

ASIA PACIFIC CENTRE - RESPONSIBILITY TO PROTECT

ATROCITY CRIMES RISK ASSESSMENT SERIES

VIETNAM

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A U S T R A L I A

INTRODUCTION

The Responsibility to Protect (R2P) is a principle of international law that emerged in the early 2000s in response to the failure of the international community to prevent or respond effectively to atrocities committed in the latter half of the 20th century in places such as Rwanda, Bosnia, and Kosovo. The concept was developed by the International Committee on Intervention and State Sovereignty in 2001, and was unanimously endorsed by members of the United Nations General Assembly in 2005 at the United Nations World Summit. It has since gained widespread support as a normative framework for preventing and responding to atrocities.

This report assesses the risk of atrocity crimes in present-day Vietnam, and is guided by the Framework of Analysis for Atrocity Crimes, developed in 2014 by the United Nations Special Advisors on the Prevention of Genocide and on the Responsibility to Protect. This Framework provides an extensive list of Risk Factors and Indicators by which the risk of atrocities occurring within a specific environment may be analysed. This risk assessment seeks to place these Risk Factors (RF) and Indicators within the context of present-day Vietnam, taking into account existing socio-economic factors as well as ongoing relations between ethnic and/or religious groups and the Vietnamese government.

This report finds that the current risk of atrocity crimes occurring in Vietnam is low-to-moderate. Of the eight Common Risk Factors outlined within the Framework of Analysis, all eight RFs have at least one Indicator which can be applied to the current situation within Vietnam, with five of these RFs having at least three applicable Indicators. These include RF 3 (weakness of state structures), RF 4 (motives or incentives), RF 6 (absence of mitigating factors), RF 7 (enabling circumstances of preparatory action), and RF 8 (triggering factors). Of the Specific Risk Factors outlined within the Framework, RFs 9, 10, and 14 are of most concern, particularly with regard to reports of the Vietnamese government interfering with the religious practices of ethnic minorities in recent decades.

The population of Vietnam currently lies around 99 million, of which an approximate 84% belong to the Kinh ethnic majority. The remaining 14% of Vietnamese citizens is comprised of an additional 53 officially classified ethnic groups, including the Montagnard peoples of the Central Highlands, the Khmer peoples that inhabit the Mekong Delta region, and the Cham peoples of the southern Vietnamese coast.¹ This risk assessment primarily addresses factors that contribute to the risk of atrocity crimes occurring against these ethnic groups, including but not limited to: religious discrimination; forced sterilisation; economic inequality; government corruption; and land rights.

This report concludes by providing a number of recommendations in addressing these risks, including the ratification of the Rome Statute of the International Criminal Court, which explicitly addresses the core international crimes of genocide, crimes against humanity, war crimes, and crimes of aggression targeted by the R2P principles, as well as suggestions for the Vietnamese government to address the relationship between the Vietnamese government and international non-governmental organisations (NGOs), and the right to freedom of movement as stated by the Universal Declaration of Human Rights.

MAP:VIETNAM



LIST OF ABBREVIATIONS

APR2P — Asia Pacific Centre for the Responsibility to Protect

CPC — Countries of Particular Concern

CVP — Communist Party of Vietnam

HRW — Human Rights Watch

INGO — International non-governmental organisations

LCM — Large-scale Climate Models

NGO — Non-governmental organisations

NLF — National Liberation Front

RF — Risk Factor

SGBV — Sexual and Gender-Based Violence

UBCV — Unified Buddhist Church of Vietnam

UN — United Nations High Commissioner for Refugees

UNGA — United Nations General Assembly

UNHCR — United Nations

WPS — Women, Peace, and Security

WTO — World Trade Organisation

FRAMEWORK OF ANALYSIS

The Framework of Analysis for Atrocity Crimes consists of 14 Risk Factors (RFs) of atrocity crimes. Each of these RFs is accompanied by a series of more specific Indicators used to determine the exact level of risk posed to vulnerable groups. The more RFs that are present within the context of this Framework, the greater the risk of an atrocity crime occurring. These RFs and their indicators are not ranked, and their importance or relevance to a situation or the risk of atrocity crimes occurring is highly contextual. In order to utilise the Framework to accurately predict the risk of atrocity crimes, the RFs and their Indicators should be situated within a specific political, historical, and cultural context.

This risk assessment deals only with the RFs that can be considered relevant to the context of Vietnam. As such, some RFs or their Indicators have not been included, but this should not be taken to mean that the missing factors or indicators are of any lesser importance, nor should it be taken to mean that they will not be relevant in the future.

COMMON RISK FACTORS		
Risk Factor	1	Situations of armed conflict or other forms of instability
Risk Factor	2	Record of serious violations of international human rights and humanitarian
Risk Factor	3	Weakness of State structures
Risk Factor	4	Motives or incentives
Risk Factor	5	Capacity to commit atrocity crimes
Risk Factor	6	Absence of mitigating factors
Risk Factor	7	Enabling circumstances or preparatory action
Risk Factor	8	Triggering factors
SPECIFIC RISK FACTORS		
Genocide		
Risk Factor	9	Inter group tensions or patterns of discrimination against protected groups
Risk Factor	10	Signs of an intent to destroy in whole or in part a protected group
Crimes Against Humanity		
Risk Factor	11	Signs of a widespread or systematic attack against any civilian population
Risk Factor	12	Signs of a plan or policy to attack any civilian population
War Crimes		
Risk Factor	13	Serious threats to those protected under international humanitarian law
Risk Factor	14	Serious thrests to humanitarian or peacekeeping operations
Risk Factor	14	Serious threats to humanitarian or peacekeeping operations

Each of these Risk Factors are accompanied by 6-18 more specific Indicators, which can be used to more precisely identify and analyse the risks of atrocity crimes. These Indicators and further information on the full UN Framework of Analysis for Atrocity Crimes can be found on the website of the UN Office on Genocide Prevention and the Responsibility to Protect.

COMMON RISK FACTORS

RISK FACTOR 1: SITUATIONS OF ARMED CONFLICT OR OTHER FORMS OF INSTABILITY

Risk Factor 1 addresses situations of armed conflict which “place a State under stress and generate an environment conducive to atrocity crimes” and are “characterised by a high incidence of violence, insecurity, and the permissibility of acts that would otherwise not be acceptable”.² Armed conflicts that took place within Vietnam throughout the latter half of the 20th century, including the Vietnam War, the Cambodian-Vietnamese War, and the insurgency in the Central Highlands, continue to have a significant socio-political impact on intergroup relations throughout Vietnam. Since 1992, however, the Vietnamese government has not been involved in an outright war, nor has it been involved in armed conflict with insurgent groups since 2007 and as such is no longer considered to be in a state of armed conflict (Indicator 1.1) or a security crisis (Indicator 1.2).

Other Indicators under RF 1 that are not relevant to the situation of atrocity risk in Vietnam include Indicators 1.4 (political instability caused by abrupt or irregular regime change or transfer of power), 1.5 (political instability caused by disputes over power or growing nationalist, armed or radical opposition movements), 1.8 (economic instability caused by severe crisis in the national economy), or 1.11 (social instability caused by exclusion or tensions based on identity issues).

Indicator 1.3 refers to instabilities induced by a “humanitarian crisis or emergency, including those caused by natural disasters or epidemics”.³ Vietnam’s vulnerability to the effects of climate change and the handling of the COVID-19 pandemic ensure the relevance of this indicator to the risk of atrocity crimes in Vietnam.

The projected effects of climate change upon vulnerable coastal countries such as Vietnam can act as a threat multiplier to the risk of atrocity crimes, as the typically resulting humanitarian crises exacerbate existing political, economic, and/or social tensions.⁴ These crises can include, but are not limited to, the decline of food production, water scarcity, and the migration of population as a result of land becoming uninhabitable as a result of natural disasters.⁵

The vulnerability of Vietnam to environmental changes resulting from climate change is an integral part of understanding the humanitarian risks posed by natural disasters. The combination of severe storms, flash flooding, rising sea levels, and coastal erosion place several districts throughout Vietnam at a high level of vulnerability in terms of populations being put at risk,⁶ with changing weather patterns and natural disasters of increasing severity also affecting patterns of crop failures and livestock deaths.⁷ Ethnic minorities living within the Central and Northern Highlands of Vietnam are among the most vulnerable groups in Vietnam to climate change, as they are categorically low socio-economic populations subsisting on minimal resources stemming from traditional farming practices, such as the cultivation of tea, rice, and various vegetables.⁸ Impacts on food and water sources as a result of climate change will be discussed further in **Indicator 1.7**.

Vietnam is among the world’s most vulnerable countries to the effects of climate change, ranking 13th out of 180 countries under the Germanwatch Global Climate Risk Index for 2000-2019.⁹ Significant rises in temperature and sea levels are currently predicted to affect up to 12 million people living in coastal regions of Vietnam by 2070-2100, with current patterns of flooding already impacting several million more people throughout the country every year.¹⁰

On an economic level, the impact of climate change on Vietnam’s economy and national welfare is already significant, amounting to an estimated 3.2% of gross domestic product (GDP) each year.¹¹ Future predictions of the economic impact of climate change on the Vietnamese economy estimate a loss of approximately 10% of GDP, particularly since almost a quarter of Vietnam’s economy relies on the agricultural industry.¹²

Unequal access to medical care by ethnic and religious minorities, particularly those living in remote regions of Vietnam, has been reported in the wake of the COVID-19 pandemic. The initial spread of COVID-19 throughout Vietnam in 2020 led to a spike of almost 300% in anti-Chinese minority sentiment, particularly in the context of online hate speech.¹³ Common phrases used against individuals belonging to the Chinese minority in Vietnam included “Trung Cộng Cài”, referring to “allegations that the Chinese Communists send their people to Vietnam to spread the virus”.¹⁴

RISK FACTOR 1: SITUATIONS OF ARMED CONFLICT OR OTHER FORMS OF INSTABILITY

The COVID-19 pandemic and the resulting lockdowns in Vietnam further exacerbated the ongoing rights violations committed by the Vietnamese government against human rights activists, government critics, and dissidents, with restrictions on these individuals freedom of movement continuing despite the lifting of restrictions in March 2022.¹⁵

Unequal access to medical aid to ethnic and religious minorities living within rural regions of Vietnam has also been reported, with Open Doors finding that groups such as Montagnard Christians living within the Central Highlands have been denied aid by government officials, however these claims have been denied by the Vietnamese government.¹⁶

Indicator 1.6 relates to the political tensions caused by autocratic regimes or severe political repression. As a single-party authoritarian state, the Vietnamese government restricts forms of activism within civil society, and lacks freely elected political leaders. Political opposition is similarly suppressed, and open dissent against the government is not permitted. Individuals who criticise the governing party of Vietnam, the Communist Party of Vietnam (CVP), face “police intimidation, harassment, restricted movement, physical assault, detention, and imprisonment”.¹⁷

Political detainees can be imprisoned without legal counsel for months at a time.¹⁸ Vietnam currently holds the largest number of political prisoners in Southeast Asia, most of whom are “detained under vaguely worded national security clauses” inconsistent with the Vietnamese Constitution and international human rights law.¹⁹

Indicator 1.7 relates to the economic instability caused by scarcity of resources, or disputes over their use or exploitation. As mentioned in **Indicator 1.3**, the risk of economic instability in the context of resource scarcity as a result of climate change is heightened in Vietnam, whose agricultural sector is particularly vulnerable to the effects of climate change and natural disasters. A lower level of productivity in rice cultivation as a result of changes in rainfall and temperature patterns in the Mekong River Delta region is of increasing concern.²⁰ Rising sea levels and the resulting changes in salinity levels has also reduced the quality of groundwater used for agricultural production, further exacerbating the risk of a food security crisis.²¹

Changes in salinity levels and water access as a result of drought also provides cause for concern.²² Situations wherein access to water or arable land has already been a contested issue, such as in the Central and Northern Highlands of Vietnam, have historically led to conflicts and increases the risk of an atrocity crime occurring.²³

Disputes over the use of land within the Vietnamese highlands have been of concern since the 1990s. These disputes came to a head in January 2001 after the Vietnamese government announced the resettlement of up to 100,000 people, primarily those belong to ethnic minority groups, from the Central Highlands to the Gia Lai and Dak Lak regions to make way for a new hydropower project.²⁴ Vietnam’s land laws since the 1980s have allowed for the sudden repossession of land by the government for purposes including “national defence, security, national interest, public interest, and economic development”, and by 2010 the amount of land repossessed by the Vietnamese government for these purposes amounted to approximately 745,000 hectares, affecting an estimated 9 million individuals.²⁵

Sudden and unexpected land repossession from traditional landowners by the Vietnamese government has served only to worsen the endemic poverty that already exists among ethnic minority populations.²⁶ The Central and Northern Highlands regions of Vietnam contain some of the most valuable farmland in the country,²⁷ with these regions containing significant swathes of Vietnam’s coffee producing plantations.²⁸ The growth of the Vietnamese coffee industry has also presented problems to the livelihoods of ethnic minorities in the Highlands, including the lowering of underground water tables leading to desertification in some regions²⁹ and plummeting coffee prices leading to an exacerbation of income inequality between ethnic minorities and the Kinh majority.³⁰ The Vietnamese government has additionally sought to increase the level of coffee cultivation taking place within the Highlands, using governmental powers to repossess and reallocate arable farmland to those belonging to the ethnic Kinh majority to “relieve lowland crowding and promote coffee cultivation”.³¹

Indicator 1.9 underscores the significant correlation between economic instability and acute poverty, mass unemployment, or deep horizontal inequalities. In the context of Vietnam, this economic instability is evident among minority ethnic groups when compared to the ethnic Kinh majority, exacerbated by issues such as land repossession and reallocation, as discussed in **Indicator 1.7**. The ramifications extend beyond just economic factors, delving

RISK FACTOR 1: SITUATIONS OF ARMED CONFLICT OR OTHER FORMS OF INSTABILITY

into the realms of religious and ethnic discrimination, compounding the challenges faced by these marginalised communities.

Statistics from 1999 reveal a national poverty rate of 37%, with remote upland areas, including the Northeast, Northwest, North Central Coast, and Central Highlands, experiencing considerably higher rates (see Fig. 1 below).³² Notably, poverty incidence tends to be lower in lowland areas of the large river deltas.³³ The same report from 1999 noted that inequality stood at 0.205 for the entire country in 1999, relatively low compared to similar states of development.³⁴ Spatial patterns of inequality are less distinct, though rural highland areas generally exhibit higher levels compared to rural lowlands.³⁵

However, the landscape of inequality in Vietnam is not solely shaped by the urban-rural divide but also by disparities between the rural geographic centre and periphery, as well as between ethnic minorities and the ethnic majority.³⁶ The poverty rate among ethnic minorities is double that of the majority population, contributing to heightened inequality in rural upland areas, where significantly poorer ethnic minorities coexist spatially with a more prosperous ethnic majority.³⁷

Many ethnic minorities in Vietnam, considered indigenous, grapple with the same mechanisms of inequality experienced by indigenous populations globally. The convergence of classic socioeconomic deficits with culturally and historically specific factors perpetuates health disparities within these groups.³⁸ Ethnic status, while offering benefits such as social stability and a sense of belonging, also entrenches marginalised ethnic groups within oppressive social hierarchies.³⁹

The economic dimension of inequality is a potent source of tension between disenfranchised minority groups and the majority population. Failure to address this inequality can lead to ethnic conflict, resulting in poor economic performance and political instability.⁴⁰ Ethnic inequality, though not exclusive to transitional economies, assumes heightened significance in these countries due to unevenly distributed growth, divergent initial endowments, and rapidly evolving institutions, leaving marginalised communities grappling with the adverse consequences of economic transformation.⁴¹ The interplay of economic, ethnic, and social dynamics underscores the imperative for targeted policies and interventions to address these multifaceted challenges in Vietnam.

Indicator 1.10 delves into the realm of social instability stemming from resistance or mass protests against state authority or policies. In Vietnam, instances of such social unrest have prominently emerged within ethnic minority groups, notably exemplified by the Easter protests orchestrated by Christian Montagnard groups in the Central Highlands during April 2004. The roots of this unrest can be traced back to 2001 when protests initially erupted following the repossession of traditionally Montagnard-owned land for the construction of the Son La hydropower plant, as discussed in **Indicator 1.7**.

A persistent challenge for ethnic minorities has been the sensitive issue of religion, particularly the conversion to evangelical Protestantism - an act viewed by the government as a "foreign influence" and a security threat.⁴² Approximately 500,000 Protestants and 200,000 Catholics in the Central Highlands region have been caught in the crosshairs of this religious tension.⁴³ The government, associating radical Christian elements with protests in February 2001, embarked on a crackdown on "unauthorised" religious activities, as documented by Human Rights Watch in 2002.⁴⁴

Despite government efforts to curb dissent, demonstrations persisted, with villagers periodically protesting against land appropriations, corruption, and other injustices.⁴⁵ While authorities generally tolerated these protests, measures were taken to prevent a concentration of dissent akin to that witnessed in mid-2007.⁴⁶ A series of crackdowns over the past decade targeted Montagnard Christians, with elite security units hunting down activists, sealing off the border with Cambodia to prevent asylum seekers, and committing clear-cut violations of fundamental rights, including arbitrary arrest, imprisonment, and torture.⁴⁷ Coercion tactics were employed to pressure Montagnards to renounce their religion and pledge loyalty to the government and the Communist Party of Vietnam.⁴⁸ Excessive force was used to disperse peaceful protests, resulting in deaths and injuries.⁴⁹

RISK FACTOR 1: SITUATIONS OF ARMED CONFLICT OR OTHER FORMS OF INSTABILITY

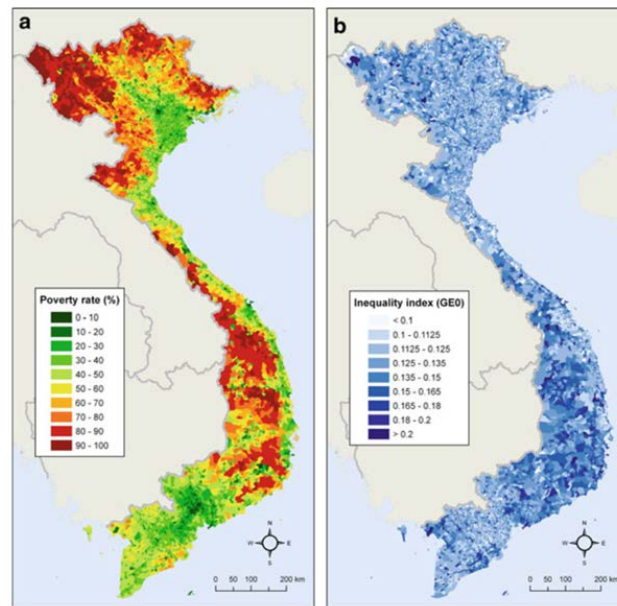


Fig. 1 The spatial distribution of poverty rate and inequality

One key moment occurred in February 2001 when large-scale protests undertaken by ethnic minorities took place in the Central Highlands and triggered a steady stream of asylum seekers to Cambodia.⁵⁰ These protests, among the largest since the reunification of Vietnam in 1975, were driven by indigenous minorities calling for independence, the return of ancestral lands, and religious freedom.⁵¹ The aftermath saw a surge in people leaving the Central Highlands, seeking asylum due to the fear of persecution.⁵²

The Easter protests of 2004 added another layer to the complexity of the situation. Reports surfaced of the destruction of the People's Committee building in at least one commune, attacks on Kinh migrants' houses and farms, and government blaming protestors for the violence.⁵³ Human Rights Watch disputed these claims, asserting that violence was initiated by security officials and civilians, resulting in injuries and deaths.⁵⁴ The government swiftly labeled the protestors as inciters of "radical" religious violence, employing rhetoric reminiscent of the United States' "war on terror".⁵⁵ After these protests, there was a near-total association of all protestors with "Dega Protestantism", leading to the detention and harassment of church leaders and followers, even if they were not directly involved in the protests.⁵⁶

In the subsequent years, the Vietnamese government escalated its persecution of Montagnard Christians, especially those following "Dega Protestantism".⁵⁷ This form of Evangelical Christianity, banned by the government, became linked to the Montagnard movement advocating for the return of ancestral lands and religious freedom.⁵⁸ Amnesty International accused Vietnamese security forces of using brutal force to suppress Easter protests, revealing names of individuals believed to have been "unlawfully killed".⁵⁹ Human Rights Watch similarly reported deaths and injuries during protests in various provinces, accusing the government of orchestrating a cover-up operation.⁶⁰

The crackdowns of the early 2000s not only violated fundamental rights but also exemplified a pattern of coercion, torture, and excessive use of force by authorities.⁶¹ In January 2020, a violent incident in Dong Tam involving police and land rights activists further underscored the severity of state responses to dissent.⁶² The incident resulted in deaths, arrests, and controversial legal proceedings, with defendants alleging torture and forced confessions.⁶³

RISK FACTOR 2: RECORD OF SERIOUS VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW

Risk Factor 2 addresses instances of “past or current serious violations of international human rights and humanitarian law...that have not been prevented, punished, or adequately addressed and, as a result, create a risk of further violations”. Risk factors that can be appropriately attributed to the situation in Vietnam include Indicators 2.1, 2.2, 2.3, 2.4, 2.6, and 2.7.

Other Indicators under RF 2 that are not relevant to the situation of atrocity risk in Vietnam include Indicators 2.5 (the continuation of support to groups accused of involvement in serious violations of international human rights and humanitarian law, including atrocity crimes, or failure to condemn their actions), 2.7 (the politicisation or absence of reconciliation or transitional justice processes following conflict), and 2.8 (widespread mistrust in State institutions or among different groups as a result of impunity).

Indicator 2.1 serves as a crucial lens through which we examine the historical and contemporary landscape of serious restrictions to or violations of international human rights and humanitarian law, with a specific focus on their impact on protected groups, populations, or individuals. A stark example of such violations emerged during the Vietnam War, epitomised by the My Lai Massacre of March 1968.⁶⁴ In this horrifying event, American soldiers are noted as executing hundreds of unarmed Vietnamese civilians, spanning women, children, and the elderly.⁶⁵ This massacre blatantly contravened fundamental principles of international humanitarian law, notably the principles of distinction and proportionality, as it targeted the civilian population.⁶⁶

Similarly, the Cambodian intervention during the Khmer Rouge regime starkly highlights severe restrictions on human rights and humanitarian law. Under the leadership of Pol Pot, the Khmer Rouge perpetrated genocide and crimes against humanity, resulting in the death of an estimated 1.7 million people between 1975 and 1979.⁶⁷ The genocidal campaign specifically targeted ethnic and religious minorities, such as the Cham Muslim and Vietnamese populations, constituting an unmistakable violation of international human rights law.⁶⁸ Events such as these serve to illustrate the need for robust international mechanisms to prevent and address mass atrocities and underscores the ongoing challenges in ensuring the protection of vulnerable populations during times of conflict.

Despite these historical examples, contemporary accusations of forced sterilisation against ethnic minority populations in Vietnam made by the Montagnard/Degar diaspora residing in North Carolina raise complex questions about the veracity of such claims.⁶⁹ These allegations, however, have not been substantiated or independently confirmed and do not align with any known Vietnamese policy.⁷⁰ Notably, Vietnam has displayed a more lenient approach in its two-child family planning program concerning upland ethnic minorities, demonstrating a respect for cultural differences.⁷¹ While acknowledging that sterilisation may occur under conditions that lack sufficient information, there is no documented policy of forced sterilisation.⁷² Nevertheless, some claims accuse the Vietnamese government of committing genocide through these alleged birth control measures, although these claims initially predicted the extinction of the Montagnard population by 2019.⁷³

Contrary to these allegations, Vietnam’s Census statistics present a different narrative. Between 1979 and 1999, the overall population of Vietnam increased by 50%, reaching 79 million.⁷⁴ More specifically, the ethnic minority population experienced a robust growth of 68%, surging from 6.6 million to 11.1 million.⁷⁵ In the indigenous ethnic population of the Central Highlands and Annam Cordillera below the 17th parallel, there was a 76% increase, going from 925,000 to 1,625,000 within two decades.⁷⁶ These statistics appear to contradict claims of a systematic policy of forced sterilisation and genocide, pointing to a healthy population growth among the indigenous communities in the Central Highlands.

Indicator 2.2 delves into the historical backdrop of past acts of genocide, crimes against humanity, war crimes, or their incitement, with a particular focus on the My Lai and Hue Massacres and the atrocities committed by the Khmer Rouge regime in Cambodia. Both incidents stand out for their severe nature and the far-reaching consequences on civilian populations, encapsulating acts of genocide, crimes against humanity, and war crimes, resulting in the loss of innocent lives and the devastation of entire communities.

The aftermath of the My Lai and Hue Massacres left an indelible mark on the collective memory of survivors and onlookers alike. The uncovering of mass graves at Hue continued through 1969, with the body count reaching approximately 2,800.⁷⁷ The sheer scale of the massacre, involving the deliberate targeting of unarmed civilians, resonated as a deep scar, etching itself into the historical narrative of the Vietnam War. While the My Lai Massacre has found its place in general books about the war and specialised publications, the events in Hue have largely faded from American memory and scholarship.⁷⁸

RISK FACTOR 2: RECORD OF SERIOUS VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW

Controversy surrounds claims that American soldiers participated in 24 massacres in collaboration with South Vietnamese allies between March 1968 and the end of 1970, as asserted by representatives of the National Liberation Front (NLF).⁷⁹ The records of the Vietnam War Crimes Working Group, however, indicate a disturbing pattern of murder, torture, rape, executions, and other violations of the Geneva Conventions.⁸⁰ The extent of misconduct, including documented cases such as the burning of a staked Vietnamese girl with gas, highlights the war's impact on civilian populations.⁸¹ Moreover, the mutilation and public display of victims by the Viet Cong and the NLF depict a level of brutality that characterised the conflict.⁸²

Instances of terror during the war reveal a pattern of acts of torture, including disembowelment, decapitation, stoning to death, and public displays of mutilated bodies.⁸³ Perceived enemies were subjected to barbaric treatment, with assassination squads already engaging in non-combatant murders before the war escalated.⁸⁴ The Viet Cong's crimes against civilians, including kidnappings, rapes, and disembowelments, reached alarming averages, emphasising the widespread nature of atrocities.⁸⁵ The execution of 252 men, women, and children in Dak Son, an indigenous Montagnard village, exemplified the atrocities committed by the Viet Cong towards populations opposing their objectives.⁸⁶

Hue emerges as a focal point of atrocities committed during the Vietnam War, marked by the selection and killing of victims by communist forces. In contrast to previous massacres, the bodies were buried and hidden, concealing the true extent of the brutality.⁸⁷ The perpetrators strategically targeted minorities, suspected groups, community leaders, foreigners, intellectuals, and key figures, paving the way for a takeover of Hue by the Viet Cong.⁸⁸ The deliberate elimination of potential sources of future opposition through these killings reflects the calculated nature of the atrocities committed.

Turning to contemporary times, Vietnam's human rights record faces scrutiny for its perceived weaknesses.⁸⁹ Basic rights, including freedom of speech, opinion, press, association, and religion, are reported to be restricted.⁹⁰ The Penal Code, with Articles such as 87, 88, and 89, is highlighted as a key concern, imposing limitations on freedom of speech and fostering discrimination against ethnic minorities.⁹¹ Furthermore, Vietnam's non-signatory status to international agreements like the Kigali Principles on the Protection of Civilians, the Code of Conduct regarding Security Council action against genocide, crimes against humanity, or war crimes, and the "French/Mexican initiative on Veto restraint in case of Mass atrocities",⁹² raises questions about its commitment to global efforts aimed at preventing and addressing grave human rights violations.

Indicator 2.3 relates to the introduction of policies or practices of impunity and tolerance towards serious violations, creating an environment where perpetrators often escape accountability.⁹³ The plight of the Montagnards in recent decades reflects a disturbing pattern of impunity and tolerance for abuses. These populations have endured discrimination, forced evictions, and persecution by both state and non-state actors, with little accountability for the perpetrators.⁹⁴ The absence of consequences for such acts contributes to a climate of fear and repression against this minority population, highlighting the systemic failure to address serious violations.⁹⁵

Government denial of systemic wrongdoing exacerbates the lack of accountability, hindering the crucial process of acknowledgment and recognition of past wrongs.⁹⁶ In the context of atrocities committed against ethnic minorities throughout Vietnam, denial of these atrocities by the government prolongs the suffering of victims by preventing justice and reconciliation.⁹⁷ Activists questioning government policies or defending local resources often face harassment, surveillance, house arrest, travel bans, arbitrary detention, and interrogation.⁹⁸ The collaboration of thugs with the police, launching physical attacks against activists with impunity, underscores the challenges faced by those advocating for change and accountability.⁹⁹

Religious groups operating outside government-controlled institutions encounter pervasive monitoring, harassment, and sometimes violent crackdowns by the police.¹⁰⁰ Unrecognised branches of various religious organisations, such as the Cao Dai Church, Hoa Hao Buddhist Church, independent Protestant and Catholic house churches, Khmer Krom Buddhist temples, and the Unified Buddhist Church of Vietnam, face constant surveillance, harassment, and intimidation.¹⁰¹ The government's failure to address such violations contributes to a culture of impunity, allowing security forces to act without fear of consequences.¹⁰²

Montagnards in the Central Highlands further endure constant surveillance, arbitrary arrest, mistreatment in custody, and interrogation about their religious and political activities.¹⁰³ Authorities accuse them of allegiance to exile organisations and discourage any efforts to flee Vietnam.¹⁰⁴ The lack of accountability for these actions

RISK FACTOR 2: RECORD OF SERIOUS VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW

not only perpetuates the suffering of the Montagnard population but also highlights the failure of the system to address violations against ethnic minorities entirely.¹⁰⁵

The methods used by the Viet Cong and North Vietnamese Army during the war included blatant violations of the law of war, such as murder, torture, and intimidation.¹⁰⁶ Estimates suggest that North Vietnam sponsored the slaughter of over 1.25 million of its own people from 1945 to 1987.¹⁰⁷ The crimes, including the deaths of over 250,000 Vietnamese “boat people” and 250,000 other civilians in communist death camps, remain largely unacknowledged and unpunished.¹⁰⁸ Human rights groups have struggled to forcefully address these massive crimes, revealing a persistent culture of impunity.¹⁰⁹

The failure to recognise and punish those responsible for instances of violence against religious believers has extended into the 21st century, including the April 2004 protests by Montagnards in the Central Highlands.¹¹⁰ Torture, beatings, and killings of Montagnards in police custody, jails, prisons, and re-education camps persisted without adequate investigation or accountability measures.¹¹¹ The call for an investigation and appropriate discipline or prosecution of those responsible for torture or other cruel, inhuman, or degrading treatment or punishment remains unmet, perpetuating this cycle of impunity.¹¹²

Indicator 2.4 seeks to shed light on the systemic inaction, reluctance, or outright refusal to employ all possible means to halt planned, predictable, or ongoing serious violations of international human rights and humanitarian law or potential atrocity crimes.¹¹³ A government’s denial of systemic wrongdoing is indicative of a hesitancy to effectively address such violations, often impeding efforts to prevent their recurrence.¹¹⁴ The failure to utilise all available means to stop ongoing serious violations not only perpetuates the suffering of affected populations but also fosters a culture of impunity.¹¹⁵ This pattern is evident in various contexts in Vietnam, where a series of concerning incidents underscore a persistent disregard for human rights and an absence of accountability.

One of the main facets of this trend is the mistreatment and denial of medical care to jailed journalists in Vietnam.¹¹⁶ The tragic death of Do Cong Duong in detention on August 2, 2022, at the age of 58, serves as a stark example of the consequences of such mistreatment.¹¹⁷ Reports from August 2023 revealed that detained journalist Le Huu Minh Tuan was suffering from a severe scabies infection, yet he was denied medical treatment.¹¹⁸ The consistent denial of medical care to incarcerated individuals represents a blatant violation of their basic human rights.¹¹⁹

Family planning programs in Vietnam have long been marred by reports of abuse, including coercion, fines, monetary incentives, and forcible sterilisations.¹²⁰ The extent of these abuses and the lack of investigations presented to the public suggest a deliberate policy of denial and potential cover-up by the Vietnamese government.¹²¹ This apparent corruption within the government raises concerns about the likelihood of such abuses, further underscoring the need for accountability and transparency in addressing these violations.

The plight of the Degar people in Vietnam’s Central Highlands paints a grim picture of religious persecution, human rights violations, and land rights abuses reminiscent of historical colonial injustices suffered by indigenous peoples. The ongoing persecution of the Degar people is indicative of Vietnam’s resistance to human rights reforms and its desperate attempts to retain authoritarian control.¹²² The international community’s apparent reluctance to address this persecution, prioritising economic relations with Vietnam over human rights concerns, further contributes to the continuation of these violations.¹²³

Crackdowns on minority populations, such as the Montagnards, have resulted in clear-cut violations of fundamental rights, including arbitrary arrest, imprisonment, and torture.¹²⁴ Coercion has been used to pressure Montagnards to renounce their religion and pledge loyalty to the government and the Communist Party of Vietnam.¹²⁵ Excessive force employed during protests, such as those in April 2004, resulted in deaths and injuries, with restrictions placed on travel and public gatherings in the aftermath.¹²⁶ In the years since, these violations have persisted in creating an environment of fear and repression within ethnic minority communities.

The events following mass protests in Vietnam in February 2001, particularly in the Central Highlands, exemplified the government’s use of force to suppress dissent.¹²⁷ The authorities responded with a massive show of force, arresting hundreds of highlanders and subjecting them to torture and imprisonment.¹²⁸ The violations of fundamental human rights continued even a year after the unrest, with increased surveillance, tightened security measures, and intensified repression against minority Christians.¹²⁹

RISK FACTOR 2: RECORD OF SERIOUS VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW

The Vietnamese government's refusal, limitation, or deterrence of access to the Central Highlands by foreign organisations concerned with human rights has been described as an attempt to conceal ongoing religious and political persecution taking place throughout this region.¹³⁰ The restrictions on access to the area prevent a thorough assessment of the human rights situation, highlighting the government's apparent unwillingness to address these issues transparently.¹³¹

Furthermore, the government's restrictions on public debate and criticism, severe limitations on press freedom, and crackdowns on opposition political groups have contributed to a climate of fear and restriction of basic freedoms.¹³² The law restricting freedom of assembly, arbitrary arrests, and mistreatment of highlanders, including the confiscation of their land without compensation, reveal a broader pattern of the potential for human rights abuses.¹³³

The reports of Vietnamese authorities encouraging and inciting violence against ethnic minority populations, including the recent machete attack on a Montagnard family, raise serious concerns about the government's complicity in human rights violations.¹³⁴ The authorities' promotion of violence and their failure to investigate charges against attackers contributes to a culture of impunity and allows such abuses to persist.¹³⁵

Indicator 2.6 details a pattern of justification, biased accounts, and denial of serious violations emerging as a disturbing indicator of the challenging human rights landscape in Vietnam. Vietnam's treatment of the Montagnards further exemplifies the government's inclination to justify its actions, presenting inclusion in policymaking as a façade of respect for minority rights, while simultaneous human rights violations persist unchecked.¹³⁶

Vietnam's denial of religious repression is evident in its foreign ministry's rejection of views characterising it as such.¹³⁷ The government's dismissal of concerns about national and religious repression further portrays a reluctance to acknowledge systemic issues.¹³⁸ Human Rights Watch criticised Vietnam for presenting an inaccurate picture of its human rights record at the United Nations Human Rights Council in 2019, and Vietnam's claim of implementing recommendations from the Universal Periodic Review is challenged by the stark reality of severe restrictions on religious freedom, surveillance, harassment, intimidation, and violent crackdowns on religious groups without government approval.¹³⁹

The government's justification for its crackdown on independent religious groups includes labelling them as "evil way" organisations.¹⁴⁰ The treatment of Degar Protestant congregations among Montagnards in the central highlands reveals a harsh reality of physical assault, arbitrary arrest, imprisonment, public humiliation, detention, and torture.¹⁴¹ Such accounts and denial of religious repression perpetuate a climate of fear and inhibit the free exercise of religion among ethnic minority communities.

Despite the withdrawal of the "Countries of Particular Concern" designation on Vietnam in 2006, concerns persist over religious persecution and repression.¹⁴² The crackdown on house church Christians, dissidents, and democracy advocates escalated after gaining access to the WTO and Permanent Normal Trade Relations with the United States.¹⁴³ The removal of the CPC designation has been deemed premature, with religious persecution continuing, especially in the Central Highlands.¹⁴⁴

The justification and denial of atrocities has extended to Vietnam's internet and media landscape in recent years. The introduction of a nationwide code of conduct for social media users, framed as ensuring individual freedom, is criticised for restricting freedom of speech.¹⁴⁵ The regulation closely mirrors criminal codes used to silence dissent, and international human rights organisations decry its impact on freedom of expression online.¹⁴⁶ The crackdown on bloggers and independent journalists reveals Vietnam's repressive environment, drawing parallels with China.¹⁴⁷

The comparison of Vietnam's internet freedom to China underscores the troubling trajectory of information control.¹⁴⁸ The 2018 Cyber-Security Law, mirroring a Chinese law, grants the government sweeping powers to police the internet, censor online discussion, and punish dissent.¹⁴⁹ The government's attempts to manage the narrative, especially regarding the Arab Spring, reveal concerns about potential uprisings and the need to control information.¹⁵⁰

The denial of human rights issues by Vietnamese authorities at international forums raises questions about the effectiveness of such platforms in holding governments accountable. The denial of access to international observers and the suppression of protests in the Central Highlands further underscore the challenges faced by ethnic minorities in Vietnam. Human Rights Watch's call for transparency and international observation highlights the urgency of addressing the denial and biased narratives perpetuated by the Vietnamese government.¹⁵¹

RISK FACTOR 3: WEAKNESS OF STATE STRUCTURES

Risk Factor 3 discusses the “circumstances that negatively affect the capacity of a State to prevent or halt atrocity crimes”. It makes note of the fact that when frameworks and institutions developed by the state are “guided by the rule of law and good governance principles”, they are capable of serving to protect citizens from atrocity crimes. When such establishments are inadequate or do not exist, however, the ability of a state to prevent atrocity crimes is diminished and populations are left vulnerable. Risk factors that can be appropriately attributed to the situation in Vietnam include Indicators 3.1, 3.3, 3.5, 3.6, 3.9, and 3.10.

Other Indicators under RF 3 that are not relevant to the situation of atrocity risk in Vietnam include Indicators 3.2 (national legal framework that does not offer ample and effective protection, including through ratification and domestication of relevant international human rights and humanitarian law treaties), 3.4 (lack of effective civilian control of security forces), 3.7 (a lack of awareness of and training on international human rights and humanitarian law to military forces, irregular forces and non-State armed groups), and 3.8 (a lack of capacity to ensure that means and methods of warfare comply with international humanitarian law standards).

Indicator 3.1 reveals a national legal framework that falls short in providing ample and effective protection for its citizens, particularly in the context of international human rights and humanitarian law.¹⁵² A significant risk factor contributing to this inadequacy is the weakness of state structures manifested through the non-ratification and domestication of crucial international treaties.¹⁵³ Notably absent from Vietnam’s international humanitarian commitments are ratifications to the Rome Statute and the International Convention for the Protection of All Persons from Enforced Disappearance, leaving a glaring gap in accountability for potential war crimes and enforced disappearances.¹⁵⁴ Furthermore, the State has neither signed nor ratified key agreements such as the 1951 Refugee Convention, its 1967 Protocol, the Arms Trade Treaty (ATT), and other essential instruments, undermining its commitment to international standards.¹⁵⁵

The implications of Vietnam’s non-involvement in critical international agreements are evident in the treatment of the Montagnard and Degar peoples.¹⁵⁶ The lack of ratification of the Rome Statute and other relevant treaties exposes the vulnerabilities of the Montagnards, as they are unable to seek international protection from the United Nations High Commissioner for Refugees (UNHCR).¹⁵⁷ The Royal Government of Cambodia, influenced by Vietnam, has closed refugee camps along its border, preventing UNHCR protection officers from operating outside of Phnom Penh.¹⁵⁸ The Montagnards who manage to cross the border often face immediate deportation back to Vietnam, where they are subjected to beatings, detentions, and lengthy prison terms.¹⁵⁹ Human Rights Watch has documented at least 270 cases of Montagnards being deported from Cambodia to Vietnam in 2003, highlighting the dire consequences of Vietnam’s failure to engage with international human rights mechanisms.¹⁶⁰

The situation of the Montagnards, who have faced historical persecution and continue to seek refuge, highlights the urgency of Vietnam’s engagement with international human rights mechanisms. The government’s repression of indigenous populations, especially those with religious affiliations, further underscores the need for comprehensive legal reforms and a genuine commitment to protecting minority rights.¹⁶¹ While efforts to improve the education system and promote diversity are laudable, a more inclusive approach is required to address the complex challenges faced by ethnic minorities.¹⁶²

The lack of legal protection for refugees and asylum seekers, coupled with reports of forced repatriations in collaboration with neighbouring governments, further exacerbates the human rights crisis. This situation reflects the weakness of the national legal framework in safeguarding the rights of vulnerable populations.¹⁶³ The illegitimate use of force by state authorities is another alarming issue, with security personnel known to abuse suspects and prisoners, sometimes leading to death or serious injury.¹⁶⁴ Instances like the reported mistreatment of activist Nguyễn Văn Đức Độ in Đồng Nai Province underscore the urgent need for legal reforms and enhanced protection mechanisms.¹⁶⁵

While Vietnam emphasises international cooperation to protect and promote human rights, its reluctance to ratify key conventions, including the Rome Statute, remains a glaring gap in its commitment. The government’s participation in essential international conventions on human rights is commendable, but the absence of ratification of certain treaties raises questions about its genuine dedication to upholding global standards.¹⁶⁶ Despite signing an agreement with the European Union recognising the importance of the International Criminal Court in 2012, Vietnam has yet to fulfil its commitment by becoming a state signatory to the Rome Statute.¹⁶⁷

Efforts to improve the domestic legal system are evident, with Vietnam enacting numerous domestic laws aimed at ensuring greater gender equality and protecting vulnerable groups from discrimination.¹⁶⁸ However, challenges

persist, particularly in the recognition and protection of ethnic minority rights.¹⁶⁹ While specific policies and programs for ethnic minority groups exist, they primarily focus on education, culture, and information, leaving gaps in areas such as the economy, labor, employment, and infrastructure development.¹⁷⁰ The double discrimination faced by ethnic minority women further emphasises the need for comprehensive and analytical policies that address various dimensions of their rights and well-being.¹⁷¹

Indicator 3.3 sheds light on a critical aspect of the nation’s human rights landscape—the lack of an independent and impartial judiciary. Studies comparing Vietnamese judiciaries with their Western counterparts reveal notable disparities, yet there are efforts underway by the Vietnamese government to address these shortcomings.¹⁷² The struggle for an impartial legal system is evident in the concerns raised by officials from Amnesty International and Human Rights Watch, who fear that defendants are not receiving fair trials.¹⁷³ They suggest that these trials might be a strategic move by the Vietnamese government to suppress freedom of expression, assembly, and association.¹⁷⁴ Despite these concerns, there has been no imposition of capital punishment on leaders of the movements, and political surveillance has reportedly eased over the past decade.¹⁷⁵ However, the legal system remains far from flawless, marked by ambiguous laws, political control over the judiciary, and inadequate guarantees for legal defence.¹⁷⁶ The return of refugees to Vietnam without proper safeguards raises further worries about unfair trials.¹⁷⁷

Political and human rights activists in Vietnam face harsh conditions during detention, including denial of access to medical care, legal counsel, and family contact.¹⁷⁸ Reports indicate that violence, torture, and other forms of ill-treatment are prevalent, with trials lacking basic standards of impartiality, fairness, and independence.¹⁷⁹ Confessions are frequently extracted under duress and televised, further eroding the credibility of the legal process.¹⁸⁰ Human Rights Watch highlights the systematic restriction of freedom of movement for political and human rights activists, emphasising the need for legal reforms to remove such restrictions.¹⁸¹ The difficulties faced by individuals attempting to challenge mistreatment in the courts underscore the limitations of citizens’ basic rights within the legal framework.

The case of Pham Doan Trang, a Vietnamese blogger, exemplifies the challenges faced by activists. Trang has been behind bars for over two years, with her detention believed to be linked to her coverage of human rights.¹⁸² The one-day trial resulting in her conviction for distributing “anti-state propaganda” raises questions about the impartiality and fairness of the legal proceedings.¹⁸³ The difficulties in accessing legal representation, inadequate time for defence lawyers to prepare, and expeditious trials for national security offences further emphasise the limitations of the current legal system in upholding human rights standards.¹⁸⁴

Despite a relatively positive report, human rights in Vietnam took a downturn in 2017, with at least 36 reported cases of violence against activists within the first four months of that year.¹⁸⁵ The judicial system was found to be under government control and failing to meet international standards.¹⁸⁶ The country’s vulnerability to non-violent uprisings is evident, given variables such as government corruption, lack of accountability, economic weaknesses, and government inefficiencies.¹⁸⁷ The suppression of protesters, coupled with explicit concerns raised by the Montagnard Foundation in the United States, underscores the need for a nuanced and depoliticised approach to address the concerns of the indigenous population, focusing on key issues such as land and religion.¹⁸⁸

The Vietnamese government’s approval of a new regulation, which was effective from September 1, 2022, allowing fines for journalists recording court proceedings without permission, has also raised concerns about press freedom.¹⁸⁹ The International Federation of Journalists condemns actions that may undermine this freedom and urges the Vietnamese government to avoid infringing on journalists’ rights to report on court cases.¹⁹⁰ Critics argue that the law conflicts with existing regulations and will hinder journalists’ ability to provide evidence for their reports.¹⁹¹ In a country where independent journalism is closely monitored and censored, this new regulation adds to the challenges faced by journalists, who already risk imprisonment for critical reporting on the government.¹⁹²

Indicator 3.5 is characterised by high levels of corruption that permeate various aspects of society, impacting the economy, governance, and human rights.¹⁹³ Throughout the first decade of the 21st century, Vietnam witnessed an investment boom that contributed to a per capita GDP growth rate of 5.6%.¹⁹⁴ However, this economic growth was marred by rampant corruption and a continued reliance on state-owned enterprises, signalling a pervasive issue within the nation’s economic framework.¹⁹⁵ Despite the investment influx, the share of foreign direct investment remained lower than in preceding and subsequent decades, highlighting concerns about the business environment.¹⁹⁶

Land appropriations and corruption in recent decades have triggered widespread protests, with villag-

RISK FACTOR 3: WEAKNESS OF STATE STRUCTURES

ers voicing their discontent against injustices.¹⁹⁷ These demonstrations, while periodically tolerated by authorities, indicated a persistent pattern of grievances related to land issues and corruption.¹⁹⁸ The concentration of protests in mid-2007 prompted authorities to take measures to prevent a recurrence, underscoring the underlying tension between the government and its citizens over these critical issues.¹⁹⁹

A significant challenge to combating corruption lies in the limitations faced by those who attempt to expose it. Journalists like Nguyen Hoai Nam and Phan Bui Bao Thy faced legal consequences for their reporting on corruption within the government.²⁰⁰ Nam, sentenced to three years and six months, exposed mishandling of a corruption case at the Vietnam Internal Waterways Agency, while Thy received one year of “non-custodial re-education” for criticising state leaders on social media.²⁰¹ These cases underscore the risks associated with investigative journalism and the consequences for those who dare to challenge the status quo.

Vietnam’s position in the Asia-Pacific region, particularly concerning press freedom, has deteriorated significantly.²⁰² The country now ranks as the world’s third-largest jailer of journalists, with traditional media closely controlled by the single party.²⁰³ Independent reporters and bloggers often face imprisonment, reflecting a larger trend of restrictions on press freedom in the region due to structural issues and growing authoritarianism.²⁰⁴ The government’s control over traditional media and its crackdown on independent journalists contribute to a climate of censorship, hindering the free flow of information and perpetuating a culture of corruption without adequate scrutiny.²⁰⁵

The connection between corruption and the ability of the government to control dissent is evident in Vietnam’s vulnerability to non-violent uprisings. The inability to control corruption, lack of accountability in governance, weaknesses in the economy and financial system, and government inefficiencies create an environment conducive to dissent.²⁰⁶ The government’s response to these challenges, such as restrictions on freedom of movement for political and human rights activists, further underscores the impact of corruption on civil liberties and human rights.²⁰⁷

The United States Department of State’s report on human rights in Vietnam in 2011 deemed the country “neither free nor fair”, citing corruption within the judicial and police systems as a significant contributing factor.²⁰⁸ The report highlighted inefficiencies, political influence, and endemic corruption within the judicial system, leading to concerns about police brutality, denial of fair trials, and inhumane prison conditions.²⁰⁹ The government’s response, asserting support for human rights while opposing external interference, reflects the ongoing tension between international expectations and domestic realities.²¹⁰

The economic growth that positioned Vietnam as Asia’s top-performing economy in 2020 has brought increased corruption and inequality.²¹¹ While the regime cannot afford to ban online social networks due to their role in marketing and advertising, the grievances of those left behind in the development game find an outlet on social media.²¹² Land disputes, development-related issues, and corruption, exacerbated by economic growth, are likely to fuel further dissent and protests, challenging the government’s ability to address systemic issues and create a more transparent and accountable society.²¹³

In Vietnam, **Indicator 3.6** highlights the glaring absence or inadequacy of both external and internal oversight and accountability mechanisms, leaving victims with limited recourse for their claims, particularly concerning ethnic minorities and gender-based violence (GBV).²¹⁴ Disturbingly, victims of GBV within these ethnic minorities hesitate to seek government help for crimes committed against them due to a reluctance to assist or an outright denial of the crimes.²¹⁵ The lack of effective mechanisms to address such issues is compounded by the low capacity of countries in the region, including Bangladesh, Cambodia, China, and Indonesia, to prevent gender-based atrocity crimes.²¹⁶ Despite varying degrees of support for international norms, high rates of gender-based violence, gender discrimination, shrinking civic space, and limited accountability for grave human rights violations, especially sexual and gender-based violence (SGBV) by security sector personnel, persist.²¹⁷

Gender-based atrocity crimes continue to pose risks in the Asia-Pacific region due to elevated rates of SGBV, ongoing crises and conflicts, lack of accountability for past gender-based crimes, and weak mechanisms to protect women’s rights.²¹⁸ The Women, Peace, and Security (WPS) agenda’s growing recognition is countered by low regional capacity to prevent and respond to gender-based atrocity crimes.²¹⁹ Pervasive gender-based violence, entrenched discrimination based on religious and cultural practices, limited resources for prevention measures, increasingly restrictive environments for women’s rights activism, and little accountability for grave human rights violations compound the challenges.²²⁰

RISK FACTOR 3: WEAKNESS OF STATE STRUCTURES

In Vietnam, where forecasting models indicate a vulnerability to non-violent uprisings, the inability of the government to control corruption and the lack of accountability in governance contribute to a high-risk environment.²²¹ Fundamental weaknesses in the country's economy, marked by high inflation rates, currency instability, and bureaucratic hurdles, coupled with government inefficiencies and reliance on poorly run state-owned enterprises, further contribute to adverse developments.²²²

The United Nations Committee against Torture's discussion on Vietnam raised concerns about torture, police brutality, and deaths in custody, emphasising the prevalence of these issues despite the right not to be tortured being stated in the Constitution.²²³ The absence of a separate provision on the offence of torture and the definition of torture highlighted a crucial gap in the legal framework.²²⁴ The amended Criminal Code of 2015's impact on the prosecution of torture cases was questioned, and reports indicating the prevalence of torture, police brutality, and deaths in custody raised serious doubts about the effectiveness of existing safeguards.²²⁵

Special Rapporteurs awaiting Vietnam's invitation underscored persistent human rights violations, particularly the mistreatment of ethnic minorities and land grabs.²²⁶ Excessive force and surveillance by the police against ethnic and religious minorities in rural areas were alarming trends.²²⁷ The lack of independent investigations into cases of death in custody, charges against individuals involved, and mechanisms to protect those complaining about procedural mismanagement raised serious concerns about the state of accountability and oversight in Vietnam.²²⁸

Indicators 3.9 and 3.10 both highlight a common challenge: the lack of resources for reform or institution-building, exacerbated by insufficient regional or international support.²²⁹ This shortage of resources is particularly detrimental when attempting to address overarching measures aimed at protecting populations, with a significant impact on vulnerable groups such as ethnic minorities and women facing gender-based violence.²³⁰

The Gender in Mass Atrocity Prevention Tool for Action, published by the Asia Pacific Centre for the Responsibility to Protect, identifies common risk factors for gender-based atrocity crimes.²³¹ These include the presence of conflict, gender discrimination, weak protections for women's rights, identity-based discrimination, extremist ideologies, a history of impunity for grave human rights violations, and the marginalisation or exclusion of women from atrocity prevention efforts.²³²

In the Asia-Pacific context, heightened risks of gender-based atrocity crimes are prevalent due to conditions such as armed conflict, instability, high levels of gender inequality, weak protection of women's rights, rising nationalism, violent extremism, unaccountable security actors, weak laws and institutions, shrinking space for civil society, and impunity for past crimes.²³³ The need to raise awareness of these underlying risks is apparent, and efforts must be directed toward strengthening national and regional initiatives to address them, particularly through empowering women in atrocity prevention.²³⁴ This includes tackling the "culture of gender violence" that tolerates or accepts high levels of domestic violence against women.²³⁵

Concerns persist regarding limited access to social protection, training opportunities, and financial resources for women in the agricultural and informal sectors, older women, and minority women compared to men.²³⁶ The lack of legal protection for refugees or asylum seekers, coupled with forced repatriations in collaboration with neighbouring governments, exacerbates the challenges faced by members of indigenous peoples and ethnic minorities seeking refuge.²³⁷

In Vietnam, despite not being a state signatory to the Rome Statute, there have been efforts to criminalise atrocity crimes in domestic law.²³⁸ There is, however, extensive work that needs to be done to enact more comprehensive laws to ensure gender equality and protect vulnerable groups from discrimination.²³⁹ While the education system has shown improvement through a strategic partnership with UNESCO, Vietnam remains non-signatory to critical initiatives like the Kigali Principles on the Protection of Civilians and the Code of Conduct regarding Security Council action against genocide, crimes against humanity, or war crimes.²⁴⁰

Vietnam's efforts to address human rights issues are commendable, given its history as an underdeveloped country facing wars that have drained the economy, destroyed the environment, and strained resources.²⁴¹ Socioeconomic development has been positive, but challenges persist due to the uneven distribution of resources across regions and population groups.²⁴² Vietnam faces a shortage of resources for evolution, especially in implementing policies to support and guarantee the rights of disadvantaged and vulnerable groups.²⁴³ Climate change, natural disasters, epidemics, and other non-traditional security issues pose significant challenges, particularly for vulnerable groups, underscoring the need for increased support and resources.²⁴⁴

RISK FACTOR 3: WEAKNESS OF STATE STRUCTURES

As such, the lack of resources for reform or institution-building, compounded by insufficient regional or international support, hampers efforts to protect populations and address gender-based atrocity crimes in the Asia-Pacific region, and in particular Vietnam.²⁴⁵ The vulnerability of ethnic minorities and women to violence and discrimination requires urgent attention and a commitment to empowering these communities through comprehensive legal frameworks, regional cooperation, and targeted resources.²⁴⁶ As the region grapples with these challenges, there is a pressing need for increased awareness, collaboration, and resource allocation to safeguard the rights of vulnerable populations and prevent atrocities.

RISK FACTOR 4: MOTIVES OR INCENTIVES

Risk Factor 4 under the UN R2P framework highlights the various interests that can contribute to the violation of human rights and humanitarian principles, particularly concerning ethnic minority populations in Vietnam. Economic interests, strategic military objectives, homogenisation of identity, perceived threats, and the politicisation of past grievances all intersect to create an environment where vulnerable communities face discrimination, displacement, and denial of basic rights. Addressing these risks requires a comprehensive approach that involves safeguarding land rights, promoting cultural diversity, addressing security concerns in a non-discriminatory manner, and fostering inclusive policies that protect and empower ethnic minority populations. Efforts to address these issues will be crucial in ensuring the well-being and protection of vulnerable communities in Vietnam.

Other Indicators under RF 4 that are not relevant to the situation of atrocity risk in Vietnam include Indicators 4.1 (political motives, particularly those aimed at the attainment or consolidation of power), 4.3 (strategic or military interests), 4.6 (real or perceived membership of or support for armed opposition groups by protected populations), 4.7 (ideologies based on the supremacy of a certain identity or on extremist versions of identity), and 4.9 (social trauma caused by past incidents of violence not adequately addressed).

Indicator 4.2 places a focus on economic interests, including those based on the well-being of elites or identity groups, or control over the distribution of resources.²⁴⁷ In Vietnam, economic development and poverty reduction have been remarkable over the past two decades, with the poverty rate plummeting from 58% in 1993 to approximately 14% by 2008.²⁴⁸ However, the benefits of this economic growth have not been evenly distributed, leading to an increasing wealth gap.²⁴⁹ This disparity is particularly pronounced in remote rural areas predominantly inhabited by ethnic minorities, where poverty persists, affecting approximately 65% of the poorest 10% of the population.²⁵⁰

A significant concern in these regions is the deprivation of indigenous land rights and the uprooting of indigenous and ethnic minority families who have lived and worked on the land for generations.²⁵¹ The government's actions in selling indigenous land to wealthy corporations or allocating it to individuals from the majority Kinh group exacerbate this issue.²⁵² The indigenous communities in the Vietnamese Central Highlands find themselves caught in a predicament common to indigenous minorities globally – their ancestral territories integrated into national states, and their resources appropriated by others under the guise of development.²⁵³

The historical context reveals a pattern of land-related struggles. After the partition of Vietnam in 1954, a council was established to develop plans for the Southern Highlander Country.²⁵⁴ The assumption that highlanders were “ignorant and poor” led to resettlement programs that caused unrest among the indigenous populations.²⁵⁵ The land frenzy intensified, impacting indigenous groups practicing shifting agricultural techniques.²⁵⁶ Their historical claims were disregarded, and the new system of land allocation further complicated matters, leaving many ethnic minorities confused about land tenure.²⁵⁷

Vietnam's land laws, dating back to the late 1980s, granted farming households the right to use land for a limited period.²⁵⁸ However, the state could retrieve the land for various reasons, including national defence, security, and economic development.²⁵⁹ This provision became increasingly relevant as the economy diversified, resulting in frequent land retrievals affecting millions of farming people.²⁶⁰ The government's heavy-handed tactics, such as denying basic services to those refusing to surrender land, added to the distress of affected households.²⁶¹

The establishment of new economic zones and migration programs in traditionally inhabited ethnic minority areas further exacerbated the situation. By the early 2000s, local indigenous people represented only 26% of the Central Highlands population, with as much as 60% reported having no production land.²⁶² The influx of Kinh people and the concentration of fertile land in the hands of immigrants created a landscape where indigenous households struggled to access resources vital for their livelihoods.²⁶³

RISK FACTOR 4: MOTIVES OR INCENTIVES

Land grabs disproportionately affect ethnic minorities and indigenous peoples, who are less likely to be adequately compensated.²⁶⁴ Discrimination based on ethnicity compounds the challenges faced by these communities.²⁶⁵ The term “dan oan”, or “wronged people”, has emerged to describe those forced off their land, reflecting the widespread nature of such injustices.²⁶⁶

In response to these challenges, Vietnam implemented the Socio-economic Development for the Communes Facing Greatest Hardships in the Ethnic Minority and Mountainous Areas, known as Program 135.²⁶⁷ This poverty reduction program aimed to improve the living conditions of ethnic minority households by addressing poverty rates, income levels, agricultural productivity, and education enrolment rates.²⁶⁸ However, the effectiveness of such programs in mitigating the impact of land-related issues remains a subject of scrutiny.²⁶⁹

The situation in Vietnam’s Central Highlands reflects a complex interplay of economic interests, environmental concerns, and social justice. The economic transformation that has elevated Vietnam on the global stage has simultaneously marginalised indigenous communities. The depletion of natural resources, coupled with land-related conflicts, poses a threat not only to the well-being of ethnic minorities but also to the ecological balance of the region.²⁷⁰

Indicator 4.4 underscores the existence of interests aimed at rendering an area homogeneous in its identity, relating into the state-sponsored movements of Kinh majority families into primarily ethnic minority regions, all in the pursuit of modernising ethnic minority culture.²⁷¹ One such poignant example is Van Chan, a district that stands among the most remote and impoverished in the Yen Bai province.²⁷² Despite being home to 18 ethnic groups, with the Kinh comprising 34.3%, the district has faced economic challenges, with 16 of its 31 communes included in the national program for hunger and poverty alleviation.²⁷³ The post-1960s influx of the Kinh majority to Van Chan, primarily from the Red River Delta, further underscores the intention to reshape the cultural landscape.²⁷⁴ This migration has resulted in a complex demographic makeup where indigenous ethnicities coexist with newcomers, mirroring the broader dynamics of ethnic relations in Vietnam.²⁷⁵

The economic disparities and challenges faced by ethnic minority regions are starkly evident. Despite Vietnam’s overall economic prosperity, ethnic minority regions are often considered to be “lagging behind”.²⁷⁶ The agrarian transition, touted as a symbol of progress, has had little impact on poverty indicators in these uplands.²⁷⁷ The World Bank notes that ethnic relations have not significantly changed over time, with Kinh still holding fairly prerogative views of Hmong and other uplanders.²⁷⁸ Data from the Vietnam Household Living Standards Survey further supports the notion that Kinh households in the uplands are more likely to have improved living standards compared to ethnic minorities.²⁷⁹ The overarching theme is one of economic development proceeding in tandem with a lack of cultural understanding and appreciation for ethnic diversity.

The government’s approach to ethnic minorities is often characterised as “schizophrenic”, oscillating between calls for respect for differences and policies of forced assimilation.²⁸⁰ The tension is palpable, manifested in the struggle between preserving ethnic minorities’ “quaint” customs while simultaneously attempting to modernise and assimilate them.²⁸¹ Despite overarching national policies, the implementation often falls short of addressing the unique needs and cultural contexts of ethnic minority groups.²⁸² The consequences are starkly visible, as evidenced by the statement that “most upland ethnic minorities have little benefited” from the changes brought about by renovation policies.²⁸³ They continue to grapple with disease, lack of clean water, low literacy rates, and low incomes.²⁸⁴

Education, considered a key driver of socio-economic development, also reflects the challenges faced by ethnic minorities.²⁸⁵ While laws such as the one on the Universalisation of Primary Education in 1991 aimed to preserve local languages and facilitate learning, the practical implementation falls short.²⁸⁶ Instruction in Vietnamese remains the norm, relegating ethnic minority languages to supplementary roles rather than being the medium of instruction.²⁸⁷ The struggle for cultural preservation is further exemplified by the Cham ethnic group, which developed its own writing system based on Sanskrit.²⁸⁸ However, government policies mandating the use of Vietnamese in education, commerce, and public activities place the Cham language at risk of eradication.²⁸⁹

The portrayal of upland communities as using “backward” agricultural practices and being “ignorant” about modern techniques further perpetuates stereotypes.²⁹⁰ Government officials and media often depict them as lacking aptitude for business and market interactions. Such narratives, present throughout history, paint a picture of minority groups as illiterate, ignorant of the commodity economy, and mired in poverty.²⁹¹ These ingrained perceptions hinder the development of inclusive policies that recognise and build upon the strengths of ethnic minority communities.²⁹²

The historical context of land use and migration patterns adds another layer to the narrative. The establishment of new economic zones in traditionally inhabited ethnic minority areas, coupled with planned migration programs, has altered the access to land for indigenous populations.²⁹³ In the Central Highlands, once predominantly inhabited by indigenous minorities, the influx of Kinh people has led to a significant demographic shift.²⁹⁴ By the early 2000s, local indigenous households faced challenges with access to production land, as much of it was in the hands of immigrants.²⁹⁵

Communist ideology, while presenting itself as an agent of progress, has also been a source of tension.²⁹⁶ The assimilation policies enacted to eliminate the cultural identity of the Degar people, coupled with coercive birth-control programs and the repression of Christianity, exemplify the state's attempts to reshape minority cultures.²⁹⁷ Such actions raise questions about the balance between state-making processes and the preservation of cultural diversity.²⁹⁸

The intertwining of land-tenure policies with interventions that block security-oriented livelihood strategies illuminates the systemic challenges faced by ethnic minority groups.²⁹⁹ Forced integration into sedentary paddy rice production serves as a means of assimilation, eroding the cultural fabric of forest farmers.³⁰⁰ The limitations imposed on land use, coupled with poverty, restrict the choices available to minority families, making a diversified livelihood incorporating Non-Timber Forest Products (NTFPs) unattainable.³⁰¹

Indicator 4.5, which highlights real or perceived threats posed by protected groups against the interests of perpetrators, finds stark resonance in the perception of Montagnards as traitors to Vietnamese homogeneity due to their historical loyalty to American forces during the Vietnam War.³⁰² This perception has fuelled a series of crackdowns where authorities have committed blatant violations of fundamental rights, resorting to arbitrary arrests, imprisonment, and torture.³⁰³ The coercive measures employed extend to compelling Montagnards to renounce their religion, pledge allegiance to the government and the Communist Party of Vietnam, and participate in self-criticism sessions where they are forced to denounce Christianity and pledge loyalty to "Uncle Ho".³⁰⁴

Human Rights Watch reports continue to document instances of authorities forcing Montagnard villagers to abandon Christianity and cease political or religious activities.³⁰⁵ The repressive tactics include mandatory public denunciation sessions, forced renunciation ceremonies, and beatings of pastors.³⁰⁶ Such crackdowns, marked by excessive use of force, have led to deaths and injuries during protests and in police custody.³⁰⁷ The modus operandi of authorities involves questioning Montagnards about their religious and political activities, accusing them of allegiance to exile organisations, and actively discouraging any attempts to flee Vietnam.³⁰⁸

The politicisation of past grievances and tensions, as indicated in **Indicator 4.8**, is evident in the long-standing history of Montagnards opposing "communist Hanoi" and fighting alongside American forces during the Vietnam War.³⁰⁹ The government's repression is rooted in its refusal to recognise the rights of Montagnards, viewing them as a state enemy.³¹⁰ The accusatory tone centres on charges of government opposition and separatism, echoing back to the Vietnam War when Montagnards aligned themselves with the United States in their pursuit of an independent state.³¹¹

The tensions between majority and minority populations are further compounded by the state's so-called "schizophrenic" approach.³¹² On one hand, the government calls for respect for differences, yet concurrently pursues forced assimilation strategies.³¹³ This tension is palpable in the treatment of ethnic minorities, characterised by an attempt to preserve their "quaint" customs while simultaneously implementing plans to modernise and assimilate them.³¹⁴

The Central Highlands, home to the Montagnards, is a region fraught with historical and contemporary tensions between minority groups and the majority Vietnamese.³¹⁵ The fertile farmland in this area, coupled with the world's second-largest coffee production, has prompted the central government to encourage ethnic Vietnamese migration to the region.³¹⁶ The clash between preserving ethnic identity and the government's agenda to settle and develop the area reflects the broader struggle for a harmonious coexistence.³¹⁷

As the situation unfolds, the international community, represented by organisations like the UNHCR, plays a crucial role in addressing the troubles and tensions in the Central Highlands.³¹⁸ Despite émigré organisations facing blame for the region's issues, it is the involvement of external organisations like UNHCR and international NGOs that can significantly impact reducing tensions.³¹⁹ The call for Vietnam to learn from other countries' experiences with minority development and refugee reintegration underscores the importance of global collaboration in addressing the complex web of issues in the Central Highlands.³²⁰

RISK FACTOR 5: CAPACITY TO COMMIT ATROCITY CRIMES

Risk Factor 5 under the UN R2P framework addresses the capacities of states to commit atrocity crimes. It denotes that in order to be able to engage in such conduct, whether they extend from war crimes all the way to the level of a genocide, “actors aiming at committing atrocity crimes must have at their disposal the necessary, substantial resources and support, either internal or external”. Despite the numerous other indicators applicable to Vietnam throughout this risk assessment, this risk factor remains the smallest section, with only one indicator found to be present, being Indicator 5.4.

Other Indicators under RF 5 that are not relevant to the situation of atrocity risk in Vietnam include Indicators 5.1 to 5.3, and 5.5 to 5.8.

Indicator 5.4, when applied to the context of Vietnam, highlights the prevailing culture of obedience to authority and group conformity is reflected in the governmental emphasis on cultural homogeneity and state loyalty.³²¹ Official development policies in mountainous areas, constituting nearly three-quarters of the country’s surface, are crafted based on the social and economic structures of the Kinh people, the dominant ethnicity.³²² However, this approach marginalises the diverse ethnic minorities residing in these regions, whose distinct livelihoods and social organisations are overlooked in the pursuit of a homogenous governance model.³²³ This assimilation process, aimed at creating a unified state, is perceived by some as an assimilation of ethnic minorities into the mainstream majority.³²⁴

Vietnam is home to 54 ethnic groups, with the Kinh comprising 84% of the population.³²⁵ Many ethnic minorities, except the Hoa (Chinese) group, are disproportionately poor and inhabit remote locations.³²⁶ Despite being considered a national treasure for their rich cultural diversity, ethnic minorities have historically faced assimilation attempts through extensive reform programs.³²⁷ Efforts, such as the Ministry of Health’s Programme 135, prioritise economic evaluation over cultural preservation, further contributing to the contradictory official standpoint on ethnic minorities.³²⁸ These groups are often portrayed as “backward” and “deficient” in official reports and national media, yet simultaneously celebrated for their rich culture during festivals and in tourist commercials.³²⁹

Communist ideology has played a significant role in suppressing ethnic minority cultures, particularly the Degar people, by deeming their culture “backward” and implementing assimilation policies.³³⁰ In the 1990s, coercive birth-control programs targeted the Degar population, using threats, fines, and financial incentives to enforce surgical sterilisation.³³¹ Simultaneously, Vietnam sought to eliminate their religion through the “Plan 184”, involving the repression of Christianity, including ceremonies where Degars were forced to renounce their faith.³³²

The policies directed towards ethnic minorities in Southeast Asia, including Vietnam, often exhibit a “schizophrenic” nature.³³³ Governments may publicly call for respect for differences while concurrently pursuing assimilation policies.³³⁴ In Vietnam, this tension manifests in the portrayal of ethnic minorities as static cultures with “quaint” customs, while the underlying objective is to modernise and reduce their tradition-bound nature.³³⁵

The difficulties faced by ethnic minorities in their relations with the states they inhabit can be attributed to arrogance, ethnocentrism, assimilationist policies, and the lasting impacts of colonial divide-and-rule strategies.³³⁶ This complex dynamic is a result of the struggle between preserving cultural diversity and the state’s efforts to modernise and integrate minority populations.³³⁷

In a statement, Vietnam’s Ambassador to the United Nations Nguyen Quy Binh emphasised the economic and social reforms that enabled Vietnam to integrate successfully into the world and consolidate people’s rights and equality.³³⁸ While acknowledging that racial discrimination is not a significant problem in the country, the government remains vigilant in addressing the issue to promote sustainable development, national unity, and social cohesion.³³⁹

However, recent events highlight the authoritarian nature of the Vietnamese state, as a court in the Central Highlands sentenced eight ethnic minority Montagnards affiliated with an unregistered Catholic church to prison terms ranging from three to eleven years for allegedly “undermining unity”.³⁴⁰ This harsh response underscores the challenges ethnic minorities face in maintaining their cultural identities and religious practices within the confines of an authoritarian regime.³⁴¹ As Vietnam continues to navigate the delicate balance between unity and diversity, the fate of ethnic minorities remains a critical aspect of the nation’s ongoing socio-political landscape.

RISK FACTOR 6: ABSENCE OF MITIGATING FACTORS

Risk Factor 6 under the framework of analysis discusses the “absence of elements that, if present, could contribute to preventing or to lessening the impact of serious acts of violence against protected groups, populations or individuals”. This risk factor encourages the observation of a “convergence of elements”, both direct and indirect, that may contribute to an escalation of violence to the point of atrocity crimes occurring. Indicators found to be applicable to the Vietnam case include Indicators 6.1, 6.2, 6.3, 6.4, 6.7, and 6.10.

Other Indicators under RF 6 that are not relevant to the situation of atrocity risk in Vietnam include Indicators 6.5 (lack of membership and effective participation of the State in international or regional organisations that establish mandatory membership obligations), 6.6 (lack of exposure, openness or establishment of political or economic relations with other States or organisations), 6.8 (lack of incentives or willingness of parties to a conflict to engage in dialogue, make concessions and receive support from the international community), 6.9 (lack of interest, reluctance or failure of United Nations Member States or international or regional organisations to support a State to exercise its responsibility to protect populations from atrocity crimes), and 6.11 (lack of an early warning mechanism relevant to the prevention of atrocity crimes).

Indicators 6.1, 6.2, and 6.3 all highlight the limited or lack of empowerment processes, resources, allies, or other elements that could contribute to the ability of protected groups, populations, or individuals to protect themselves, including a free independent national media source, and access to international media.³⁴² Unfortunately, these indicators find a stark illustration in the state of affairs in Vietnam, where the authorities have intensified their crackdown on the use of social media for online activism and imposed severe censorship measures.³⁴³ Critics of the government, daring to voice dissent, face a chilling array of reprisals, ranging from police intimidation and harassment to restricted movement, arbitrary arrest and detention, and imprisonment following unfair trials.³⁴⁴

The situation in Vietnam is alarming, with more than 160 individuals currently held in prison for peacefully exercising their basic civil and political rights.³⁴⁵ The judicial system, under the control of the ruling party, has been implicated in sentencing bloggers and activists to prolonged prison terms on baseless national security charges.³⁴⁶ These political detainees are often held for months without access to legal counsel, enduring abusive interrogations that violate their fundamental rights.³⁴⁷

During the first nine months of 2022, at least 27 people were convicted for expressing criticism of the government or advocating for human rights, environmental protection, or democracy causes.³⁴⁸ Among them were notable figures such as citizen journalist Le Van Dung and democracy activist Dinh Van Hai, both of whom faced the wrath of the authorities for daring to speak out against injustice.³⁴⁹

The Vietnamese government’s draconian measures extend beyond targeting individuals to stifling any semblance of independent or privately owned media outlets.³⁵⁰ Rigorous control is imposed over radio and television stations, and print publications, with websites routinely blocked and blogs shut down at the authorities’ discretion.³⁵¹ Internet service providers are coerced into removing content or social media accounts deemed politically unacceptable, further tightening the noose on free expression.³⁵²

The level of repression has led international human rights organisations to denounce Vietnam as one of the most oppressive environments globally in terms of freedom of expression online.³⁵³ Amnesty International, in a November 2020 report titled “Let Us Breathe—Censorship and Criminalisation of Online Expression in Vietnam”, highlighted the government’s ruthless tactics, emphasising how the criminal codes are manipulated to justify imprisoning individuals engaged in activities perceived as threatening to the state’s interests.³⁵⁴

The dismal state of press freedom in Vietnam is underscored by its ranking of 175 out of 180 in the Reporters Without Borders 2020 World Press Freedom Index.³⁵⁵ Nearly all media outlets in the country are state-owned and controlled, and censorship extends even to foreign broadcasters and publications.³⁵⁶ In April 2016, the National Assembly passed a media law that further curtailed press freedom, solidifying the government’s grip on information dissemination.³⁵⁷

Indicator 6.4 sheds light on the lack of or limited presence of international actors, including the United Nations (UN) and international non-governmental organisations (INGOs), in a country, coupled with restricted access to populations.³⁵⁸ In the context of Vietnam, this indicator is glaringly evident as the government continues to impede the free exercise of religion, particularly targeting independent and religious organisations.³⁵⁹ A plea is directed towards the Vietnamese government, urging them to grant autonomy to all independent religious entities, allowing them to freely conduct religious activities and govern themselves.³⁶⁰ The call extends to churches and

RISK FACTOR 6: ABSENCE OF MITIGATING FACTORS

denominations not aligning with officially authorised religious organisations, asserting their right to operate independently without interference.³⁶¹

The need for accountability is emphasised in the demand to investigate and punish those responsible for violence against religious believers.³⁶² Instances such as the violent suppression of the April 2004 protests by Montagnards in the Central Highlands and reports of torture, beatings, and killings of Montagnards in police custody, jails, prisons, and re-education camps cannot be ignored.³⁶³ The plea underscores the necessity of impartial investigations and the prosecution of individuals involved in such human rights abuses.³⁶⁴

The call for transparency and international scrutiny is further emphasised by urging the Vietnamese government to permit outside experts, including those from the UN and independent international human rights organisations, to have unfettered access to religious groups in Vietnam.³⁶⁵ This access is deemed crucial for shedding light on the conditions faced by members of denominations not officially recognised by the government.³⁶⁶ However, the government's attempts to conceal religious persecution in the Central Highlands from international attention are evident in its repeated refusals, limitations, or deterrents preventing foreign organisations concerned with human rights from accessing the area.³⁶⁷

The plea extends beyond religious freedom to encompass broader human rights concerns in the Central Highlands. Calls for outside observers, including United Nations agencies, NGOs focused on human rights, and foreign diplomats, to have unhindered access to the Central Highlands are crucial.³⁶⁸ This includes specific access to communes and villages from which Montagnards have recently departed to seek asylum abroad.³⁶⁹ The importance of ensuring no retribution or retaliation against those who communicate with outside observers is stressed, highlighting the vulnerable position of those speaking out against human rights abuses.³⁷⁰

International condemnation has also emerged, with a leading human rights group, Human Rights Watch, criticising Vietnam for violently suppressing a protest by minority tribespeople in the Central Highlands.³⁷¹ The group has called for immediate access for international observers to the region, emphasising the urgency of addressing the human rights situation.³⁷² Diplomatic efforts from the United States and Italian embassies in recent decades have further underscored the international community's concern, seeking access for delegations and journalists to the affected areas and advocating for increased transparency.³⁷³

Indicator 6.7 highlights the limited cooperation of the State with international and regional human rights mechanisms in Vietnam.³⁷⁴ The issuance of a decree on August 31, 2023, raises concerns as it restricts the activities of international non-governmental organisations (NGOs) within the country.³⁷⁵ The decree explicitly prohibits actions deemed contrary to “national interests, laws, national defence, security, social order and safety”, as well as “social ethics, national fine customs and practices, national traditions, identity, or great national unity” without providing clear definitions for these terms.³⁷⁶ Violations of these ambiguous provisions could result in the forced closure of NGOs, creating an environment where international organisations may find it challenging to operate freely and effectively.³⁷⁷

Despite these restrictions, Vietnam has expressed efforts to enhance its legal framework and engage in international cooperation to protect and promote human rights.³⁷⁸ The country has become a member of essential international conventions on human rights, including the Covenant on Civil and Political Rights (1982), Convention on Economic, Social and Cultural Rights (1982), Convention on the Elimination of All Forms of Discrimination against Women (1982), Convention on the Elimination of All Forms of Racial Discrimination (1982), Convention on the Rights of the Child (1990), Convention on the Rights of Persons with Disabilities (2015), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2015).³⁷⁹ Additionally, Vietnam has joined various other international treaties related to human rights, international humanitarian law, and the International Labor Organisation (ILO) conventions on human rights, humanitarian charter, and the protection of worker rights.³⁸⁰ These conventions have been incorporated into the Vietnamese legal system, reflecting a commitment to international standards despite challenges to cooperation with certain human rights mechanisms.³⁸¹

Indicator 6.10 underscores the lack of support by neighbouring states to protect populations at risk and in need of refuge, with a focus on the plight of the Montagnard ethnic minority group in Vietnam.³⁸² Almost 50 Montagnards fled Cambodia for Thailand as they feared repatriation to Vietnam after the Interior Ministry in Cambodia began rejecting some of their asylum claims.³⁸³ This exodus is rooted in the longstanding religious and political persecution faced by the Montagnards in Vietnam's Central Highlands, prompting their arrival in Cambodia in 2014 and 2015.³⁸⁴

RISK FACTOR 6: ABSENCE OF MITIGATING FACTORS

The Montagnards, named by French colonialists as “mountain people” recount harrowing experiences, with one asylum seeker describing crossing the border into Cambodia in 2015 after being detained and tortured by Vietnamese authorities.³⁸⁵ Thailand, like Cambodia, is not a signatory to the United Nations’ 1951 Convention Relating to the Status of Refugees or its 1967 Protocol, leaving the Montagnards without legal rights regardless of their registration with the United Nations’ refugee agency, UNHCR.³⁸⁶

The historical context adds complexity to the situation as the Vietnamese government, suspicious of its internal minorities, has occasionally viewed them with apprehension, especially during regional conflicts like the war with China and the invasion of Cambodia in 1979.³⁸⁷ Discrimination and harassment against minorities during these times led to forced displacement, exacerbating the challenges faced by ethnic groups such as the Montagnards.³⁸⁸

Reports of torture and ill-treatment of Montagnards in Vietnamese prisons further amplify the urgency of their situation. Amnesty International’s 2016 report detailed instances of arrests and persecution, with Montagnards facing beatings, daily torture sessions, and even enforced disappearances.³⁸⁹ The fallout from these events has persisted, with Montagnards leaving Vietnam to seek asylum in neighbouring countries such as Cambodia and Thailand, where they face deportation and further mistreatment.³⁹⁰

The challenges extend to Cambodia, where the Royal Government has closed refugee camps and restricted UNHCR operations outside Phnom Penh, succumbing to pressure from Vietnam.³⁹¹ This has resulted in the deportation of Montagnards back to Vietnam, where they face beatings, detention, and lengthy prison terms.³⁹² The closure of the Montagnard refugee centre in Phnom Penh in 2011 further limited options for those seeking refuge.³⁹³

The international community, represented by the United Nations, has criticised Cambodia for failing in its treaty obligations regarding the treatment of Montagnards.³⁹⁴ Cambodia’s categorisation of Montagnard asylum-seekers as illegal migrants, in violation of the 1951 Refugee Convention, exacerbates their vulnerability.³⁹⁵ As Cambodia orders the repatriation of Christian Montagnards to Vietnam, tensions rise, with claims of arrests and torture upon practicing their religion.³⁹⁶

RISK FACTOR 7: ENABLING CIRCUMSTANCES OR PREPARATORY ACTION

Risk Factor 7 discusses the occurrence of any “events or measures, whether gradual or sudden, which provide an environment conducive to the commission of atrocity crimes, or which suggest a trajectory towards their perpetration”. This focus highlights the fact that atrocity crimes are not instantaneous events — they take governments or groups time to plan, coordinate, and implement. These measures are not always direct acts of violence, and include acts such as the introduction of oppressive legislation and restrictions on communication channels. Applicable Indicators under this risk factor include Indicators 7.6, 7.7, 7.9, and 7.11.

Other Indicators under RF 7 that are not relevant to the situation of atrocity risk in Vietnam include Indicators 7.1 to 7.6, 7.8, 7.10, and Indicators 7.12 to 7.14.

Indicator 7.6 relates to the imposition of strict control on communication channels and the banning of access to certain platforms, with Vietnam becoming one of the most repressive environments for freedom of expression online, as highlighted by human rights group Amnesty International in a November 2020 report titled “Let Us Breathe—Censorship and Criminalisation of Online Expression in Vietnam”.³⁹⁷

The Vietnamese government’s approach to internet freedom draws parallels with China, often landing the country on the “state enemies of the internet” list alongside authoritarian regimes like China, Iran, and Syria.³⁹⁸ This is not merely a coincidence, as Vietnam has increasingly aligned itself with China both ideologically and economically.³⁹⁹ The enactment and enforcement of the 2018 Cyber-Security Law, closely resembling its Chinese counterpart, grants the Vietnamese government extensive powers to police the internet, scrutinise personal information, censor online discussions, and penalise dissenting voices.⁴⁰⁰

Vietnamese authorities have demonstrated a willingness to utilise social media platforms, notably Facebook, for their disinformation campaigns.⁴⁰¹ The collaboration between Facebook, Google, and Vietnamese authorities has raised concerns about the shrinking space for online activism in Vietnam.⁴⁰² The government’s demands for the removal of “toxic content” from these platforms, coupled with the compliance of major tech giants, has emboldened censorship methods and raised questions about the future of digital activism in the country.⁴⁰³

RISK FACTOR 7: ENABLING CIRCUMSTANCES OR PREPARATORY ACTION

A crucial element in the government's control apparatus is a specialised force of cyber-warriors, described as "well qualified and loyal", actively engaging in monitoring and controlling online content.⁴⁰⁴ However, critics argue that their primary objective is to spread smear campaigns against government opponents, showcasing the blurred lines around terms like "fake news", "trash information", and "toxic content".⁴⁰⁵ Authorities block access to websites, request content removal from social media and telecommunications companies, and intimidate, harass, and arrest those critical of the one-party regime.⁴⁰⁶

Vietnam's problematic cybersecurity law, which took effect in January 2019, grants authorities broad discretion to censor free expression and mandates the swift removal of content deemed offensive.⁴⁰⁷ Civil society reports indicate that a significant percentage of prisoners of conscience in Vietnam are incarcerated due to their social media activity.⁴⁰⁸ Global social media platforms have been increasingly compliant with Vietnam's restrictive freedom of speech laws, raising concerns about their adherence to universal standards and their own codes of conduct.⁴⁰⁹

The country's dismal ranking of 175 out of 180 in the Reporters Without Borders 2020 World Press Freedom Index reflects the tight control exerted over media outlets, almost all of which are state-owned.⁴¹⁰ The government's restrictions on independent or privately owned media outlets, coupled with the passage of restrictive media laws, further constrict the space for free expression in Vietnam.⁴¹¹

The one-party state, dominated by the Communist Party of Vietnam (CPV), tightly restricts freedom of expression, religious freedom, and civil society activism.⁴¹² The internet, once considered a potential avenue for dissent, has faced increased scrutiny with the enforcement of the 2019 cybersecurity law.⁴¹³ Facebook, a platform that initially provided an alternative space for expression, has succumbed to government pressure, removing content and facing threats of exclusion from the Vietnamese market.⁴¹⁴

The government's tightening grip on online spaces continued in 2021, with restrictions on independent unions, political organisations, and sensitive political websites.⁴¹⁵ Prohibitions on dissenting voices and pressures on social media platforms to comply with censorship demands have intensified.⁴¹⁶ In this authoritarian landscape, the Vietnamese authorities have recognised the potential of social media not only as a tool for public criticism but also as a catalyst for collective action and protests.⁴¹⁷

The creation of a 10,000-strong cyber military unit, known as Force 47, underscores the government's commitment to manipulating online discourse and enforcing the party line.⁴¹⁸ The introduction of national guidelines on social media behaviour further emphasises the desire to control narratives, encouraging positive content and requiring state employees to report conflicting information.⁴¹⁹ The ambiguity surrounding the legal enforceability of these guidelines mirrors the broader uncertainty surrounding laws in the country.⁴²⁰

The arrest of prominent activist and journalist Le Van Dung in July 2021 exemplifies the government's crackdown on dissenting voices, particularly those utilising social media platforms for advocacy.⁴²¹ As more Vietnamese citizens turn to social media to voice their concerns, the ruling Communist Party has shifted its focus to digital platforms, employing both legal measures and cyber forces to stifle dissent.⁴²²

In September 2022, Reuters reported the Vietnamese government's plans to tighten control over news-related content on social media accounts, indicating a further escalation in censorship efforts.⁴²³ The government's insistence on removing "misinformation" and "false news" within 24 hours, coupled with the reduction of the take-down period for big tech firms, showcases a persistent commitment to controlling online narratives.⁴²⁴

Despite global condemnation and efforts to curb internet freedom, Vietnam's score of 22 out of 100 in the Freedom on the Net 2022 report indicates the country's continued restrictions on online expression.⁴²⁵ The proposed amendment to the Telecommunications Law, requiring social media networks to confirm user identities, raises concerns about privacy and the potential for increased persecution of government critics.⁴²⁶

Indicator 7.7 relates to the expulsion or refusal to allow the presence of NGOs, international organisations, media or other relevant actors, or imposition of severe restrictions on their services and movements.⁴²⁷ In 2022, Vietnam intensified its crackdown on NGO activists, exemplifying a concerning trend of restricting civil society and international organisations.⁴²⁸ Courts handed down convictions to prominent figures such as journalist Mai Phan Loi, environmental lawyer Dang Dinh Bach, and environmental defender Nguy Thi Khanh, all on politically motivated charges related to alleged tax evasion, resulting in their imprisonment.⁴²⁹ This punitive approach towards individuals advocating for environmental causes and journalistic freedom reflects a broader pattern of repression within the country.⁴³⁰

RISK FACTOR 7: ENABLING CIRCUMSTANCES OR PREPARATORY ACTION

A significant development in this restrictive landscape is the issuance of a decree on August 31, 2022, which places stringent limitations on international nongovernmental organisations (NGOs) operating in Vietnam.⁴³¹ The decree explicitly prohibits activities that run counter to “national interests, laws, national defence, security, social order and safety”, as well as those conflicting with “social ethics, national fine customs and practices, national traditions, identity, or great national unity” of Vietnam.⁴³² What exacerbates the situation is the lack of clear definitions for these terms in the decree, leaving room for subjective interpretations.⁴³³ NGOs found in violation of these broadly defined provisions face the threat of immediate closure, further curtailing the space for civil society engagement.⁴³⁴

The regulatory framework surrounding foreign non-governmental organisations in Vietnam is detailed in the decree on the Registration and Management of Operations of Foreign Non-Governmental Organisations.⁴³⁵ This legal instrument outlines the registration process for foreign NGOs, specifying the responsibilities of relevant agencies and organisations in issuing registration certificates and managing their operations within Vietnam.⁴³⁶ While the decree encourages and creates favourable conditions for foreign NGOs to carry out humanitarian and development activities, it also underscores the government’s commitment to ensuring these activities align with its defined national interests.⁴³⁷

Article 5 of the decree enumerates prohibited acts, explicitly forbidding NGOs from organising, sponsoring, or participating in religious and other activities deemed contrary to Vietnam’s national interests, laws, defence, security, and social order.⁴³⁸ The broad and vaguely defined restrictions pose a significant challenge to NGOs seeking to operate in Vietnam, as their activities may be subject to interpretation and scrutiny by the authorities.

Furthermore, the decree outlines conditions under which the registration certificate of a foreign NGO may be terminated, with one of the primary reasons being a violation of the prohibitions specified in Article 5.⁴³⁹ This provision gives Vietnamese authorities the authority to shut down NGOs deemed to have transgressed the broadly defined boundaries, raising concerns about the potential for arbitrary enforcement and lack of due process.⁴⁴⁰

The call for permitting unhindered access to the Central Highlands, particularly for outside observers such as United Nations agencies, human rights-focused NGOs, and foreign diplomats, serves as a plea for transparency and accountability.⁴⁴¹ This request emphasises the importance of ensuring that individuals, particularly Montagnards seeking asylum abroad, are free from retribution or retaliation when communicating with outside observers.⁴⁴² This call reflects a broader concern about the lack of transparency and accountability in regions like the Central Highlands and underscores the need for international scrutiny to safeguard the rights and well-being of vulnerable populations.⁴⁴³

Indicator 7.9 addresses serious acts of violence against women and children, or creation of conditions that facilitate acts of sexual violence against those groups, including as a tool of terror.⁴⁴⁴ The Gender in Mass Atrocity Prevention Tool for Action, released in 2019 by the Asia Pacific Centre for the Responsibility to Protect (APR2P), sheds light on the prevalent risk factors for gender-based atrocity crimes in the Asia-Pacific region.⁴⁴⁵ These risk factors include the presence of conflict and instability, entrenched gender discrimination coupled with weak protections for women’s rights and against sexual and gender-based violence (SGBV), identity-based discrimination, extremist ideologies, a history of impunity for human rights violations, particularly SGBV, and the marginalisation or exclusion of women from atrocity prevention efforts.⁴⁴⁶ Despite varying degrees of international norm support, countries in the Asia Pacific, including Bangladesh, Cambodia, China, Fiji, and Indonesia, face challenges in preventing gender-based atrocity crimes.⁴⁴⁷ The region grapples with high rates of gender-based violence, gender discrimination, shrinking civic space, and limited accountability for grave human rights violations, including those committed by security sector personnel.⁴⁴⁸

The risks for gender-based atrocity crimes remain elevated in the Asia-Pacific due to the pervasive rates of SGBV, ongoing crises and conflicts, a lack of accountability for past gender-based crimes, and weak mechanisms to promote and protect women’s rights.⁴⁴⁹ While there is a growing recognition of the Women, Peace, and Security (WPS) agenda as a crucial mechanism for conflict prevention and countering violent extremism, the capacity of countries in the region to prevent and respond to gender-based atrocity crimes remains low.⁴⁵⁰ This is compounded by entrenched gender-based discrimination, resource limitations, increasingly restrictive environments for women’s rights activism, and the absence of accountability for human rights violations, especially SGBV perpetrated by security sector personnel.⁴⁵¹

Vietnam’s delegation to the Committee on Elimination of Racial Discrimination was required to pro-

vide answers to growing concerns about forced sterilisation of women, a widely reported issue raised by NGOs representing women's interests.⁴⁵² The Committee sought further information on this matter within the context of reproductive and sexual health rights, emphasising the importance of addressing these violations from a human rights perspective.⁴⁵³ Discrimination and ill-treatment of mountainous minority groups, including the requirement for travel certificates and reported cases of corruption by government authorities, are additional areas of concern.⁴⁵⁴ Women and children from minority groups are particularly vulnerable, facing exploitation as prostitutes, trafficking, forced labor, and other abuses.⁴⁵⁵

The case of the Cham people, recognised as a minority group by the Vietnamese government despite meeting UN standards for indigenous status, underscores issues of identity and acknowledgment.⁴⁵⁶ Incidents like the police intrusion into a mosque in 2012, resulting in the abduction and sexual abuse of young village girls, exemplify the challenges faced by marginalised communities.⁴⁵⁷ The denial of indigenous status and the subsequent mistreatment of minority groups highlight systemic issues that need urgent attention.⁴⁵⁸

While the Vietnamese government has implemented programs and action plans to address gender-based violence and domestic violence, allegations of forced sterilisation have surfaced.⁴⁵⁹ Accusations found on diaspora websites suggest a concerning trend, although these claims lack independent confirmation.⁴⁶⁰ The Vietnamese government's denial and potential cover-up of abuse in family planning programs, including coercion, fines, monetary incentives, and forced sterilisations, raise questions about the extent of these abuses and the lack of transparency in addressing them.⁴⁶¹

Reports from the Montagnard Foundation document cases of forced sterilisation, suggesting a historical pattern of such abuses, with instances of surgical sterilisation, coerced injections, and intimidation.⁴⁶² The government's past use of quinicrine, an acid chemical, for sterilisation further raises concerns about the extent of coercive birth-control programs.⁴⁶³ The broader context includes assimilation policies aimed at eliminating the cultural identity of the Degar people, coercive birth-control programs, and repression of Christianity as part of an official strategy to suppress Degar cultural and religious practices.⁴⁶⁴

Indicator 7.11 relates to the destruction or plundering of essential goods or installations for protected groups, populations or individuals, or of property related to cultural and religious identity.⁴⁶⁵ This indicator is particular pertinent to events that took place in Vietnam during the early 2000s.⁴⁶⁶ In March 2002, a distressing wave of events unfolded as indigenous Central Highlanders sought asylum across the Cambodian border, recounting harrowing stories of arrests, beatings, the appropriation or destruction of goods, torture, and disappearances at the hands of Vietnamese security forces.⁴⁶⁷

These accounts, shared with UNHCR, Human Rights Watch officials, and representatives of Montagnard organisations in the United States, depicted a grim reality of violence and persecution.⁴⁶⁸ The Montagnard Foundation, describing the situation as a "wave of terror" in the Central Highlands, compiled detailed lists of individuals mistreated or arrested by Vietnamese security forces, though independent verification of this information remained elusive.⁴⁶⁹ Reports surfaced, suggesting potential executions by Vietnamese security forces during arrests or clashes with protesters, adding a layer of urgency and gravity to the situation.⁴⁷⁰

Human Rights Watch (HRW) investigations in recent decades have revealed ongoing fundamental human rights violations by the Vietnamese government in its suppression of the protests.⁴⁷¹ These violations included encroachments on the right to freedom of religion, marked by the destruction and closure of ethnic minority Protestant churches.⁴⁷² Christians faced official pressure to renounce their religion, with the looming threat of legal action or imprisonment.⁴⁷³ Allegations of physical abuse, torture, and excessive violence by security forces were raised by refugees, overseas Montagnard communities, evangelical groups, and human rights organisations. In the midst of the turmoil, reports emerged of the destruction of "illegal" churches and casualties in skirmishes, further fuelling concerns about the extent of the violence.⁴⁷⁴

The suppression of information added to the complexity of understanding the full scope of the situation, as telephone communications with hotspots were severed, and the entire region became off-limits to foreigners, including the American Ambassador at the time, "Pete" Peterson.⁴⁷⁵ This imposed information blackout made it challenging to access unbiased reports and ascertain the truth behind the allegations of human rights abuses.⁴⁷⁶ The Vietnamese authorities initially dismissed international queries by framing the situation as a matter of domestic security, invoking principles of national sovereignty and integrity.⁴⁷⁷ As the international community grappled with these allegations, the pressing questions revolved around the treatment of detainees, the potential for fair trials, and the broader implications for human rights in the region.⁴⁷⁸

RISK FACTOR 8: TRIGGERING FACTORS

Risk Factor 8 under the framework of analysis discusses events and circumstances that, “even if seemingly unrelated to atrocity crimes, may seriously exacerbate existing conditions or may spark their onset”. These events and circumstances are applied under the context that perpetrators of atrocity crimes may be able to achieve their goals at a faster pace when they have an immediate and defined plan, as well as the capacity to implement this plan. Under this risk factor, this risk assessment finds that Indicators 8.5, 8.6, 8.9, and 8.10 are most relevant to the circumstances of Vietnam.

Other Indicators under RF 8 that are not relevant to the situation of atrocity risk in Vietnam include Indicators 8.1 to 8.4, 8.7, 8.8, 8.11, and 8.12.

Similar to Indicator 7.11, **Indicator 8.5** can be applied to events that took place in Vietnam throughout the early 2000s as it seeks to highlight disturbing trends of attacks against the life, physical integrity, liberty, or security of leaders, prominent individuals, or members of opposing groups in the context of political unrest and protests.⁴⁷⁹ One notable case of such attacks occurred during the protests of 2004, which marked a departure from previous demonstrations in 2001.⁴⁸⁰ However, the involvement of not only security forces but also Kinh citizens in reportedly attacking minority demonstrators raised concerns.⁴⁸¹ The government, in response to Montagnard grievances, has since initiated reforms, including programs to allocate land to ethnic minority families, improve educational opportunities, and bring economic development to the impoverished regions.⁴⁸²

Moreover, the government swiftly labeled the protestors as inciters of “radical” religious violence, drawing parallels with the United States-led “war on terror”.⁴⁸³ This association of the Montagnard demonstrators with radical “Dega Protestantism” had far-reaching consequences, leading to the detention and harassment of even those church leaders and followers not directly involved in the protests.⁴⁸⁴ The government’s manoeuvring to quell dissent by linking it to religious extremism highlighted a shift in its approach, utilising rhetoric reminiscent of the global war on terror to suppress internal dissent.⁴⁸⁵

An important turning point in this narrative occurred in February 2001 when the Montagnard protests unfolded.⁴⁸⁶ The demonstrations, among the largest since the reunification of Vietnam, were met with a severe crackdown.⁴⁸⁷ Hundreds of highlanders were arrested, and torture was employed to extract confessions and statements of remorse from protest organisers.⁴⁸⁸ The repression extended to members of unauthorised religious denominations in the years after, particularly the Unified Buddhist Church of Vietnam (UBCV) and evangelical protestant churches.⁴⁸⁹

The backdrop to these protests was the mass demonstrations of 2001, one of the largest since the reunification of Vietnam in 1975.⁴⁹⁰ Montagnard communities took to the streets in peaceful demonstrations, calling for independence, the return of ancestral lands, and religious freedom.⁴⁹¹ In the aftermath, authorities responded with mass arrests, torture to elicit confessions, and harsh sentences for highland leaders.⁴⁹² The persecution extended to members of unauthorised religious denominations, with harassment, forced renunciation of faith, administrative detention, and imprisonment becoming commonplace.⁴⁹³

The trials that followed the 2001 protests raised concerns about the fairness of the legal system.⁴⁹⁴ Foreign observers were not allowed, and human rights organisations, including Amnesty International and Human Rights Watch, expressed fears that the defendants did not receive a fair trial.⁴⁹⁵ Although no capital punishment was imposed on the movement’s leaders, concerns persisted about the legal system’s flaws, characterised by ambiguous laws, political control over the judiciary, and a lack of guarantees for adequate legal defence.⁴⁹⁶ The relaxed political surveillance over the last decade did little to alleviate these systemic issues.⁴⁹⁷

The aftermath of the protests witnessed a mass exodus of Montagnards to Cambodia and resettlement in the United States, reflecting the severity of the retribution that followed.⁴⁹⁸ Political and religious leaders were executed, adding to the historical suffering of the Montagnards during the Vietnam War, where thousands perished, and 85% of their traditional villages were destroyed.⁴⁹⁹ Post-war persecution and religious intolerance continued to define their existence, creating a cycle of oppression and hardship for this marginalised group.⁵⁰⁰

In a tragic incident illustrating the ongoing persecution, a Hmong church leader, Vam Ngaij Vaj, was beaten to death in police custody in Vietnam’s Central Highlands.⁵⁰¹ Arrested for allegedly “illegally destroying the forest”, a charge consistent with the harassment faced by Hmong churches, Vaj fell victim to police brutality.⁵⁰² The use of electric shocks and physical beatings leading to his death on March 17 underscores the grim reality faced by religious minorities in Vietnam, where Christianity is viewed as a threat by the communist regime.⁵⁰³

RISK FACTOR 8: TRIGGERING FACTORS

Indicator 8.6 underscores the concerning occurrences of religious events or perceived acts of religious intolerance, extending beyond national borders, with a specific focus on Vietnam's Central Highlands and adjacent provinces.⁵⁰⁴ Since the mid-1990s, reports have consistently highlighted the harassment of Christians among tribal groups in this region. Indigenous communities such as the Stieng, Mhong, Koho, Ede, Jarai, and Hre have witnessed a substantial conversion to Christianity, with congregations often resorting to house-churches due to a lack of resources and permission to build regular churches.⁵⁰⁵ However, local Party cadres and security forces have frequently taken aggressive measures against these house-churches, including destruction, harassment, arrests, re-education of pastors, mistreatment, and pressure on believers to renounce their newfound faith.⁵⁰⁶

Allegations of physical abuse, torture, and excessive violence by security forces have been put forward by refugees, overseas Montagnard organisations, and human rights groups.⁵⁰⁷ Reports of the destruction of "illegal" churches and casualties during skirmishes have raised questions about the veracity of these claims.⁵⁰⁸ Telephone communications with the affected regions were cut, and the area was sealed off to foreigners, making it challenging to obtain unbiased reports.⁵⁰⁹ The Vietnamese authorities initially framed these issues as domestic security matters, emphasising national sovereignty and integrity in their responses to international queries.⁵¹⁰

Violations of the right to freedom of religion have been pervasive, including the destruction and closure of ethnic minority Protestant churches.⁵¹¹ Official pressure on Christians to abandon their religion, backed by threats of legal action or imprisonment, has been an alarming trend.⁵¹² A significant event occurred on April 10, 2004, where up to 400,000 Vietnamese Christians from the Degar people gathered in various cities to protest the government's refusal to allow them to practice their faith freely.⁵¹³ The peaceful demonstrations turned violent as soldiers, police, and civilians attacked the protestors, resulting in numerous deaths and injuries.⁵¹⁴ Reports from human rights organisations accused the Vietnamese government of a massive cover-up and documented fatal beatings and injuries during the protests.⁵¹⁵

These reports unveil a systematic campaign of ethnic cleansing against the indigenous Degar Montagnards of Vietnam's central highlands.⁵¹⁶ Over several decades, the Vietnamese government has implemented strategies involving political, ethnic, and religious repression, including transmigration policies, deforestation, abuse of family planning methods, religious persecution, land confiscation, torture, and extrajudicial killings.⁵¹⁷ The evidence points towards a blueprint of ethnic cleansing directed at a specific race of indigenous peoples, with thousands of Degar people arrested in a policy of "arrest, torture, and release" since the year 2000.⁵¹⁸

The Communist ideology further intensified the attack on the Degar people by deeming their culture "backward", leading to assimilation policies to eliminate their cultural identity.⁵¹⁹ Coercive birth-control programs in the 1990s, specifically targeting the Degar population, involved threats, fines, and financial incentives to force sterilisation.⁵²⁰ Simultaneously, Vietnam aimed to eliminate their religion through the implementation of "Plan 184", which involved repressing Christianity, including forcing Degars to renounce their Christian faith in official ceremonies.⁵²¹

Indicator 8.9 raises concerns regarding sudden changes that may affect the economy or the workforce, including as a result of financial crises, natural disasters or epidemics.⁵²² Vietnam, with its extensive coastline of 3,260 kilometres, is facing significant challenges posed by sea-level rise, making it highly exposed to climate change.⁵²³ The impacts on the Vietnamese economy and national welfare have already been substantial, accounting for about 3.2% of the GDP in 2020, with projections indicating a rapid escalation if greater efforts are not made to mitigate climate change globally.⁵²⁴ The vulnerabilities are particularly evident in the agricultural sector, where long-term changes in rainfall and temperature patterns pose serious threats to rice cultivation, especially in the Red River and Mekong River deltas.⁵²⁵ The warming trend across the country, coupled with variable rainfall, may result in adverse effects such as increased flooding, water scarcity, and the proliferation of pests and plant diseases, leading to reduced productivity in key rice-growing areas.⁵²⁶

Global large-scale climate models (LCMs) have been instrumental in projecting changes in climatic parameters, informing policymakers at both provincial and national levels.⁵²⁷ Approximately 63 million Vietnamese people and 1.1 million hectares of land are at risk of flooding by 2100 due to a projected sea-level rise of 1 meter.⁵²⁸ The implications of climate change extend beyond the immediate environmental impact, intertwining with broader social and economic challenges.⁵²⁹ Despite recent positive socioeconomic development, Vietnam continues to grapple with limited resources for ensuring human rights, particularly in supporting disadvantaged and vulnerable groups.⁵³⁰ The uneven distribution of socioeconomic development across regions and populations exacerbates the issue, with climate change, natural disasters, epidemics, and other nontraditional security concerns posing significant challenges.⁵³¹

RISK FACTOR 8: TRIGGERING FACTORS

In 2009, the United Nations General Assembly (UNGA) recognised climate change as a threat multiplier, emphasising its role in exacerbating existing vulnerabilities.⁵³² This framing has gained prominence in policy discussions and assessments, such as the G7-commissioned report, 'A New Climate for Peace', which underscores climate change as the ultimate threat multiplier, capable of aggravating already fragile situations and contributing to social upheaval and violent conflict.⁵³³

While the discourse of climate change as a threat multiplier is compelling, it has its limitations, especially when transitioning from policy development to on-the-ground interventions.⁵³⁴ The practicality of addressing climate change impacts within specific conflicts becomes increasingly challenging. Moreover, framing climate change primarily as a driver of conflict may lead to missed opportunities to leverage it as a means of peacebuilding.⁵³⁵

The impact of climate change on food production in Southeast Asia, including Vietnam, is undeniable. The region, where millions depend on agriculture for their livelihoods, faces one of the greatest challenges to development and poverty eradication.⁵³⁶ Vietnam, in particular, is susceptible to increased temperatures, rainfall fluctuations, and extreme weather events, posing significant threats to the agricultural sector's stability.⁵³⁷ Paddy rice, a crucial component of the nation's economy, sustains food security, creates rural employment, and serves as a source of export revenues.⁵³⁸ However, rising temperatures and changing precipitation patterns are expected to impact rice yields significantly.⁵³⁹ Without appropriate climate adaptation measures, Southeast Asia could lose approximately 2% of its annual GDP by 2050, rising to about 9% by the end of the century.⁵⁴⁰ Given that agriculture provides livelihoods to over 70% of the population and contributes about 22% of the GDP in Southeast Asia, any loss in GDP will disproportionately affect farmers.⁵⁴¹

The Mekong Delta, a crucial region for Vietnam's rice production, faces dual threats from ongoing climate change and human activities.⁵⁴² Rising sea levels, in addition to temperature and precipitation changes, pose significant risks to this low-lying region.⁵⁴³ Projections indicate that large parts of the delta could fall below sea level by the end of the century, placing the region at high risk.⁵⁴⁴ Vietnam's vulnerability to natural disasters is underscored by its high INFORM Risk Index ranking, driven particularly by exposure to flooding, tropical cyclones, and droughts.⁵⁴⁵

Droughts have been concentrated in central and southern Vietnam in recent years, impacting winter-spring crops and affecting around 13-17% of the total population.⁵⁴⁶ The climate change component is projected to increase the annually affected population by 433,000 people and the impact on GDP by \$3.6 billion by 2030 under certain emissions scenarios.⁵⁴⁷ Furthermore, approximately 33% of the national population is vulnerable to flooding at a 1-in-25 years level, with estimates indicating an increase to 38-46% by 2100 under different emissions scenarios.⁵⁴⁸

Indicator 8.10 relates to concerns raised as a result of the discovery of natural resources and the subsequent launching of exploitation projects headed by governments or private companies that have serious impacts on the livelihoods and sustainability of groups or civilian populations.⁵⁴⁹ The late 1990s marked a tumultuous period for Vietnam's Central Highlands, characterised by long-standing Montagnard grievances over land and unmet political aspirations dating back to the first and second Indochina wars.⁵⁵⁰ These simmering tensions were exacerbated by the increasing repression of Protestant churches and the encroachment on Montagnard lands by new settlers.⁵⁵¹ The region was on the brink of explosion as reports surfaced in January 2001 suggesting that up to 100,000 more people, primarily ethnic minorities from the North, could be resettled in Gia Lai and Dak Lak to make way for the Son La hydropower project.⁵⁵² Adding to the challenges, endemic poverty in the region was further deepened by a significant drop in the price of coffee, a crucial component of the highlands' economic base.⁵⁵³

While the Central Highlands lost strategic importance in military terms, it gained significance in demographic, economic, and ecological terms for Vietnam.⁵⁵⁴ The region was perceived as "empty" and "underdeveloped" compared to the more densely populated lowlands, making it a potential destination for the relocation of "excess" population from other parts of the country.⁵⁵⁵ This demographic shift was exemplified by the official suggestion to relocate tens of thousands of people displaced by the Son La hydropower project in the North-West mountainous zone to the Central Highlands.⁵⁵⁶

Economically, the Central Highlands became a production zone for cash crops and other natural resources, including minerals, timber, water, and energy.⁵⁵⁷ However, this economic transformation had detrimental effects on the region's ecological balance. The area, with rapidly dwindling forest reserves and biodiversity, played a crucial role in soil and water management and is vital for protecting surrounding lowlands against floods.⁵⁵⁸ The rampant de-

RISK FACTOR 8: TRIGGERING FACTORS

forestation and extensive use of water for irrigation and coffee production has since contributed to more frequent flooding in the Mekong Delta and central coastal areas.⁵⁵⁹ Simultaneously, these activities lowered underground water tables in the Central Highlands, posing a risk of desertification.⁵⁶⁰

The government's actions exacerbated the situation as it continued to confiscate land for various economic projects without due process or adequate compensation.⁵⁶¹ The term "dan oan", or "wronged people", emerged to describe those forcefully displaced by authorities.⁵⁶² This land confiscation further marginalised members of ethnic minority groups who already faced discrimination in Vietnamese society.⁵⁶³ Local officials restricted their access to education and job opportunities, leaving them with little input on development projects affecting their livelihoods and communities.⁵⁶⁴ Ethnic and religious minorities were subjected to monitoring and harassment by authorities seeking to suppress dissent and suspected links to exile groups.⁵⁶⁵

The historical context of the Central Highlands revealed a pattern of displacement and marginalisation. The establishment of new economic zones in areas traditionally inhabited by ethnic minorities, coupled with a planned migration program that moved Kinh people into these zones, had profound and lasting impacts.⁵⁶⁶ By the early 2000s, local indigenous people, who once constituted the majority of the population, represented only 26%, while 60% of indigenous households had no production land.⁵⁶⁷ The fertile land, critical for their livelihoods, was predominantly in the hands of "immigrants".⁵⁶⁸

SPECIFIC RISK FACTORS

In contrast to the common risk factors discussed in the sections above, specific risk factors “result from the fact that each crime has elements and precursors that are not common to all three crimes”.⁵⁶⁹ That is, the specific risk factors outlined in the United Nations Framework of Analysis are intended to reflect the legal definitions of atrocity crimes such as genocide, ethnic cleansing, and war crimes, even though they are “not strictly limited by them, nor intend to be criminal evidence of them”.⁵⁷⁰ The applicable specific risk factors to the situation in Vietnam have been found to be Risk Factors 9 (intergroup tensions or patterns of discrimination against protected groups), 10 (signs of an intent to destroy in whole or in part a protected group), and 14 (serious threats to humanitarian or peacekeeping operations). There are limited applicable indicators under these risk factors, and much of the information found to be relevant to these indicators are heavily repetitious of the information categorised under risk factors and indicators throughout the common risk factor section of this assessment.

RISK FACTOR 9: INTERGROUP TENSIONS OR PATTERNS OF DISCRIMINATION AGAINST PROTECTED GROUP

The relevancy of **Indicator 9.4**, which assesses serious tensions or conflicts related to access to rights and resources, socioeconomic disparities, participation in decision-making processes, security, expressions of group identity, or perceptions about targeted groups,⁵⁷¹ is glaringly evident in the context of Vietnam.

The deprivation of indigenous land rights and the uprooting of ethnic minority families that have lived and worked on the land for generations represent a significant chapter in Vietnam’s recent history. The Vietnamese government’s utilisation of land laws since the 1980s, allowing for the sudden repossession of land for purposes ranging from national defence to economic development, has had profound repercussions.⁵⁷² By 2010, 745,000 hectares of land had been reposessed, affecting approximately 9 million individuals.⁵⁷³ This act of dispossession has exacerbated endemic poverty among ethnic minority populations, particularly in the Central and Northern Highlands regions, which are home to valuable farmland and significant coffee-producing plantations.⁵⁷⁴

The government’s announcement in January 2001 to resettle up to 100,000 people, primarily ethnic minorities, for a hydropower project marked a critical point in the disputes over land in the Vietnamese highlands.⁵⁷⁵ This move disrupted the lives of indigenous communities, displacing them from ancestral lands and leading to extensive socio-economic hardships.⁵⁷⁶ The rapid growth of the Vietnamese coffee industry further compounded the challenges faced by ethnic minorities, contributing to the lowering of underground water tables, desertification in some regions,⁵⁷⁷ and a widening income gap compared to the Kinh majority.⁵⁷⁸

Despite mass protests and demonstrations against land appropriations, corruption, and injustices, authorities have often tolerated these actions, but at times took measures to suppress concentrated protests.⁵⁷⁹ The large-scale protests in February 2001, led by indigenous minorities from the Central Highlands, highlighted the deep-seated grievances related to independence, ancestral land, and religious freedom.⁵⁸⁰ The subsequent years have seen sporadic protests, with a notable incident in Dong Tam in January 2020 resulting in violence and arrests.⁵⁸¹

The Dong Tam incident underscores the intensity of the struggle for land rights, as police clashed with activists opposing local land confiscations.⁵⁸² Several deaths were reported, and villagers faced charges ranging from murder to resisting persons on public duty.⁵⁸³ The subsequent legal proceedings, including death sentences and allegations of torture, illustrate the gravity of the situation and the lengths to which authorities are willing to go to suppress dissent and protect interests aligned with land grabs.⁵⁸⁴

The impact of the land frenzy on indigenous groups is profound, disrupting traditional agricultural practices and creating confusion over land tenure.⁵⁸⁵ Historical claims to land, often tied to shifting agricultural techniques and spiritual connections to forest areas, are disregarded, contributing to the perception that these lands are “un-owned”.⁵⁸⁶ The allocation of land to private households further complicates the matter, with ethnic minorities unwittingly selling their land-use rights to investors due to the lack of clarity and recognition of their historical claims.⁵⁸⁷

Ethnic minorities and indigenous peoples, as opposed to the Kinh majority, are disproportionately affected by land grabs, facing inadequate compensation and suffering various forms of discrimination based on ethnicity.⁵⁸⁸ This stark disparity underscores the socio-economic vulnerabilities of these populations, as well as the need for a more inclusive and equitable approach to land rights and resource allocation in Vietnam.⁵⁸⁹

RISK FACTOR 10: SIGNS OF AN INTENT TO DESTROY IN WHOLE OR IN PART A PROTECTED GROUP

Indicator 10.4 sheds light on the grave concerns surrounding the development of policies or measures in Vietnam that significantly impact the reproductive rights of women, particularly within family planning programs.⁵⁹⁰ Despite longstanding reports of abuse within these programs, the Vietnamese government has consistently denied and potentially covered up such abuses.⁵⁹¹ The pervasive corruption within the government raises suspicions that coercion, fines, monetary incentives, and forcible sterilisations are not only possible but likely.⁵⁹² That said, the inclusion of this indicator in this risk assessment is based on claims made by activists belonging to ethnic minority groups, rather than legislative policies created by the Vietnamese government.

The Degar people, targeted by Communist ideology and assimilation policies deeming their culture “backward”, faced an intensified assault on their reproductive rights in the 1990s.⁵⁹³ Coercive birth-control programs escalated within the Degar population, utilising threats, fines, and financial incentives to compel women to undergo surgical sterilisation.⁵⁹⁴ Simultaneously, Vietnam sought to eradicate the Degar cultural identity and religion through strategies like “Plan 184”, which involved repressing Christianity with force, even compelling Degars to renounce their faith in official ceremonies.⁵⁹⁵

Accusations found on Vietnamese ethnic minority diaspora websites, while not independently confirmed, have not matched any known Vietnamese policy.⁵⁹⁶ The Vietnamese government has presented a more relaxed approach to its two-child family planning program for upland ethnic minorities, emphasising cultural differences.⁵⁹⁷ However, the lack of known policy does not negate the possibility of female sterilisation occurring under insufficient conditions and information.⁵⁹⁸

Despite the Vietnamese government’s denial, ongoing allegations and personal testimonies from the Degar people suggest the plausibility of abuse within family planning programs.⁵⁹⁹ In 2001, the Montagnard Foundation documented over 1000 cases of surgically sterilised Degar and Montagnard women, detailing instances of force, coercion, bribery, threats of fines, or imprisonment.⁶⁰⁰ The names and details of these cases were published on the Montagnard Foundation website, providing a harrowing account of the scale of abuse.⁶⁰¹ Moreover, reports emerged that the Vietnamese army collaborated with medical teams to force entire Montagnard villages at gunpoint to attend propaganda meetings, where surgical sterilisation was threatened.⁶⁰² Young Degar girls also reported being coerced into receiving injections purportedly preventing pregnancy, with soldiers intimidating and threatening those who resisted.⁶⁰³

The Montagnard Foundation’s compilation of names, particularly those of approximately 40 young Montagnard girls from the village of Buan Plek, who were detained and injected with “unknown substances”, underscores the severity of the situation.⁶⁰⁴ Medical teams purportedly claimed that these injections prevented pregnancies, illustrating the lack of informed consent and the blatant disregard for reproductive rights.⁶⁰⁵ The intimidation and threats faced by these girls further highlight the coercive nature of these practices.⁶⁰⁶

Indicator 10.8 sheds light on the alarming situation in Vietnam, where attacks against or destruction of homes, farms, businesses, and cultural or religious symbols of protected groups have been ongoing.⁶⁰⁷ The Vietnamese government’s actions in suppressing protests have not only violated fundamental human rights but also continue to perpetuate abuses.⁶⁰⁸ According to findings by Human Rights Watch, these violations include a range of offences, such as the destruction and closure of ethnic minority Protestant churches and official pressure on Christians to renounce their religion under the threat of legal action or imprisonment.⁶⁰⁹

Refugees, along with overseas Montagnard, evangelical, and human rights organisations, have presented disturbing allegations of physical abuse, torture, and excessive violence by security forces.⁶¹⁰ Reports indicate the destruction of “illegal” churches and even casualties during the clashes.⁶¹¹ The situation was exacerbated by the cutting of telephone communications with hotspots and the imposition of a region-wide ban on foreigners, including the then United States’ Ambassador, making it challenging to obtain unbiased reports.⁶¹² The international discourse surrounding these events is centred on verifying the truth behind the allegations, with a critical focus on determining whether the human rights of detainees have been violated and if they can anticipate a fair trial.⁶¹³ The initial response from Vietnamese authorities primarily framed these concerns as matters of domestic security, emphasising national sovereignty and integrity in response to international queries.⁶¹⁴

Indicator 14.5 brings attention to the concerning developments in Vietnam, particularly in 2022, where the government intensified its repression of NGO activists,⁶¹⁵ leading to the convictions of journalist Mai Phan Loi, environmental lawyer Dang Dinh Bach, and environmental defender Nguy Thi Khanh on politically motivated charges like alleged tax evasion.⁶¹⁶ A decree issued on August 31, 2022, further escalated restrictions on international non-governmental organisations operating in Vietnam, prohibiting any activities deemed against the country's "national interests", "laws", "national defence", "security", "social order and safety", and "social ethics, national fine customs and practices, national traditions, identity or great national unity".⁶¹⁷ The lack of clear definitions for these terms raises concerns, as groups found to violate these provisions face closure.⁶¹⁸

A particularly troubling aspect involves the government's apparent attempt to conceal religious persecution in the Central Highlands by repeatedly denying, limiting, or deterring access to the area by foreign organisations focused on human rights.⁶¹⁹ This interference not only obstructs the work of international observers, including United Nations agencies, NGOs concerned with human rights, and foreign diplomats, but also raises questions about the broader issue of transparency and accountability within Vietnam.⁶²⁰

Amidst reports of violent suppression of protests by minority groups in the Central Highlands, Human Rights Watch has condemned Vietnam's actions and called for immediate access for international observers to the region.⁶²¹ The call for unhindered access, especially to communes and villages from which Montagnards have sought asylum, reflects a crucial need for transparency and scrutiny in the face of potential human rights violations.⁶²²

Examining the legal framework, the Vietnam's recent decree on foreign non-governmental organisations in Vietnam outlines registration requirements and responsibilities, emphasising the encouragement of humanitarian and development activities by foreign NGOs.⁶²³ However, Article 5 of the decree prohibits engagement in religious and other activities against national interests, laws, and security, setting a restrictive tone that aligns with the government's tightening control.⁶²⁴

Article 19 of the decree further outlines grounds for terminating operations and withdrawing registration certificates, including violations specified in Article 5.⁶²⁵ This creates a precarious situation for NGOs operating in Vietnam, as any perceived infringement on the government's defined parameters could lead to severe consequences.⁶²⁶ The lack of clarity in the decree and the potential for arbitrary enforcement underscore the urgent need for international scrutiny and intervention.⁶²⁷

CONCLUSION AND RECOMMENDATIONS

This report has sought to emphasize the enduring significance of the Responsibility to Protect (R2P) as a crucial international legal principle, conceived in the aftermath of historical atrocities. The establishment of R2P principles in response to the failures in Rwanda, Bosnia, and Kosovo reflects a collective commitment to prevent and respond effectively to crimes against humanity. The unanimous endorsement of R2P by the United Nations General Assembly in 2005 attests to the global consensus on the need for a framework to safeguard vulnerable groups from atrocity crimes.

This comprehensive assessment of the risk of atrocity crimes in present-day Vietnam, guided by the Framework of Analysis for Atrocity Crimes, has brought to light the multifaceted factors contributing to potential risks. While acknowledging a low-to-moderate current risk level, the identification of specific risk factors underscores the imperative of vigilant monitoring and proactive measures. While there remains a significant amount of information that is pertinent to analysing the risk of atrocity crimes occurring in Vietnam, the conclusion that the current risk is low-to-moderate remains — many of the major instances of violence against minority groups written about within this assessment took place more than two decades ago, a time frame which must be considered.

The report's focus on the diverse ethnic landscape of Vietnam, with a spotlight on the vulnerabilities of minority groups, nevertheless illuminates the potential flashpoints for atrocity crimes. Issues such as religious discrimination, forced sterilisation, economic inequality, government corruption, and land rights emerge as critical areas demanding attention and intervention. By recognising and addressing these specific concerns, the international community can contribute meaningfully to the prevention of potential atrocities in Vietnam.

Below, this report finalises the risk assessment with practical recommendations aimed at fortifying the protections both Vietnam and the broader international community are obligated to uphold under the R2P principles. The proposal for Vietnam to ratify the Rome Statute of the International Criminal Court aligns with the overarching goals of R2P, providing a legal framework to address and prosecute core international crimes. Furthermore, the recommendations pertaining engagement with international non-governmental organisations and the protection of the right to freedom of movement underscore the importance of fostering an environment conducive to the safeguarding of human rights.

As the global community grapples with the evolving landscape of potential atrocities, this report serves as a call for proactive measures and collaborative efforts. By heeding the lessons of history and embracing the principles of R2P, the international community can contribute to a world where the protection of vulnerable populations is not just an ideal but a shared responsibility upheld with unwavering commitment.

CONCLUSION AND RECOMMENDATIONS

RECOMMENDATIONS FOR THE GOVERNMENT OF VIETNAM

1	Introduce further programs aimed at reducing illiteracy and dropout rates, particularly among girls and women belonging to ethnic minorities.
2	End harassment and arbitrary arrests of religious adherents and release individuals currently in prison as a result of exercising their freedom of religion.
3	End measures undertaken to prevent refugees and asylum seekers belonging to ethnic minorities from leaving the country, including punishment of individuals who choose to return to Vietnam after the fact.
4	Investigate and proportionately discipline members of law enforcement agencies responsible for instances of torture or other inhumane or degrading treatments of civilians.
5	Permit external observers, including foreign journalists, diplomats, and members of non-governmental organisations to access rural areas such as the Central Highlands unhindered and unaccompanied.
6	Ratify the Rome Statute of the International Criminal Court and the Kigali Principles on the Protection of Civilians.
7	Continue to bring legislation into conformity with the Covenant on Civil and Political Rights.
8	Implement relevant recommendations in the Universal Periodic Review by the UN Human Rights Council in advancing human rights protection especially of minority ethnic groups in Vietnam.

RECOMMENDATIONS FOR REGIONAL ACTORS

1	Continue to work with Vietnam and other ASEAN members in implementing the commitments made to the rights of women, particularly women belonging to ethnic minority groups.
2	Maintain obligations made under international humanitarian law, specifically obligations of non-refoulement of asylum seekers and refugees fleeing from persecution.
3	Continue engagement on human rights with ASEAN dialogue partners, such as Australia, in promoting and advancing human rights protection in Vietnam.

RECOMMENDATIONS FOR THE INTERNATIONAL COMMUNITY

1	Continue to insist that Vietnam allows independent observers such as diplomats, journalists, and members of non-governmental organisations to reach rural areas such as the Central Highlands
2	Uphold principles of the Responsibility to Protect to protect vulnerable populations from atrocity crimes such as ethnic cleansing and crimes against humanity
3	Push governments to prioritise R2P principles over economic relations

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