditional holidays of the diverse cultures of Viet Nam must be equally protected for all to perpetuate the rich culture and unity of all peoples.

Article 12: Equality in Access in Right to Health

The most pressing issue for Khmer Krom people has been haunting farmers, the heart of the community, for just over a decade. The Khmer farmers are facing blindness in one or both eyes. The farmers have received no medical attention and there has been little done to clean the land from the polluting factors of fertilizers and pesticides.

Reproductive rights must be prioritized to include ability for future generations to begin a healthy life. Khmer women are not able access health care during all phases of their pregnancies. There are no regular access for mothers to medical checkups.

Recommendations:

Viet Nam should organize mobile health units and community health clinics that provide important medical attention focused on preventive medicine. There should also be traditional health professionals included on staff that speak the indigenous languages fluently. When possible the staff should come from the region.

The World Health Organization (WHO) should be allowed to visit and assist in health matters in indigenous communities of the Central Highlands and Mekong Delta.

Article 13: Finance and Social Security

There is a cycle of impoverishment for Khmer Krom female farmers. The financial

structure doesn't provide assistance to allow for Khmer farmers to become financially solvent and have enough to meet basic needs. Instead, Khmer Krom are indebted in a modern form of slavery. Every harvest doesn't bring financial independence for women. Khmer Krom must take out a loan to produce rice. At the end of the rice harvest cycle, women must take out more loans to actually be able to survive. They don't even have enough rice to feed their family.

An important element regarding Degar and Khmer Krom is the inability to practice one's culture and still earn a living. The national holidays are different from the cultural sacred days of Degar and Khmer Krom. Vietnam celebrate New Years similar to the China calendar while the Khmer Krom is in April. If Khmer Krom decide to celebrate their culture, they receive leave without pay and unfortunately, there are examples where one's position could no longer be available. Therefore, there is a culture of fear if one decides to practice their unique cultures. This overshadows any opportunity to appreciate one's unique culture and results in a slow but sure loss of identity that is normally passed from mothers to their children every generation.

Recommendations:

The micro finance models should be pursued with creative NGOs in the region to support Degar and Khmer Krom women.

There should be respect for all traditional holidays of all people to appreciate the unity of all cultures. Women should have security in employment when pursuing cultural activities as well as being a mother.

Article 14: Rural Women's Rights

The indigenous peoples of Vietnam comprise the majority of the rural area and population of the country. However, the lives are dominated fighting corruption demanding accountability and basic fundamental freedoms.

The issues facing rural women notes the interconnectedness of human rights. The initiatives taken by rural women relate to their experience to live in peace and be able to live their lives according to their cultural values. The most important issue is related to land rights and the practice of traditional farming of rice on ancestral homelands. When these rights are denied, women are at the forefront to remedy the rights violation.

When people contest the circumstances they face in the rural areas, the repression paralyzes more people from confronting the ruling party. There are multiple examples of police using electric batons on farmers protesting land grabs and confiscation of farms. The police brutality resulted in everything from gun shot wounds to actual death due to lack of medical treatment available in rural areas.

Recommendations:

There should be inclusion of rural areas for all visits of UN human rights special procedures to include the most vulnerable in society.

There should be measures and procedures to protect rural women from current common practices that exploit and violate fundamental freedoms.

Article 15: Ensure Women's Equality in Legal and Civil Matters

The current political system doesn't allow for checks and balances in the country of Viet Nam. The lack of opportunity for participation in the political system results in a weak judiciary. There is a practice of people being accused of crimes are unable to even defend themselves against charges. The Degar and Khmer Krom women are constantly finding themselves being punished for serving as human rights defenders to protect cultural practices. One significant case is related to highly publicized case of Venerable Ly Chanh Da, a monk, defrocked due for teaching Khmer language in indigenous temple where Ly Thi Danh and Lam Thi Loan were arrested for standing up against the actions against their monk in their community. The two women were not allowed to hire an attorney or even to defend themselves. They were forced to accept an alleged crime for a less harsh penalty of a lighter sentence in prison.

Recommendations:

There should be legal aid facilities established to assist indigenous women in matters centered around the realization of women's rights.

Article 16: Equality in Family Law

The status of women being respected for their roles as leaders in culture and community should be restored.

Recommendation:

One of the most important points is to be allowed to identify as Degar and Khmer Krom women and not be forced to be labeled as ethnic minorities. One example is with Khmer Krom. In Vietnamese language, Indigenous Peoples is Nguroi Ban Dja and Ethnic Minority is Nguroi Thieu So. They are both unique terms. For years, Vietnam claims it is our own language and what we mean. However, there are clear differences and self-identification for Degar and Khmer Krom should be respected.