



Boat People SOS, Statelessness Network Asia Pacific and Institute on Statelessness and Inclusion

Joint Submission to the Human Rights Council at the 32st Session of the Universal Periodic Review

(Third Cycle, January-February 2019)

Viet Nam

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Introduction

1. Boat People SOS,¹ the Statelessness Network Asia Pacific (SNAP)² and the Institute on Statelessness and Inclusion (the Institute)³ make this joint submission to the Universal Periodic Review (UPR) on the challenges pertaining to citizenship, statelessness and the enjoyment of fundamental human rights in Viet Nam.
2. This submission focuses on:
 - 2.1. gaps in Viet Nam's response to addressing statelessness,
 - 2.2. the vulnerabilities of specific populations to statelessness in Viet Nam, and
 - 2.3. the mechanisms that restrict certain populations access to fundamental human rights in Viet Nam.
3. This submission draws on extensive national and international experience of the co-submitting organisations in research, direct assistance, advocacy and awareness raising on the issues raised.

¹ Boat People SOS (BPSOS) is a non-profit organization devoted to Vietnamese-American civic and political activism. Its operations started in the 1980s, when it operated voluntary missions to rescue over 35,000 Vietnamese boat people from the high seas and defending their refugee rights in first asylum countries. (<https://www.bpsos.org/>)

² SNAP (<https://www.statelessnessnetworkasiapacific.org/>) is a civil society network with the goal of promoting collaboration and information sharing on addressing statelessness in Asia and the Pacific. SNAP is driven by a diverse membership and through direct engagement and contribution from its members and stakeholders, particularly formerly stateless persons, stateless persons and persons at risk of statelessness. The authors of this report thank Xylie Tran of Fisher Dore Lawyers for her excellent research assistance in preparing this report.

³ The Institute (www.institutesi.org) is an independent non-profit organisation committed to an integrated, human rights based response to the injustice of statelessness and exclusion through a combination of research, education, partnerships and advocacy. Established in August 2014, it is the first and only global centre committed to promoting the human rights of stateless persons and ending statelessness. The Institute has made over 30 country specific UPR submissions on the human rights of stateless persons, and also compiled summaries of the key human rights challenges related to statelessness in all countries under review under the 23rd to the 30th UPR Sessions. For more information on the Institute's UPR advocacy, see <http://www.statelessnessandhumanrights.org/upr-universal-periodic-review/resources-database>.

Viet Nam's Universal Periodic Review under the Second Cycle

4. In its State Report before its previous UPR in 2014, Viet Nam outlined that it was considering accession to "UN Convention on Statelessness".⁴
5. Ethiopia and Mexico noted Viet Nam's birth registration campaign and Ethiopia specifically referenced Viet Nam's progress in reducing statelessness.⁵
6. Viet Nam received no recommendations regarding the need to address statelessness and uphold the right to a nationality in Viet Nam.⁶

Viet Nam's International Obligations

7. Viet Nam as a member States of the United Nations is obliged by the UN Charter to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion".⁷ These human rights and fundamental freedoms are specified in the Universal Declaration of Human Rights (UDHR), many of which are also recognised as principles of customary international law.⁸
8. Viet Nam has also acceded to most of the core human rights instruments.⁹ Of the treaties ratified, many guarantee the universal right to a nationality without discrimination. This includes the International Covenant on Civil and Political Rights ("ICCPR") (Article 24), the Convention on the Rights of the Child ("CRC") (Articles 7 and 8), the Convention on the Elimination of All Forms of Discrimination against Women ("CEDAW") (Article 9), and the International Convention on the Elimination of All Forms of Racial Discrimination ("CERD") (Article 5). Of particular significance is Article 7 of the CRC, which enshrines every child's right to be registered immediately after a birth and to acquire a nationality and protects all children from statelessness. Similarly, in relation to the right to a nationality, CERD provides that "States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law".

⁴ *National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21: Viet Nam*, UN GAOR, 18th sess, UN Doc A/HRC/WG.6/18/VNM/1 (8 November 2013) para 19.

⁵ *Report of the Working Group on the Universal Periodic Review: Viet Nam*, UN GAOR, 26th sess, Agenda Item 6, UN Doc A/HRC/26/6 (2 April 2014) paras 97 and 143.214.

⁶ *Ibid.*

⁷ *Charter of the United Nations*, art 55(c). According to Article 56 of the Charter, it is the obligation of all member states of the UN to take "joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55".

⁸ 'Draft Articles on Diplomatic Protection with commentaries' (2006) II(2) *Yearbook of the International Law Commission* 49.

⁹ OHCHR, *The Core International Human Rights Instruments and their monitoring bodies* <<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx>>.

9. Furthermore, a member State of the Association of South East Asian Nations (ASEAN), Cambodia is a signatory to the 2012 ASEAN Human Rights Declaration. Although this declaration is a non-binding document, it nonetheless reflects consensus as to the importance of human rights in the region and the right to a nationality (see, article 18 of the 2012 ASEAN Human Rights Declaration).
10. Viet Nam is not a State party to the 1951 Convention relating the Status of Refugees and its 1967 Protocol (“1951 Convention”), the 1954 Convention relating to the Status of Stateless Persons (“1954 Convention”) or the 1961 Convention on the Reduction of Statelessness (“1961 Convention”).

Progress Towards Ending Statelessness in Viet Nam

11. Viet Nam has made significant progress towards addressing statelessness for various populations in Viet Nam, through extensive reforms to its nationality law framework and complementary initiatives.¹⁰
12. Some examples of such reform include a simplified naturalisation procedure¹¹ and the provision for the reacquisition of Vietnamese nationality after renunciation.¹²
13. Despite these important steps, according to the latest statistics published by UNHCR, there were at least 29,522 stateless persons in Viet Nam.¹³ The profiles and characteristics of the stateless population in Viet Nam, as included within this estimate, are not currently publicly available. Based on previous reporting, this estimate may include former Cambodian refugees and women who became stateless after renouncing their nationality and who did not acquire an alternative nationality through marriage to a foreigner.¹⁴ However, there is no publicly available data on the extent to which these groups currently experience statelessness in Viet Nam.
14. The following is an exploration of the vulnerabilities that various other groups face with respect to statelessness and access to fundamental human rights in Viet Nam. However,

¹⁰ Lyma Nguyen, *Report on Citizenship Law: Vietnam* (September 2017) European University Institute

<http://cadmus.eui.eu/bitstream/handle/1814/47966/GLOBALCIT_CR_2017_13.pdf?sequence=1&isAllowed=y>; UNHCR and National Human Rights Commission of Thailand, *Regional Expert Roundtable on Good Practices for the Identification, Prevention and Reduction of Statelessness and the Protection of Stateless Persons in South East Asia* (2 March 2011) European Country of Origin Information Network <http://www.ecoi.net/file_upload/1226_1299577934_4d6e09932.pdf>.

¹¹ The simplified naturalised procedure that is assisting former Cambodian refugees in Viet Nam to acquire Vietnamese citizenship. UNHCR, *Submission by the UNHCR for the OHCHR's Compilation Report – Universal Period Review: Socialist Republic of Viet Nam* (20 June 2013) Refworld <<http://www.refworld.org/pdfid/51c946514.pdf>>; Lyma Nguyen, above n 11.

¹² This reform addresses statelessness amongst women who renounced their nationality to acquire their foreign spouses' nationality, but did not in fact acquire a foreign citizenship and became stateless. UNHCR, above n 11; Lyma Nguyen, above n 11.

¹³ UNHCR, *Global Trends: Forced Displacement in 2017* (25 June 2018) UNHCR, Annex Table 1 <<http://www.unhcr.org/5b27be547.pdf>>.

¹⁴ UNHCR, above n 11.

it is unclear whether the following groups are represented in UNHCR's estimate as to the number of stateless persons in Viet Nam (i.e. at least 29,522 stateless persons).

Ethnic Minorities

15. Ethnic and religious minorities, such as H'Mong¹⁵ and Montagnard communities,¹⁶ face significant discrimination in Viet Nam.¹⁷ This can manifest in harassment, arbitrary arrest and detention of ethnic minorities by authorities.¹⁸ It may also result in authorities refusing these communities access to civil registration and documentation (including birth registration), and/or individuals from these communities avoiding contact with authorities to apply for civil registration and documentation due to their fear of authorities.¹⁹ Civil registration and documentation is often necessary to prove nationality and access other fundamental human rights, including the right to education, employment, health care and housing, land and property rights in Viet Nam.²⁰

¹⁵ The majority of the H'Mong ethnic group are indigenous to the mountainous regions of southern China, Viet Nam, China, Laos and Myanmar and Thailand. See Unrepresented Nations & Peoples Organization, *Profile: Hmong* (17 July 2017) <<http://unpo.org/members/7891>>.

¹⁶ Montagnards also self-identify as Khmer Krom or the Degars. This population is indigenous to the Central Highlands of Viet Nam and the majority of whom are practicing Christians. See Athena Tacet, 'Montagnards: Escaping Vietnam, stateless in Thailand', *Aljazeera* (online) 24 March 2017 <<https://www.aljazeera.com/indepth/features/2017/03/montagnards-escaping-vietnam-stateless-thailand-170320090502798.html>>; Home Office of the United Kingdom, *Country Policy and Information Note – Vietnam: Ethnic and Religious Groups* (March 2018) <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/695864/Vietnam_-_Ethnic_and_Religious_groups_-_CPIN_v2.0_ex.pdf>.

¹⁷ Thang Dinh Nguyen, 'Vietnamese Government Continues to Harass H'Mong Protestants from May 2017 Through March 2018 in Son La Province' (Report, Boat People SOS, 13 May 2018); Australian Department of Foreign Affairs and Trade, 'DFAT Country Information Report: Vietnam' (21 June 2017) <http://dfat.gov.au/about-us/publications/Documents/country-information-report-vietnam.pdf>; Athena Tacet, above n 18; Human Rights Watch, *Cambodia: Protect Montagnards Refugees* (12 September 2017) <<http://www.refworld.org/country,,,VNM,,59b7d43e4,0.html>>; Freedom House, *Freedom in the World 2017* (2017) Freedom House <<https://freedomhouse.org/report/freedom-world/2017/vietnam>>.

¹⁸ Ibid.

¹⁹ Thang Dinh Nguyen, 'Vietnamese Government Continues to Harass H'Mong Protestants from May 2017 Through March 2018 in Son La Province' (Unpublished report, BPSOS, 13 May 2018); Thang Dinh Nguyen, 'In Vietnam, H'Mong Protestants are deprived of residency registration and personal ID papers' (Unpublished report, BPSOS, 13 May 2018).; United States Commission on International Religious Freedom, *Annual Report 2013* (April 2013) United States Commission on International Religious Freedom, 205 <[http://www.uscirf.gov/sites/default/files/resources/2013%20USCIRF%20Annual%20Report%20\(2\).pdf](http://www.uscirf.gov/sites/default/files/resources/2013%20USCIRF%20Annual%20Report%20(2).pdf)>. Further research is required to understand the extent to which the discrimination faced by Montagnards in Viet Nam restricts their access to civil registration and documentation. Recent research by BPSOS in Gai Lai Province in the Central Highlands of Viet Nam indicates that Montagnards in this area face significant discrimination from authorities and are regularly denied access to identity documentation. Additionally, the Montagnard Assistance Project (MAP), which provides livelihood assistance to Montagnard asylum seekers and refugees in Thailand, reports that Montagnard Christians often do not have any identity documentation. This is corroborated by the Bangkok-based Center for Asylum Protection, a joint project of the People Serving People Foundation and BPSOS.

²⁰ Vietnam Committee on Human Rights, *Violations of the Rights of Ethnic and Religious Minorities in the Socialist Republic of Vietnam* (January 2012) UNHCR, 10-11 <<https://tbinternet.ohchr.org/SitePages/Home.aspx>>.

Migrant Returnees

16. Migrants, who have recently returned to Viet Nam after extended periods of time abroad in Cambodia (often residing and working in the informal fishing industry, just over the Vietnamese border), frequently do not hold any civil documentation, including birth certificates.²¹ As a result, upon return to Viet Nam, they have difficulty proving their links to Viet Nam and accessing fundamental human rights.²² For example, children often cannot access education in Viet Nam without a birth certificate.²³ Currently, there are at least 1000 returned migrants living in precarious housing settlements along the Viet Nam-Cambodia border (but within Vietnamese territory).²⁴ Children from this community who are without birth registration and whose parents are without identity documentation, are likely to be stateless or at risk of statelessness.²⁵

Internal Migrants and Internally Displaced Persons (“IDPs”)

17. Viet Nam has a restrictive, strictly enforced residential registration system, which determines access to social services, land and utilities.²⁶ The system stipulates that citizens must register their permanent residence in only one district.²⁷ The criteria for gaining permanent residence in a new district is “by purchasing land, marrying into a family who already hold permanent residence, or renting a house with an official lease and a minimum amount of liveable space”.²⁸

18. This criteria is often unachievable for internal migrants and internally displaced persons,²⁹ exacerbating the existing marginalisation and vulnerabilities of these populations.³⁰ For

²¹ Duy Tran, ‘No money, no papers: stateless Vietnamese return home from Cambodia’ *VN Express International* (online) 9 August 2016 <<https://e.vnexpress.net/news/travel-life/culture-arts/no-money-no-papers-stateless-vietnamese-return-home-from-cambodia-3449463.html>>; Tay Ninh, ‘No easy homecoming for stateless Vietnamese children from Cambodia’ *Thanh Nien News* (online) 12 July 2016 <<http://www.thanhniennews.com/society/no-easy-homecoming-for-stateless-vietnamese-children-from-cambodia-64102.html>>.

²² Duy Tran, above n 23.

²³ Ibid.

²⁴ Ibid.

²⁵ UNHCR, *Birth Registration – Child Protection Brief* (August 2013) Refworld <<http://www.refworld.org/docid/523fe9214.html>>; *Guidelines on Statelessness No 4: Ensuring Every Child’s Right to Acquire a Nationality through Articles 1–4 of the 1961 Convention on the Reduction of Statelessness*, UN Doc HCR/GS/12/04 (21 December 2012) 12 [55] (‘*Guidelines on Statelessness No 4*’).

²⁶ Norwegian Refugee Council, *2018 Global Report on Internal Displacement –Spotlight: Vietnam* (2018) Refworld <http://www.refworld.org/topic_50ffbc526e_50ffbc5274_5b28b7392_0_.,_VNM.html>; Jonathan De Luca, ‘Vietnam’s Left Behind Urban Migrants’ *The Diplomat* (online) 8 April 2017 <<https://thediplomat.com/2017/04/vietnams-left-behind-urban-migrants/>>; Vietnam Committee on Human Rights, above n 22.

²⁷ Jonathan De Luca, above n 28.

²⁸ Ibid.

²⁹ United Nations Population Fund and Vietnam General Statistics Office, *The 2015 National Internal Migration Survey: Major Findings* (13 December 2012) United Nations Population Fund (Vietnam) <http://vietnam.unfpa.org/sites/default/files/pub-pdf/PD_Migration%20Booklet_ENG_printed%20in%202016.pdf>.

³⁰ Jonathan De Luca, above n 28.

example, individuals not registered with the residential registration system have limited access to State protection and are vulnerable to exploitation.³¹ Additionally, lack of registration within the residential registration system restricts access to education and health care.³²

19. Therefore, even though the Vietnamese Constitution provides that all citizens enjoy equal rights,³³ citizens in fact enjoy differing access to fundamental human rights depending on their status with respect to the residential registration system.³⁴
20. This discrepancy is significant given that Viet Nam currently has at least 12 million internal migrants, 13.5 percent who are unregistered and 49 percent who have temporary household registration.³⁵ Internal migration and displacement in Viet Nam is likely to increase over time, particularly given the susceptibility of Viet Nam to disaster displacement.³⁶ The Norwegian Refugee Council ranks Viet Nam as the fourth country in the world most at risk to disaster-displacement, after India, China and Bangladesh.³⁷

Survivors of Human Trafficking and Exploitation

21. Typically, stateless persons and those at risk of statelessness are at heightened risk of human trafficking and exploitation because they often have difficulty proving their identity or links to a State.³⁸ Similarly, survivors of human trafficking can also be at heightened risk of statelessness.
22. The below case study from BPSOS, clearly demonstrates some of the risks and vulnerabilities that survivors of trafficking can face, and how this can increase their risk of statelessness.
23. N.T.L,³⁹ a 27 year old woman, was rescued from a bonded labour in Jordan by BPSOS and returned to Viet Nam in March 2008. Upon return, she was detained for a number of

³¹ Ibid.

³² Jonathan De Luca, above n 28; United Nations Population Fund and Vietnam General Statistics Office, above n 31, 196.

³³ See *Constitution of the Socialist Republic of Vietnam* (Vietnam), art 34 [Socialist Republic of Vietnam trans, *Constitution of the Socialist Republic of Vietnam* (15 April 1992) <<http://www.refworld.org/docid/3ae6b573c.html>>].

³⁴ Norwegian Refugee Council, above n 28.

³⁵ Household data from the survey conducted for the following referenced report by United Nations Population Fund and Vietnam General Statistics Office (above, n 30) shows that 13.6 percent of the population of Viet Nam are migrants. Given the population of Viet Nam is at least 91 million, 13.6 percent of the population equates to at least 12 million internal migrants.

³⁶ Environmental Migration Portal, *Vietnam* (2015) Environmental Migration Portal <<http://www.environmentalmigration.iom.int/viet-nam>>. Norwegian Refugee Council, above n 28. Jonathan De Luca, above n 28.

³⁷ Norwegian Refugee Council, above n 28.

³⁸ U.S. Department of State, *Trafficking in Persons Report* (June 2016) U.S. Department of State, 23 <<https://www.state.gov/documents/organization/258876.pdf>>.

³⁹ The trafficking survivor's name and the details of their case have been anonymised, to ensure confidentiality.

hours at the Noi Bai Airport in Hanoi for investigation by the police on the basis of her participation in a strike against labour exploitation (while she was based in Jordan). Following release, in Viet Nam, N.T.L supported a number of repatriated human trafficking survivors to file a legal complaint against the Hanoi-based labour export company who trafficked N.T.L and others into bonded labour in Jordan. Following lodging the legal complaint N.T.L received numerous verbal and physical threats to her life, including from local police. In response, in search of protection, she moved to another city in Viet Nam. In her new area of residence she was not issued with a household registration and had difficulty in obtaining employment. She was also unable to register her marriage or the birth of her child, because she did not have a household registration. She has since fled Viet Nam and has been recognised as a refugee by UNHCR.

24. The Government of Viet Nam does not fully meet the minimum standards for the elimination of human trafficking.⁴⁰ However, it is making various efforts to do so.⁴¹
25. For example, it is significant that Viet Nam’s domestic law recognises the vulnerability of stateless persons to human trafficking.⁴² That is, the *Law No. 66/2011/QH12 on human trafficking prevention and combat* states that “victims who are Vietnamese citizens or *stateless persons* permanently residing in Viet Nam may depending on the cases specified in Articles 33 thru (sic) 38 of this Law enjoy the following regimes: Support to meet essential needs and for travel expenses; Medical support; Psychological support; Legal aid; Support in general education and vocational training; and initial difficulty allowance, support in loan borrowing”.⁴³
26. The effective implementation of the recommendations in the 2018 Trafficking in Persons report to Viet Nam is imperative to ending human trafficking in Viet Nam, including human trafficking of stateless persons. These recommendations include:
 - 26.1. “develop and train officials on implementing guidelines for Articles 150 and 151 of the new penal code, with a focus on identifying and investigating forced labor and internal trafficking cases”;
 - 26.2. “vigorously prosecute all forms of trafficking and convict and punish traffickers, including in cases involving forced labor or complicit officials”;
 - 26.3. “strengthen efforts to monitor labor recruitment companies and enforce regulations prohibiting the imposition of recruitment fees”;

⁴⁰ U.S. Department of State, *Trafficking in Persons Report* (June 2018) <https://www.state.gov/documents/organization/282798.pdf>; U.S. Department of State, above n 38.

⁴¹ Ibid.

⁴² See also Tien Le, *Human Trafficking in Vietnam: Preventing Crime and Protecting Victims Through Inter-Agency Cooperation* (2017) <https://eprints.qut.edu.au/110537/1/Tien%20Hoang_Le_Thesis.pdf>.

⁴³ *Law on Human Trafficking Prevention and Combat* (Vietnam) No. 66/2011/QH12 [International Labour Organisation Trans (*Law on Human Trafficking Prevention and Combat* (No. 66/2011/QH12) (29 March 2011) <<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/91653/106409/F-1429920306/VNM91653%20Eng.pdf>>].

- 26.4. “align and implement policies to identify and assist victims among vulnerable groups, such as migrant workers, individuals in prostitution, and child laborers, and train relevant officials on these procedures”;
- 26.5. “amend the penal code to criminalize all forms of child sex trafficking consistent with international law”;
- 26.6. “improve interagency cooperation to effectively implement the anti-trafficking national action plan, including by clarifying the roles of national and provincial-level government entities, fully integrating trafficking data collection into law enforcement efforts, and allocating sufficient resources to the national action plan”;
- 26.7. “develop programs that reduce stigma and promote reintegration of trafficking returnees”;
- 26.8. “in consultation with civil society, tailor awareness-raising campaigns to geographic- and sector-specific vulnerabilities and evaluate them to ensure maximum benefit to high-risk communities”;
- 26.9. “allow independent verification that Vietnamese drug users are no longer subjected to forced labor in government run rehabilitation centers”; and
- 26.10. “expand training for consular officials on worker rights and international labor standards”.⁴⁴

Birth Registration

27. Birth registration is an important tool for the prevention of statelessness because it establishes a legal record of where a child was born and to whom.⁴⁵ That is, birth registration (and birth certificates) often provide essential proof as to whether a person has acquired nationality by birth or descent, or their eligibility to acquire nationality by birth or descent.⁴⁶
28. Viet Nam has obligations under CRC Article 7, to register all births *immediately*. Further, Target 16.9 of the Sustainable Development Goals, aims to ‘by 2030 provide legal identity for all including birth registration’.

⁴⁴ U.S. Department of State, above n 38; U.S. Department of State, above n 40.

⁴⁵ UNHCR, above n 27; Guidelines on Statelessness, above n 27, 12 [55].

⁴⁶ Ibid.

29. As detailed above, Viet Nam has made significant efforts towards universal birth registration⁴⁷ and birth registration rates in Viet Nam are relatively high by global standards.⁴⁸

30. However, marginalised and disadvantaged groups continue to experience significant barriers in accessing birth registration - increasing statelessness risks amongst these communities.⁴⁹ For example, the following are some of the populations in Viet Nam that are at risk of non-registration of births:

30.1. children born in remote and hard to reach rural areas,⁵⁰

30.2. children born to ethnic and religious minorities,⁵¹

30.3. street children in urban areas of Viet Nam,⁵²

30.4. undocumented migrant families who do not hold a “household registration book” (and are not registered with the “household registration system”),⁵³

30.5. children born to parents who are not married, including parents who are under the legal age of marriage (18 years of age),⁵⁴

30.6. children born with two older siblings (the unofficial “two-child policy” in Viet Nam and associated social stigma against families with more than two children, can also result in families not registering children born if they are not their first or second born),⁵⁵ and

30.7. children of disputed nationality (including those living amongst the mountainous region of Viet Nam the borders China, Cambodia and Laos PDR and those born to fathers of foreign nationality).⁵⁶

⁴⁷ UNICEF, *Unequal at Birth – Disparities in Birth Registration in East Asia and the Pacific* (2015) UNICEF <https://www.unicef.org/eapro/Unequal_at_Birth_UNICEF_EAP.pdf>.

⁴⁸ Ibid.

⁴⁹ Plan International, *‘Birth Registration and Children’s Rights: A Complex Story’* (May 2014) Plan International, 26 <https://www.planinternational.be/sites/default/files/2017-09/birth_registration_and_childrens_rights_full_report_1.pdf>.

⁵⁰ Thanh Huong, *Getting feedback from citizen to improve birth registration services in Viet Nam* (29 April 2016) UNICEF <<http://unicefvietnam.blogspot.com/2016/04/getting-feedback-from-citizen-to.html>>.

⁵¹ Ibid.

⁵² UNHCR, above n 22.

⁵³ Plan International, above, n 49.

⁵⁴ Ibid.

⁵⁵ Ibid, 27.

⁵⁶ Ibid.

Recommendations

31. Based on the above analysis, the co-submitting organisations urge reviewing States to make the following recommendations to Viet Nam:

- 31.1. Fully promote, respect, protect and fulfil its obligations towards stateless persons under international human rights law.
- 31.2. Collaborate with civil society actors to ensure that reforms aimed at addressing statelessness are effectively implemented.
- 31.3. Publish information on the size and profiles of the stateless populations in Viet Nam and the barriers these populations face in acquiring or confirming citizenship in Viet Nam.
- 31.4. Guarantee access to fundamental human rights without discrimination, particularly with respect to ethnic and religious minorities such as the H'Mong and Montagnard communities.
- 31.5. Develop and implement civil documentation and registration campaigns that support people who are stateless or at risk of statelessness to acquire and confirm citizenship and obtain civil documentation. Such activities should focus on supporting populations residing in border areas and in remote and hard to reach locations.
- 31.6. Reform the residential registration system, so that access to fundamental human rights is not restricted by one's status within the residential registration system.
- 31.7. Implement the recommendations provided in the 2018 Trafficking in Persons report in order to eliminate human trafficking in Viet Nam.
- 31.8. Ensure universal birth registration in Viet Nam, as a tool for protecting the right to a nationality and preventing statelessness, in compliance with Viet Nam's obligations under article 7 of the CRC (to register all births *immediately*) and the Sustainable Development Goals, which aim under goal 16.9: 'by 2030 provide legal identity for all including birth registration'.
- 31.9. Ensure all children in Viet Nam have access to education, irrespective of their documentation status.
- 31.10. Ratify and fully implement the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness and the 1951 Convention relating to the status of Refugees and its 1967 Protocol.