

Response to UN Human Rights Committee's List of Issues
and Vietnam's Replies
Third Periodic Report review
(CCPR/C/VNM/3)

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INTRODUCTION AND EXECUTIVE SUMMARY

1. Vietnamese Women for Human Rights, Popular Council of Cao Dai Religion, Association of Con Dau Parishioners, Hmong United for Justice and Boat People SOS jointly submit these replies to the List of Issues (LOIs) published by the UN Human Rights Committee on August 16, 2018 in relation to the third periodic report of Viet Nam on its implementation of the International Covenant on Civil and Political Rights. Our replies specifically address the following issues:

- Constitutional and legal framework within which the Covenant is implemented (Par. 1)
- Non-discrimination and gender equality (Par. 5)
- Violence against women (Par. 6)
- Human rights defenders (Par. 22)
- Freedom of association and peaceful assembly (Par. 24 & 25)
- Rights of minorities (Par. 27)

Constitutional and legal framework within which the Covenant is implemented (art. 2)

Contributions to Paragraph 1 of the LOIs:

1. Each state-party to the Covenant is obligated to disseminate the content of the Covenant widely to its people in the country's prevailing language, ensure that commitments to the Covenant are incorporated into the country's national legal framework, and ensure that domestic interpretations of the Covenant are consistent with its original meaning. The Government of the Socialist Republic of Vietnam is to be commended for providing the Vietnamese translation of the Covenant and making it available for public access.¹
2. This translation, however, contains errors that seriously alter the original meaning of certain clauses and provisions of the Covenant and may lead to misinterpretation of the rights specified in the Covenant as well as the government's obligations to comply with the Covenant. Following are the critical flaws in the translation provided by the Government of Vietnam.
3. With few exceptions, the auxiliary verb "shall" was omitted throughout the translation, de-emphasizing the inalienability of human rights and derogating certain obligations of the government to respect, protect and promote those rights.
4. In Article 4, the phrase "...the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation..." was mistranslated as "...the States Parties to the present Covenant may take measures to limit the rights stated in the present Covenant to the extent required by the exigencies of the situation...". There is considerable difference between derogating the obligations of the government and limiting the human rights guaranteed by the Covenant. Also, "strictly" is omitted in the translation, taking out the emphasis on the last-resort nature of the derogating measures.
5. In Article 9.4, the phrase "...shall be entitled to take proceedings before a court..." was mistranslated as "...have the right to request a trial before a court...". Similarly, in Article 9.5, the phrase "...shall have an enforceable right to compensation" was mistranslated as "...have the right to request compensation". Instead of the right to take proceedings to a court and the right to compensation, the Vietnamese translation downgrades them to "the right to request",

¹ Available at: <https://thuvienphapluat.vn/van-ban/Linh-vuc-khac/Cong-uoc-quoc-te-ve-quyen-dan-su-va-chinh-tri-270274.aspx>

meaning that whether to grant such a request or not rests is at the government's discretion. The attribute "enforceable" is omitted in the translation. The auxiliary verb "shall" was left out in both instances.

6. Throughout the translation document, "public morals" was mistranslated as "social morality" (Articles 12, 18, 19 and 21). While "public morals" refers to codes of conduct in public settings, "social morality" is usually understood as a system of values imposed on or applicable to the entire society. This misinterpretation would allow the government to limit human rights on the basis of political correctness or ideological values such as "national unity". Note that "undermining national unity" has been used as an excuse by the Vietnamese authorities to suppress freedom of expression and freedom of religion or belief, and to send many human rights defenders to prison.
7. Throughout Article 18, "freedom of belief" was incorrectly translated as "tín ngưỡng" (spiritual belief), which is officially defined in Vietnam's Law on Belief and Religion as "a person's faith which is expressed through rites associated with traditional customs and habits in order to bring spiritual peacefulness to individuals and communities." This definition severely restricts the meaning of "belief" in the Covenant.
8. In Article 18.1, "freedom of thought, conscience and religion" was incorrectly translated as "freedom of thought, spiritual belief and religion"; "worship" as "conducting rituals"; "observance" as "praying".
9. In Article 18.2, the phrase "...which would impair his freedom to have or to adopt a religion or belief of his choice" was mistranslated as "...which would impair his freedom to choose or follow a religion or spiritual belief".
10. In Article 18.3, the sentence "Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety..." was mistranslated as "Freedom to manifest one's religion or spiritual belief may only be limited by law and when such limitations are necessary to protect security..."
11. The Vietnamese translation with recommended corrections can be found at: <http://dvov.org/wp-content/uploads/2019/01/ICCPR-Vietnamese-translation-with-edits-by-BPSOS.pdf>
12. **Recommendations:** We respectfully recommend that the UN Human Rights Committee:
 - (1) Retain a competent, impartial translation service to thoroughly review the Vietnamese translation of the ICCPR and make all necessary corrections;
 - (2) Ensure that the Government of Vietnam, upon review and acquiescence, use this translation as the formal document for distribution in the country; and
 - (3) Follow up with the Government of Vietnam to ensure that national laws fully comply with the content of ICCPR based on its accurate translation.

Non-discrimination and gender equality (arts. 2, 3, 20 and 26)

Contributions to LOIs Paragraph 5:

13. In its reply, the Government of Vietnam acknowledges the existence of the Red Flag Associations and explains that "local governments employed measures to strengthen the management to ensure that such associations' activities neither violate laws and regulations". This statement of policy is to be commended. However, Vietnam's reply fails to indicate whether Red Flag Association members committing acts of violence and government officials colluding with them have been investigated, prosecuted and, if convicted, punished, and whether their victims have been adequately compensated for material, physical and emotional damages.

14. In fact, the Government has largely ignored complaints and requests for investigation filed by Catholic parishioners who were targets of the Red Flag Associations. Instead, in a number of instances, the local and provincial governments have targeted petitioners and/or witnesses for harassment, intimidation and even prosecution.
15. **Ke Gai Parish, Nghe An Province:** On December 17, 2017 hundreds of members of the local Red Flag Association came to Ke Gai Parish, which is situated on the outskirts of Vinh City, Nghe An Province, to attack some 20 female parishioners while they were irrigating their own farmlands. Three male parishioners who came to their rescue were also assaulted by Red Flag Association members. This incident was already featured in a shadow report submitted in April 2018 for the ICCPR review of Vietnam.² On January 18, 2018 these 23 victims filed a request for investigation against the perpetrators, including several government officials seen directing the Red Flag Association members. The request, along with photos and video clips as evidence, was submitted to the local, district, provincial and central governments. On March 30, 2018, the Office of the Administration of the central government sent communiqué No. 2932/VPCP-VI to the People's Committee of Nghe An Province, instructing the latter to process the request for investigation. The provincial government, however, targeted the witnesses. On May 3, 2018, the Public Security Department of Nghe An Province served summons against Nguyen Van An and another witness, ordering them to report to the Public Security Department for investigation under the charge of "detaining people against the law". Fearing arrest because he was listed as the key witness in the incident's report, An went into hiding. A second summons was issued against him on May 9. In protest, on May 11, 2018, Parish Priest Nguyen Duc Nhan went to the Public Security Department of Nghe An Province to submit a five-page follow-up petition, pointing out the compounding illegality of not responding to citizens' request for investigation and of investigating witnesses instead of the perpetrators. His petition concluded with two requests:
- The Public Security Department of Nghe An Province should stop harassing and falsely accusing witnesses in order to cover up for the perpetrators;
 - The Public Security Department of Nghe An Province should immediately investigate and prosecute government officials and members of the local Red Flag Association involved in physically assaulting parishioners on December 17, 2017.

In response, the Public Security Department of Nghe An Province issued summons on May 17 and then on September 17 against Nguyen Van An, the key witness. On September 26, 2018 they sent out the arrest warrant against him.

16. **Phu Yen Parish, Nghe An Province:** In 2017, from May 8 through October 29, Rev. Dang Huu Nam, Parish Priest, was repeatedly harassed by the local state media and threatened by the local Red Flag Association.³ For his safety, in February 2018 the Bishop's Court of Vinh Diocese transferred him to My Khanh Parish, located in the Tien Khanh and Khanh Hoa neighbourhoods, Khanh Thanh Village, Yen Thanh District, Nghe An Province. On October 20, 2018 a new Red Flag Association was inaugurated in this area with the specific purpose of targeting Rev. Nam. It received support from the Red Flag Association of Son Hai Commune, which had targeted Song Ngoc Parish in 2017 (see next case). Mr. Nguyen Van Hoi, Communist Party Chief of Tien Khanh neighbourhood and a Red Flag Association leader, authored a letter denouncing Rev. Nam. It was sent to different levels of the Catholic Church and government authorities with many signatures that later turned out to be forged – he was eventually denounced by several victims of forgery. On November 22, 2018, Mr. Nguyen Van Hoang, Hoi's son-in-law and grandson of the Communist Party Chief of Khanh Hoa neighbourhood, intruded into the parish's church, screamed vulgarities at and uttered death threats against Rev. Nam. A week later, a public denunciation session was organized at the office of the People's Committee of Khanh Thanh

² https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/VNM/INT_CCPR_ICO_VNM_30998_E.pdf

³ https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/VNM/INT_CCPR_ICO_VNM_30998_E.pdf

Village, where leading members of the local Red Flag Association took turns to denounce Rev. Nam and called for his eviction from the locality. The session was attended by government officials from Yen Thanh District and Nghe An Province, and local state media. Some Red Flag Association members later went onto the social media to threaten to kill Rev. Nam. No action was taken by the government at any level.

17. **Song Ngoc Parish, Nghe An Province:** On May 30, 2017, some 1,000 members of the local Red Flag Association in Son Hai Commune attacked Van Thai Sub-parish of the Song Ngoc Parish, screaming insults at parishioners and throwing rocks, causing damages to their houses and vehicles. The mob then entered the church of the sub-parish, desecrated its altar, shouted profanities at Parish Priest Rev. Nguyen Dinh Thuc. They then waited outside the church and beat parishioners as they went home after Mass. In the evening of the following day, a mob of over 100 individuals entered the homes of parishioners and destroyed property and religious icons. The mob also ransacked business stores. In subsequent days, thugs wearing red T-shirts and carrying red flags repeatedly attacked members of the Van Thai Sub-parish, destroying homes and wrecking the statues and paintings of the Virgin Mary and the saints in the Van Thai Church. On June 29, 2017, one of the victims sent to the commune and district authorities a written request for investigation.⁴ To this day, no investigation has been conducted by any level of the authorities in charge. On November 13, 2018 Rev. Nam and Rev. Thuc met with human rights officers of seven diplomatic missions in Ha Noi to brief them of the re-emergence of Red Flag Associations and the impunity that all levels of government have accorded to these non-state actors.
18. In the above incidents, Red Flag Associations and a number of government officials and units clearly violated many Vietnam's laws (including "assault aiming to injure", "property destruction", "disturbing the peace", "abusing one's authority", "failing to come to the aid"...). Victims have filed complaints and requests for investigation and produced witnesses as well as documentary evidence. Yet, the government has not taken the necessary actions to investigate, prosecute and punish the perpetrators, let alone to provide remedies and compensations for the victims.
19. **Recommendations:** We respectfully recommend that the UN Human Rights Committee:
 - (1) Follow up with the Government of Vietnam to ensure that proper actions are taken to investigate each and every reported incident involving Red Flag Associations, and prosecute perpetrators, including state and non-state actors, according to national law;
 - (2) Monitor the measures taken by the Government of Vietnam to ensure that all victims receive prompt, just and effective compensation from the responsible individuals or government entities;
 - (3) Secure formal guarantee from the Government of Vietnam that the prosecution of responsible members of Red Flag Associations be made public so as to discourage future human rights violations by non-state actors; and
 - (4) Request that the Government of Vietnam drop all charges and revoke all arrest warrants against those serving as witnesses in reports and complaints filed with the government.

⁴ Id.

Violence against women (arts. 2, 3, 6, 7 and 26)

Contributions to Paragraph 6 of the LOIs:

20. It is encouraging that the Government of Vietnam acknowledges the importance of combating violence against women and prosecuting the perpetrators. It is however imperative that such acknowledgement be accompanied by proper enforcement of existing laws. The following cases suggest that the law enforcement and court systems may be subjected to political and/or ideological influence and have failed to protect women victims of violence.
21. **The 20 women members of Ke Gai Parish:** In the aforementioned case involving 20 women members of Ke Gai Parish, Red Flag Association members, apparently under the direction of the Chairman of the People's Committee and the Police Chief of Hung Tay Commune, violently attacked the victims without provocation. The victims formally filed a complaint, but their complaint has been so far ignored by government authorities from the local to the provincial levels. Instead, by initiating prosecution against the key witness, it appears that the Public Security Department of Nghe An Province intends to intimidate the victims into abandoning their pursuit of justice.
22. **Ms. Tran Thi Hong:** Her being repeatedly tortured by public security members of the Hoa Lu Ward and Gia Lai Province from April 14 to May 31, 2016 was well documented. The U.S. Department of State, the U.S. Commission on International Religious Freedom, and several UN Special Rapporteurs have issued statements against the use of violence by government authorities against her.^{5, 6} On June 15th, Ms. Hong sent a formal denunciation letter by certified mail to Mr. To Lam, Minister of Public Security, Mr. Vu Van Lau, Director of Gia Lai Provincial Police Department, and Mr. Nguyen Van Long, Director of Pleiku City Police Department, requesting investigation against identified perpetrators. However, none of the above authorities responded or acknowledged receipt of her petition letter, which was sent by registered and certified mail, as required by law. On January 4, 2017 she sent a follow-up petition to these same authorities. To this day, there has been no response. On July 28, 2017, Ms. Hong's husband, Pastor Nguyen Cong Chinh, was released from prison. They and their five children were immediately evicted from the country and sent to exile in the United States. She continues to pursue justice against her torturers and has received support from human rights organizations in and outside of Vietnam.⁷
23. **Ms. Nguyen Thi Hanh:** Resident of Group 3, Dien Khanh Village, Hoai Duc Commune, Hoai Nhon District, Binh Dinh Province, she is a member of the local Nam Hoai Nhon Cao Dai Temple. On August 22, 2017, there were arguments between Mr. Nguyen Van Hai, a follower of the Cao Dai Tay Ninh Sect (established in 1997), and members of the temple who belonged to the original Cao Dai Religion (established in 1926). Ms. Hanh tried to calm both sides down. Mr. Hai all of a sudden struck her head and kicked her belly; she fell unconscious and later had to go to the hospital for treatment. On November 16, 2017 she filed a lawsuit with the People's Court of Hoai Nhon District against Mr. Hai, demanding a compensation of VND 3,897,000 to cover her medical costs. On March 26, 2018 the Public Security Office of Hoai Nhon District called her in to take her

⁵ "UN experts urge Vietnam to stop the persecution and torture of religious leaders and rights defenders," United Nations Office of the High Commissioner, June 2, 2016 available at, [http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20054&LangID=E;%20https://spdb.ohchr.org/hrdb/33rd/public_-_UA_VNM_27.05.16_\(3.2016\).pdf](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20054&LangID=E;%20https://spdb.ohchr.org/hrdb/33rd/public_-_UA_VNM_27.05.16_(3.2016).pdf)

⁶ UA VNM 8/2016 from the Special Rapporteur on freedom of religion or belief available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=22835>

⁷ "Vietnam: Alleged Torture of Tran Thi Hong Must be Investigated," Civil Rights Defenders, April 27th, 2016, available at: <https://www.civilrightsdefenders.org/news/vietnam-investigate-alleged-torture-of-tran-thi-hong/>

statement. At the end of the session, one of the three security officers present told her that she must use the letterhead of the Cao Dai Tay Ninh Sect for her complaint and for all her communications with the authorities. She contested that order as she belonged to the original Cao Dai Religion and not recently established Cao Dai Tay Ninh Sect. On August 1, 2018 the court of first instance rejected her lawsuit (Decision No.96/2018 /DS-ST), ruling that the defendant's witnesses contradicted the claims of the plaintiff and other witnesses. On August 13, 2018, Ms. Hanh filed her appeal with both the People's Court of Hoai Nhon District and the People's Court of Binh Dinh Province. Both courts ignored her appeal, in blatant violation of Articles 274, 276 and 277 of Vietnam's Civil Procedure Code. She retained a lawyer to file complaint with the Higher People's Court in Da Nang City. On October 26, 2018, she received a notice from the Higher People's Court instructing the People's Courts of Hoai Nhon District and Binh Dinh Province to hold an appeal hearing of her original complaint. Ms. Hanh expected many more roadblocks in her pursuit of justice because the entire law enforcement and court system of Hoai Nhon District appear to be biased in favor of the Cao Dai Tay Ninh Sect, which was created in 1997 by the order of the Vietnamese Communist Party and received strong support by the government.⁸

24. According to statistics released by the Public Security Ministry and published in the media on January 12, 2019, in 2018 there were 1,200 cases of sexual abuses affecting 1,100 children; 1,230 perpetrators were prosecuted.⁹ While these numbers showcase the Government of Vietnam's efforts to combat sexual violence against children, much improvement is needed. In its report titled "Out of the shadows: Shining light on the response to child sexual abuse and exploitation" released on January 16, 2019, The Economist's Intelligence Unit studied 40 countries and ranked them on how their governments responded to the threat of sexual violence against children.¹⁰ Vietnam is ranked 37 out of the 40 countries studied. Vietnam scores only 38/100 in terms of government commitment and capacity to fight sexual abuses against children, and only 17/100 in terms of engagement of industry, civil society and media. The stalled investigation into repeated sexual abuses of five young girls by a 63-year old cleric of the Cao Dai Tay Ninh Sect illustrates how Vietnam's justice system has failed the victims.
25. All five victims, aged 9-12 at the time, were students at So Dong Nhi, a school for orphaned girls and those from poor families. Run by the Cao Dai Religion and located in the inner quarters of its Tay Ninh Holy See, this school offers free education in exchange for the student's vow of chastity, with the option for grown-up students to become priests.
26. In September 2005, Ms. Trieu Thi Hanh, a Cao Dai clergy member who volunteered at the sewing facility of So Dong Nhi (where students learned sewing skills), found blood dripping from the pants of "A", nine-years student, when she came to the facility to use the telephone to call home. Upon talking to A, Ms. Hanh realized that she had been raped by Mr. Tran Van Th., a 63-years old cleric of the Pious rank who oversaw the security at Gate No. 12 of the Tay Ninh Holy See. From A's account, Ms. Hanh found out that four other students of Dong Nhi School had also been repeatedly raped by the same man. Th. lured each of them home one at a time, gagged their mouth, undressed them, drugged them with a white powder, and used a device to pry open their vagina before having intercourse with them. He did this repeatedly to these young girls.

⁸ "The 1997 Sect: Non-state actor with a long record of human rights violations against the Cao Dai Religion," BPSOS – Religious Freedom Project, June 30, 2018, available at: <http://dvov.org/wp-content/uploads/2018/07/1997-Sect-non-state-actor-June-30-2018-final.pdf>

⁹ Hơn 1.100 trẻ em bị xâm hại tình dục trong 12 tháng", available at:

<https://news.zing.vn/hon-1100-tre-em-bi-xam-hai-tinh-duc-trong-12-thang-post908260.html>

¹⁰ "Out of the shadows: Shining light on the response to child sexual abuse and exploitation", Economist Intelligence Unit, Jan 16, 2019, available at: <https://outoftheshadows.eiu.com/>

When Ms. Hanh talked to A, this young girl had already been through the horrifying experience the third time.

27. Dong Nhi School's headmaster reported this matter to the Governing Council of the Tay Ninh Holy See, which at the time was occupied by the Cao Dai Tay Ninh Sect, a sect established by the Vietnamese Communist Party in 1997 to eventually displace the original Cao Dai Religion, established in 1926. On behalf of A and the other four victims (all orphans), A's father also sent the Governing Council a request to investigate Th. As the Governing Council ignored both the internal report and the victims' request for investigation, A's father retained a lawyer to file a complaint with the Public Security Department and the People's Procuracy of Tay Ninh Province. He even travelled to Ha Noi to seek intervention from the office of the Prime Minister. In late 2005, the Police of Tay Ninh Province arrested Th. However, he was released three days later, reportedly thanks to the intervention of Mr. Nguyen Thanh Tam, Chair of the Governing Council of Cao Dai Tay Ninh Sect and at the time also a member of the National Assembly.
28. With the help of the lawyer, in early 2006 at least 13 newspapers covered the case. However, on November 29, 2006, the Public Security Department of Tay Ninh Province issued a decision to cease prosecution against Tran Van Th. (Criminal Case No. 137); the reason given was "insufficient evidence." The five young girls were evicted from the Dong Nhi School on the basis that they had lost their virginity. A's family received threats from people close to the Governing Council. The media no longer covered the case. All efforts by A's father to seek justice led to dead ends. After a key supporter of his pursuit for justice died after being suspiciously hit by a car that ran over the pavement, a group of sympathetic Cao Dai followers secretly made arrangements to hide all five victims in safe places outside of Tay Ninh Province. A's father continued to pursue justice until he died of ill health in 2012. The victims continue to be on the run and still dare not return to Tay Ninh Province. The perpetrator, Th., continues to live in Tay Ninh as a free man. Similarly to the case involving Ms. Nguyen Thi Hanh, it appears that the Public Security Department had been influenced by decisions made at a higher level and closed its investigation in disregard of due process.
29. **Recommendations:** We respectfully recommend the UN Human Rights Committee to work with the Committee on the Elimination of Discrimination against Women (CEDAW) to:
 - (1) Treat the above illustrative cases as tests of Vietnam's full compliance with provisions under ICCPR and CEDAW, both of which Vietnam is a state-party of;
 - (2) Ensure that the Government of Vietnam not only makes statements about policy but also demonstrates its commitment through proper actions with regard to the above test cases, including to carry out prompt, impartial, independent and effective investigation into the allegations of violence and other ill-treatments made by the victims, bring any identified perpetrators to justice via fair trials and provide reparations to the victims in accordance with Vietnam's obligations under the ICCPR, CAT and CEDAW; and
 - (3) Offer guidance to the relevant units of Government of Vietnam throughout the process of resolving these cases and in establishing new procedures to ensure due process and impartiality in addressing violence against women.

Human rights defenders (arts. 6, 7, 9, 12, 14 and 19)

Contributions to Paragraph 22 of the LOIs:

30. The Government of Vietnam has displayed a pattern of punishing and retaliating against those who reported human rights violations. These include at least three members of Vietnamese Women for Human Rights (VNWHR).
31. Ms. Tran Thi Hong, the wife of imprisoned Pastor Nguyen Cong Chinh, was a co-founder of VNWHR. She was punished after meeting with a U.S. delegation headed by the U.S. Ambassador At Large on International Religious Freedom (Rabbi David Saperstein), where she reported incidents of persecution against Montagnard Christians. From early March to end of May 2016 she endured interrogation and torture by the police of Gia Lai Province. During that period of time, Ms. Hong was practically under house detention as she was not allowed to leave her neighbourhood. Thanks to international intervention, mistreatment against her stopped and her husband was released from prison. They however had to leave the country and go into exile.
32. Ms. Huynh Thuc Vy, a prominent online blogger and co-founder of VNWHR, was stopped by the police at Tan Son Nhat airport in July 2015 as she was leaving for Bangkok, Thailand to attend training organized by Reporters Without Borders. The airport police also confiscated her passport at that time.¹¹
33. In August 2018, Ms. Nguyen Xuan Mai, an active member of VNWHR and of the Popular Council of Cao Dai Religion, was blocked at Moc Bai checkpoint near Cambodia border, from traveling to Bangkok, Thailand to attend the Fourth Annual Southeast Asia Freedom of Religion or Belief. When she requested the formal letter from the Vietnamese authorities regarding her travel ban, the security authorities at the Moc Bai checkpoint told her that it was by verbal order from their superior. In 2017, Ms. Mai had attended the Third Annual SEAFORB conference in Manila, Philippines where she reported human rights violations against followers of the Cao Dai Religion to an official of the Office of the UN High Commissioner for Human Rights. During and after attending this conference, Ms. Mai had received multiple “invitation letters” from her local police authorities in Vinh Long city for “working sessions” with the police regarding her participation in this conference. In 2015 she attended the first SEAFORB Conference where she directly reported to the UN Special Rapporteur on Freedom of Religion or Belief violations of religious freedom by the government and the Cao Dai Tay Ninh Sect, which the government set up and recognized in 1997.
34. **Recommendations:** We respectfully recommend that UN Human Rights Committee to work closely with the Vietnamese government to ensure that:
 - (1) Human rights defenders are not punished for reporting human rights violations to UN experts or treaty bodies, or to any regional/international human rights mechanisms;
 - (2) Perpetrators of human rights violations and government authorities punishing human rights defenders for reporting violations are investigated and punished; and

¹¹ “Vietnam: End Crackdown on Freedom of Expression”, Human Rights Watch, November 20, 2018, available at: <https://www.hrw.org/news/2018/11/20/vietnam-end-crackdown-freedom-expression>

(3) All travel bans against human rights defenders be immediately and unconditionally lifted.

Freedom of association and peaceful assembly (arts. 7, 9, 21 and 22)

Contributions to Paragraph 24 of the LOIs:

35. The Government of Vietnam claims that by end of 2017 “there were 67,627 associations, 513 of which have operations nationwide” even though there was no Law on Associations. There is still no such law.
36. The reality is, the associations referred to in the Government of Vietnam’s reply are part of the vast network of instruments set up by the Vietnamese Communist Party (VCP) to infiltrate all sectors and layers of society and tightly control the people. They are all, directly or through umbrella organizations, part of the Fatherland Front, a mass organization led by the Communist Party of Vietnam that operates at the grassroots level.
37. The Government of Vietnam has invested an increasing amount of national budget to shore up these organizations year after year. According to data from Viet Nam Institute for Economic and Policy Research (VEPR), which is part of the National University of Ha Noi, the budget for these VCP-controlled associations increased three folds between 2006 and 2015. The allocated budget for 2016 was 1,504 billion VND (68.3 million USD), with the following distributions: 92 billion VND for the Central Committee of the Fatherland Front, 551 billion VND for the Central Committee of the Ho Chi Minh Communist Youth Organization, 159 billion VND for the Central Committee of the Vietnamese Women Union, 346 billion VND for Farmers’ Association, 80 billion VND for the Vietnam Veterans Association, 273 billion VND for Vietnam General Confederation of Labor... According to the same source, the actual budget would be 45,600-68,100 billion VND (2.25 – 3.41 billion USD), or 1.0 – 1.7% of Vietnam’s GDP, if subsidies were also included.¹²
38. VEPR refers to these associations as “state organizations and associations”. In other words, they are government-organized NGOs, also known as GONGOs. Vietnam is a one-party state, where the Communist Party controls all branches of government, and outlaws all competing political parties and voices of dissent. Through the Fatherland Front and its affiliates, the VCP seeks to control the entire society.
39. The Vietnam Union of Friendship Organization (VUFO) and Vietnam Union of Science and Technology Associations (VUSTA) are the two main instruments used by the Government to control GONGOs that are not part of the above networks. Both VUFO and VUSTA are part of the government and report directly to the VCP. VUFO presides over all international NGOs operating in Vietnam and controls the distribution of foreign funds and aid to Vietnamese organizations.
40. VUFO holds periodic elections for key positions where only Party members are invited.¹³ VUFO describes itself as a “socio-political” organization,¹⁴ and was recently congratulated by a prominent Communist Party politburo member on its successes at “implementing the foreign

¹² “Ngân sách và các tổ chức hội - đoàn thể nhà nước”, VEPR, May 18, 2016, *available at*: <http://vepr.org.vn/ngan-sach-va-cac-to-chuc-hoi-doan-the-nha-nuoc.html?fbclid=IwAR19pxx1j1pLgyLjgA5IcSQ-Vr7hcjuOQseFSvAH-KYabvX9egTzCrTAJ-U>

¹³ <http://thoidai.com.vn/Be-mac-Dai-hoi-dai-bieu-toan-quoc-Lien-hiep-lan-thu-V-15-4543.html>

¹⁴ <http://www.tienphong.vn/Print.aspx?id=666338>

policy of the Party”.¹⁵ VUFO has a large number of affiliated organizations that all serve to implement the foreign policy of the VCP, such as Vietnam Peace and Development Foundation (VPDF), Vietnam Committee for Asian-African-Latin American Solidarity, and Vietnam Peace Committee (VPF), which was recognized in 2013 for successfully serve the VCP’s policy.¹⁶ VUFO and its affiliated organizations act as extensions of the Government’s security apparatus, actively documenting and reporting back to the Ministry of Public Security. In their view, they keep close watch of organizations which, “Under the guise of promoting democracy and human rights...are intensively taking advantage of the [social] movements, the national, regional and international levels people’s forum, to intervene into the internal affair(s) of nations”.¹⁷ VUFO conducts annual reporting with the Ministry of Foreign Affairs and the Ministry of Public Security on the activities of foreign NGOs doing political work.¹⁸

41. Similarly, the key role of VUSTA, per its charter, includes national defense and to “Disseminate and popularize the Party’s and State’s policies and law.”¹⁹ A UNDP report points out that, “VUSTA has received funding of 300 million VND from the National Assembly to carry out its policy works”.²⁰ An integral part of this work is to monitor and control GONGOs not affiliated with any of the umbrella organizations that operate directly as extensions of the VCP.
42. In addition to controlling the domestic social sector, VUFO and VUSTA have been tasked by the VCP to assume the identity of Vietnam’s civil society at regional and international forums and defend the policy of the Government of Vietnam. For example, VUFO and VUSTA, for the past ten years, have monopolized the national organizing committee to send Vietnam’s delegation to the annual ASEAN Civil Society Conference / ASEAN People’s Forum (ACSC/APF). Claiming to represent Vietnam’s entire civil society, they have served on the ACSC/APF Steering Committee for the past ten years. Their role has been to exclude the participation of genuine civil society organizations, which cannot convene its own meetings to form an alternative delegation due to Decree No. 38/2005/ND-CP, cannot officially participate in Vietnam’s national organizing process due to their no-registration status, and oftentimes cannot participate in ACSC/APF due to travel bans. The Vietnamese Government’s use of GONGOs to monopolize the civic space in the country, block out genuine CSOs from regional and international forums, and defend the government’s poor human rights records has long been a concern. A report on the ten years of ACSC/APF decried “[g]overnment practices that discourage participation of civil society in regional fora, such as intimidation of participants, interrogations, travel bans, confiscation of passports; government agendas to control the engagement processes by supporting GONGOs thereby depriving civil society of their space.”²¹
43. At the recent Universal Periodic Review of Vietnam, many of the above mentioned GONGOs posed as civil society organizations to submit reports defending the human rights records of the Government of Vietnam.

¹⁵ <http://www.vietnambreakingnews.com/2015/11/vufo-celebrates-its-65th-traditional-day-anniversary/>

¹⁶ <http://comingo.gov.vn/itemdetail/operations-information/vietnam-peace-committee-holds-talks-with-lao-counterpart.aspx>

¹⁷ <http://www.tienphong.vn/Print.aspx?id=666338>

¹⁸ <http://songoaivu.binhdinhh.gov.vn/newsdetail.php?lang=vi&newsid=639&id=178>

¹⁹ <http://www.vusta.vn/en/news/VUSTA-Head-quarter-1741/Charter-43555.html>

²⁰ <https://erc.undp.org/evaluation/documents/download/4380>

²¹ “South East Asia Peoples’ Engagement Towards a People-Centered ASEAN: A Ten-Year Review of the ASEAN Civil Society Conference/ASEAN Peoples’ Forum (ACSC/APF) 2005-2015,” by Consuelo Katrina A. Lopa, available at: <http://dvov.org/wp-content/uploads/2019/01/FULL-PAPER-ACSC-APF-Ten-Year-Review-2005-2015.pdf>

Contributions to Paragraph 25 of the LOIs:

44. The government has indefinitely delayed the adoption of the law on demonstrations despite urging by citizens and the international community. A recent incident reveals how taboo a subject such a law is to the communist leadership. In June 2018, the Tuoi Tre (Youth) Online Newspaper was shut down for three months and fined 220 million VND (equivalent to 9,500 USD) after quoting then-President Tran Dai Quang's statement in support of the law on demonstrations. On December 27, 2018 the Association of Journalists announced that it had revoked the journalist credentials of four senior staff of the online publication: Mr. Vo Hoang Thuat, Vice Secretary General, Ms. Vu Chi Mai, Secretary, Mr. Pham Minh Duc, reporter in the Politico-Social Desk, and Mr. Duong Thanh Liem, editor.
45. The purpose of Decree No. 38/2005/ND-CP is to deny citizens their right to peaceful assembly under the guise of maintaining public order. Its Article 5 was further expanded in Articles 331 and 318 of the 2015 Penal Code to ban peaceful demonstrations, prohibiting acts of "Abusing citizens' democratic freedoms to carry out or organize, or induce, incite, buy off, deceive, force or encourage others to carry out illegal mass rallies, causing public disorder or for purpose of committing other law-breaking acts." Gathering of more than 5 persons must get pre-authorization by the local authorities, creating an impossible situation for citizens to exercise their right to express grievance against those same local authorities.
46. Article 7 of Decree No. 38 exempts the requirement of registration of mass rallies at public places for Party or State bodies, the Vietnam Fatherland Front and socio-political organizations. Such organizations, presented by the government as NGOs, are in fact government-organized NGOs (GONGOs). Article 5.4 even prohibits citizens from interfering with public gatherings organized by such GONGOs.
47. Citizens exercising their right to peaceful assembly, including participating in peaceful demonstrations, have been harshly punished. At least 11 activists who participated in protests or published articles in the social media supporting such protests have been imprisoned. Le Dinh Luong is an illustrative case. He had joined various peaceful demonstrations against Formosa Steel Plant, a Taiwanese company that dumped toxic waste in the ocean and caused an environmental disaster polluting some 200 km of Vietnam's central coastline and causing massive fish deaths in April 2016. Arrested in July 2017, on August 16, 2018 he was sentenced to 20 years in prison followed by 5 years of probation on the charge of "carrying out activities that aim to overthrow the people's administration" under article 109 of the 2015 Penal Code. He was denied representation by a lawyer until just a few weeks before the trial. As basis for the charge, the prosecution produced confessions against Luong by two jailed environmental activists, Nguyen Van Hoa and Nguyen Viet Dung. However, at the trial both denounced the use of torture by their interrogators to force them to make false confessions. Regardless of such denunciation, the court proceeded as usual and Luong received a heavy sentence. Nguyen Van Hoa was taken away from the court and reportedly subjected to further torture.
48. Below are prisoners of conscience that we have documented as being punished for their participation in peaceful demonstrations against various peaceful demonstrations against a Taiwanese company, the Formosa Plastics Group, after its steel plant discharged toxic waste into the ocean and/or for covering news about such demonstrations.

Name	DOB	Day of arrest	Charge(s)	Sentence	Expected release date
Le Dinh Luong (M)	1965	July 24, 2017	79	20 years	July 24, 2037
See more information at: https://vietnamprisoners.info/prisoner/18/le-dinh-luong https://www.vietnamhumanrightsdefenders.net/defenders-weekly/?post=le-dinh-luong					
Luu Van Vinh (M)	1967	Nov 6, 2016	79 (109)	15 years	Nov 6, 2031
See more information at: https://vietnamprisoners.info/prisoner/5/luu-van-vinh https://www.vietnamhumanrightsdefenders.net/defenders-weekly/?post=luu-van-vinh					
Dao Quang Thuc (M)	1960	Oct 5, 2017	79	14 years	Oct 5, 2031
See more information at: https://vietnamprisoners.info/prisoner/7/dao-quang-thuc https://www.vietnamhumanrightsdefenders.net/defenders-weekly/?post=dao-quang-thuc					
Nguyen Trung Truc (M)	1963	Aug 4, 2017	79	12 years	Aug 4, 2029
See more information at: https://vietnamprisoners.info/prisoner/17/nguyen-trung-truc https://www.vietnamhumanrightsdefenders.net/defenders-weekly/?post=nguyen-trung-truc					
Tran Thi Xuan (F)	1976	Oct 17, 2017	79	9 years	Oct 17, 2026
See more information at: https://vietnamprisoners.info/prisoner/8/tran-thi-xuan https://www.vietnamhumanrightsdefenders.net/defenders-weekly/?post=tran-thi-xuan					
Nguyen Viet Dung (M)	1976	Sep 27, 2017	88	6 years	Sept 27, 2023
See more information at: https://vietnamprisoners.info/prisoner/19/nguyen-viet-dung https://www.vietnamhumanrightsdefenders.net/defenders-weekly/?post=nguyen-viet-dung					
Tran Hoang Phuc (M)	1994		88	6 years	
Hoang Duc Binh (M)	1983	May 15, 2017	330, 331	14 years	May 15, 2031
See more information at: https://vietnamprisoners.info/prisoner/32/hoang-duc-binh https://www.vietnamhumanrightsdefenders.net/defenders-weekly/?post=hoang-duc-binh-viet-labor					
Nguyen Van Oai (M)	1981	Jan 19, 2017	257, 304	5 years	Jan 19, 2022
See more information at: https://vietnamprisoners.info/prisoner/35/nguyen-van-oai https://www.vietnamhumanrightsdefenders.net/defenders-weekly/?post=nguyen-van-oai					
Tran Thi Nga (F)	1977	Jan 21, 2017	88	9 years	Jan 21, 2026
See more information at: https://vietnamprisoners.info/prisoner/3/tran-thi-nga https://www.vietnamhumanrightsdefenders.net/defenders-weekly/?post=tran-thuy-nga					
Nguyen Van Hoa (M)	1995	Jan 11, 2017	88	7 years	Jan 11, 2024
See more information at: https://vietnamprisoners.info/prisoner/36/nguyen-van-hoa https://www.vietnamhumanrightsdefenders.net/defenders-weekly/?post=nguyen-van-hoa-ky-anh					

49. After the shadow reports submission deadline for the ICCPR review, the government violently cracked down against participants in the peaceful demonstrations of June 2018, when tens of thousands of Vietnamese citizens took to the street to protest the draft laws on cybersecurity and on special economic zones.

50. Mass demonstrations broke out in multiple locations in Vietnam on June 9 and 10 in opposition to two bills due to be imminently passed by Vietnam's National Assembly: the bill on Cyber Security and the bill on Special Economic Zones. The Cyber Security Law, which has to do more with internet censorship than with cyber security, passed on June 12; it aims to suppress criticisms of the government by further restricting Vietnam's already very limited space for freedom of expression. The Special Economic Zones Bill would allow foreign investors to lease land for up to 99 years in three to-be-established special economic zones in the strategic locations of Van Don, Phu Quoc and Van Phong. Many Vietnamese citizens became alarmed by

the bill's language that favors Chinese investors and would open Vietnam's back door for China's territorial hegemony.

51. For two straight days tens of thousands of Vietnamese took to the streets in Ha Noi, Ho Chi Minh City, Nha Trang, Da Nang, Binh Thuan and other localities to protest the two bills. The demonstrations started on June 9 with tens of thousands of workers protesting in Tan Tao Industrial Park. The next day, mass protests were held in Ha Noi, HCM City, Nha Trang City, Da Nang City, Phan Ri Cua Town (Binh Thuan Province) and other localities. In some locations, such as in Binh Thuan Province, the protests went on for days.
52. Such large-scale, spontaneous protests occurring simultaneously in multiple cities are unprecedented in communist Vietnam. The protestors came from diverse backgrounds: workers, farmers, students, intellectuals, small business owners, housewives, religious leaders, etc. Most of them had never been involved in any prior activism.
53. The demonstrations were mostly peaceful. Protesters marched through the streets holding up banners and shouting slogans against the two bills. However, in Binh Thuan Province, a small number of protesters reacted with violence after security forces used water cannons, tear gas, and batons in a bid to disperse them. Some of these protesters occupied a government building that houses the Provincial People's Committee and burned a dozen government vehicles.
54. On June 17, hundreds of protesters took to the street to decry the passage of the Cyber Security Law and to call on the National Assembly to shelve the Special Economic Zones Bill. The National Assembly did not bring up this bill for a vote as it had originally planned.
55. On June 10, a Sunday, the government deployed large numbers of rapid-response police troops, uniformed and plainclothes public security police agents, and militiamen to quell the largely peaceful demonstrations. In HCM City, the police and militia used Long Range Acoustic Devices (LRADs), tear gas, batons, and other weapons to forcefully suppress the protests and arrest protesters. According to eye-witnesses, plainclothes agents disabled and immobilized protesters before taking them to detention facilities. Many video clips made available on Youtube and Facebook support the witnesses' claims. Security forces beat and arrested hundreds of protesters, according to State media and citizen journalists.
56. According to Vietnam's official media, the police department of HCM City alone made 310 arrests. Those arrested were reportedly held in makeshift facilities set up in Tao Dan Park and elsewhere. Of these, seven were held for investigation under criminal charges, 175 fined, and the remaining ones released without penalty.
57. On June 10 and for a number of subsequent days, family members of many of the detainees were not informed by the police of the arrest and detention. After their release, the detainees reported being beaten during detention, as well as having their cell phones and other belongings confiscated by their interrogators.
58. In Binh Thuan Province, the police used tear gas and water cannons to disperse the protestors. State media reported that security forces arrested around 200 protestors in this central province.
59. Most of those arrested were forced to sign admissions of guilt prewritten or dictated by their interrogators. Those who cooperated were released after paying a fine. Those suspected of being organizers or key actors were separated from the rest, tortured during interrogation, and placed under temporary detention for investigation.

60. In Ha Noi, on June 10 police successfully prevented groups of protesters from achieving a critical mass at the city's center – the police promptly arrested protesters and took them to various police stations, where they were held until the late afternoon. Some detainees reported being punched by their captors.
61. On June 12, right after the National Assembly passed the Cyber Security Law, plainclothes agents and militiamen in key cities went to the homes of known activists at about noon in a bid to prevent them from joining other would-be protesters. Some activists reported being trailed or prevented from going out of their houses by undercover police agents for days afterwards.
62. There were calls on Facebook for more protests on Sunday June 17, 2018. Authorities in HCM City placed the city under a state of emergency; the rapid-response police and militia set up barricades on key streets and patrolled prospective gathering sites, dispersing by-standers and randomly arresting those they deemed as suspects. The police rounded up about 200 individuals found gathering in small groups at the city's center and detained them in a makeshift detention facility in Tao Dan Park. All victims were interrogated. The police confiscated their cell phones and cameras and forced them to confess that they had disrupted public order and peace. Intent on obtaining information on the protest organizers (through their social media accounts, phone numbers, email addresses, etc.), the police demanded access to the victims' cell phones. Those who refused to comply were tortured, said witnesses.
63. A number of the detainees were later segregated from the rest and taken to a different section of the makeshift detention facilities where savage beatings took place, according to stories told by the victims, their companions, or eye-witnesses. Many detainees were also held in District 1 police stations. Families of the detainees were not notified of their detention. All detainees were released on the same or the following day. Most detainees were reportedly tortured.
64. In the ensuing months, the police continued to arrest individuals suspected of being key actors behind the June mass demonstrations. Another wave of arrests occurred around Vietnam's Independence Day (September 2) as there were calls for additional mass protests. See Appendix 1 for the lists of individuals subjected to torture in connection to the waves of police arrests and detention from mid-June to early September.
65. By the end of September, at least 65 protesters had been convicted and 56 of them had been sentenced to between eight and fifty-four months of imprisonment on the charge of "disrupting public order." Another eight protesters were sentenced between five and eighteen months of probation on the same charge. Nine others are being held in pre-trial detention. See Appendix 2 for a list of convicted protestors.
66. The latest arrest in connection to the June 10 demonstrations was made on October 10. According to the state media, Le Minh The, 55, was arrested by the police of Can Tho Province for prosecution on charge of "abusing democratic freedoms" under Article 331 of the 2015 Penal Code. Citing the police, the article reported that The had incited people to participate in the June 10 demonstrations to oppose the draft laws on cyber security and on special economic zones.
67. **RECOMMENDATIONS:** We respectfully recommend that the Government of Vietnam:
- (1) Review domestic legislation to ensure full compliance with international human rights law;

- (2) Repeal all legislations restricting the exercise of constitutionally and internationally recognised human rights, in particular revise the broad "national security" provisions in the amended Penal Code; and
- (3) Carry out prompt, impartial, independent and effective investigation into the allegations of torture and other ill-treatments made by the victims, bring any identified perpetrators to justice via fair trials and provide reparations to the victims in accordance with Vietnam's obligations under the ICCPR;
- (4) End harassment, surveillance, physical violence, including at the judicial level, against human rights defenders, non-registered religious believers and minorities;
- (5) Immediately and unconditionally release all participants in peaceful demonstrations; and
- (3) Promptly pass the Law on Associations and Law on Demonstration.

Rights of minorities (arts. 2 and 27)

Contributions to Paragraph 27 of the LOIs:

- 68. For almost 2 decades, thousands of Hmong Christians have been forced to leave their home villages in Northern Vietnam because they had refused to abandon their religious faith as ordered by the local authorities. A number of them were forcibly evicted from their village while others had no choice but to escape the mounting threats from the local authorities.
- 69. From 2001 to 2006, many provincial governments in Northern Vietnam promulgated policies aimed at tightly controlling religions with a major focus on Hmong Protestant communities. Local authorities banned their religious activities and arrested and persecuted community members who participated in religious rites. This caused a number of Hmong Protestant communities in Northern Vietnam to dissolve or lose members because they had only two alternatives: remain and give up their religion or relocate if they want to practice their religion. Many Hmong Protestant communities migrated from the Northern provinces of Dien Bien, Lai Chau, Lao Cai, and Ha Giang to the Central Highlands in search of a haven to freely practice their faith. For example, among the nearly 1,000 of the migrants settled in Dac Ngo Commune – Dak R'lap District - Dak Lak (now Tuy Duc District in Dak Nong Province), 80% are from Tua Chua District and Muong Cha District of Dien Bien Province, 15% from districts in Lai Chau Province, 4% from Lao Cai Province and 1% from Ha Giang Province.
- 70. As illustration, the five families of Messrs. Sung Dung De, Sung A Cua, Sung A Do, Sung A So and Sung A Dung, all residents of Huoi Mi Village in San Kha Commune of Sop Cop District, Son La Province, became members of the Christian Alliance Church in 2015. From that time on, the local government had discriminated against them, seized all their land, and demanded that these five families commit to renounce their faith. On April 22, on 2017, a local policeman saw members of these families praying together at a neighbor's home; he alerted the village chief. The village chief gathered the villagers, Communist Party members, policemen, militiamen and members of the local unite of the Fatherland Front. Altogether they formed a mob of 46 individuals. Led by the village chief, this mob went to Sung A Dung's house, assaulted him, dragged him out, and wrecked his family's house and destroyed his family's pigsty, chicken coops, and all other belongings. They went from home to home until they destroyed all five homes before expelling the victims from Sam Kha Commune and exiling them all the way to the border of Dien Bien Province. The five families have since lived a homeless life. In September of 2018, three of these families moved to the Central Highlands where they stayed with other stateless Hmong Christians.

71. BPSOS has identified at least 1,100 Hmong Christian households and over 1,000 Montagnard Christian households, accounting for about ten thousand individuals, that have been rendered “stateless” because of their Christian faith.

Stateless Hmong Christians in Northwestern provinces:

- 71 households in the Tá Pì Chà worship group of Chung Chảy Commune, Mường Nhé District, Điện Biên Province.
- 6 households in the worship group at the source of Nậm Hạ Creek, Kan Hồ Commune, Mường Tè District, Lai Châu Province. The Nậm Hạ Creek worship group started meeting in 2013 and have not been issued papers.
- 5 households in Huổi My Hamlet, Sam Kha Commune, Sốp Cộp District, Sơn La Province. The government of Sam Kha Commune expelled them; they moved to the Central Highlands but have not been issued papers.
- 10 Protestant households in Sông Mã District, Sơn La Province were deprived of their ID papers and residency documents after the local government punished them.
- Approximately 30% of H’Mong residents are Protestant in the districts of Mường Nhé and Nậm Pồ, Điện Biên Province and have no ID and residency papers (efforts are continuing to gather more detailed information on the households).

Stateless Hmong Christians in Central Highlands provinces:

- 140 Protestant households in Đoàn Kết Hamlet, Đắk Ngo Commune, Tuy Đức District, Đắk Nông Province have not been issued papers.
- 90 Protestant households in Tân Lập Hamlet, Đắk Ngo Commune, Tuy Đức District, Đắk Nông Province, have not been issued papers.
- 6 Protestant households in Sính Chải Hamlet, Đắk Ngo Commune, Tuy Đức District, Đắk Nông Province, have not been issued papers.
- 37 Protestant households in Ninh Hòa Hamlet, Đắk Ngo Commune, Tuy Đức District, Đắk Nông Province, have not been issued papers.
- 35 Protestant households in Si At Hamlet, Đắk Ngo Commune, Tuy Đức District, Đắk Nông Province, have not been issued papers.
- 20 Protestant households in Gian Châu Hamlet, Đắk Ngo Commune, Tuy Đức District, Đắk Nông, have not been issued papers.
- 88 Protestant households in Area 179, Liêng Srônh Commune, Đam Rông District, Lâm Đồng Province have no basic personal and residency papers after living here for more than 16 years.
- Over 200 Protestant households in Đắk Phơi Commune, Lăk District, Đak Lăk Province, have no basic personal and residency papers after living here for more than 12 years.
- 100 Protestant households in Area 181, Liêng S Roanh Commune, Đam Rông District, Lâm Đồng Province, have no basic personal and residency papers after living here for nearly 20 years.

- 150 Protestant households in M'Đrăk District, Đắk Lắk Province, have no basic personal and residency papers after living here for nearly 20 years.
- Over 300 Protestant households in Vụ Bản Commune, Krông Păk District, Đắk Lắk, have no basic personal and residency papers after living here for more than 10 years.
- Approximately 30% of the residents are Protestant in the communes of Cư San, Emroan, and Cư Krúa in M'Đrăk District, and the communes of Cư Pui and Cư Đran of Krông Bông District, Đắk Lắk Province, have no basic personal and residency papers after living here for more than 20 years.

72. **Montagnards** have long been subjected to harsh treatment by the government of Vietnam for a number of reasons, including traditional prejudice against ethnic minorities; distrust of the Montagnards' fervent Christianity, which many in the government consider a subversive "foreign" religion; hostility on account of the close association of many Montagnards with the United States war effort prior to 1975; and an ongoing policy by the government to resettle ethnic Vietnamese from the North in the Central Highlands on lands confiscated from Montagnards.
73. Montagnard is a general term for the indigenous peoples in Vietnam who reside mainly in the five provinces of the Central Highlands of Vietnam: Dak Lak, Dak Nong, Lam Dong, Gia Lai and Kontum. Farming is the main source of livelihood for the Montagnards who are linguistically, culturally, and ethnically quite diverse (Ede, Jrai, Bahnar, Mnong, and K'ho ethnic groups). Dega is another, less used appellation for Montagnard.
74. Unlike for the Hmong in the Northwestern Region, Montagnards in the Central Highlands had been exposed to Protestantism since the 1960's due to the work of American missionaries. Seeing the spread of Protestantism as a threat to its full control of the region, the Vietnamese government responded by brutally suppressing demonstrations in the Central Highlands. In the late 1990's the Vietnamese government started to crack down on Montagnard house churches, destroying some and closing down most of them. In July 2002, the Politburo of the Communist Party established the Central Highlands Steering Committee, a focus of which was to maintain strict government control by suppressing the spread of Protestantism among the Montagnard population. Its first Chairman was Nguyen Tan Dung who later became Prime Minister, followed by then-Minister of Public Security General Tran Dai Quang. When Quang became President, the chairmanship was passed on to General To Lam, his successor at the Ministry of Public Security.
75. This repressive policy was met with mass demonstrations by Montagnard Christians in 2001, 2002, 2004 and 2008. The government reacted swiftly by dispersing demonstrators by force and arresting and imprisoning hundreds of those suspected of being the organizers. The crackdown, implemented not only by local officials but also by the national police and military forces, was characterized by widespread physical abuse and had resulted in several reported deaths. According to Human Rights Watch,²² more than 300 Montagnards, most of them Protestants but also including some Catholics, were imprisoned because of their participation in and/or association with the mass demonstrations.
76. Facing international condemnation over its brutal repression of Montagnard Christians, the Central Highlands Steering Committee increasingly switched to alternative tactics, including forced renunciation of faith and marginalization of those who refused to abandon their faith. The government has alleged that Protestantism is an American religion and Montagnard house

²² Briefing Note by Human Rights Watch, November 2009

churches are affiliated with the separatist movement known by its acronym FULRO (abbreviation of its French name “Front Uni de Lutte des Races Opprimées” (United Front for the Liberation of Oppressed Races) even though this movement has long been defunct.

77. This policy was reaffirmed in the May 13, 2015 article titled “The hero soldiers in the battle against FULRO” published in “Public Security Art,” an official publication of the Public Security Ministry:

“Through 10 years of growth and combating the enemy, a more mature Ethnic Communities Security Office (PA90) of Gia Lai Province, in coordination with the local government and the people, has derailed plots by the reactionary FULRO and contributed to the security of the region. From 2004 on, the Office has unmasked and dealt with several FULRO organizations, ‘Dega Evangelical Church’, and established 3 projects to end FULRO elements’ operation out of the forest. The Office captured 12 Hà Môn Cult adherents, convinced 69 fugitives to give themselves up, made substantial progress in resolving the Hà Môn Cult issue, and achieved several other unheralded successes.

“With its outstanding results, PA90 has been honored 4 times with the President's Order of Merit while its employees have been honored with several other awards from the President, the Prime Minister, and other officials.” Source: Ministry of Public Security, Heroes in the battle against FULRO”. See <http://vnca.cand.com.vn/Truyen-thong/Nhung-nguoi-linh-anh-hung-chong-Fulro-350266/>

78. Furthermore, as a consequence of this persecution, between 2001 and 2018, 489 Montagnard Christians were detained at one time or another, with many among them eventually serving prison sentences of 4 to 14 years.²³ Most of these victims were church leaders. Nine victims died in detention or shortly after their release from detention or prison between 2007 and 2018.²⁴ Furthermore, Montagnard Christians who do not renounce their faith have seen their land seized by the local government without compensation.

79. While there is no clear indication that it is a policy set by the Central Highlands Steering Committee, denying or revoking essential documents has been used by certain local governments to induce Montagnard Christians to renounce their faith and discourage new followers. Consequently, statelessness becomes pervasive within certain Montagnard communities, mostly among the communes and districts of Gia Lai Province that border Cambodia. For example, in just one district, the Ia Grai District of Gia Lai Province, we have documented over one thousand households as being victims of this less visible form of persecution:

- Some 15 stateless households in Ia O Commune.
- Some 50 stateless households in Ia Der Commune.
- Ia Grang Commune: 17 villages consisting of 120 households each, with about 20 stateless households per village;
- Ia Hrung Commune: 5 Bahnar and Jrai ethnic villages consisting of 200 households each, with over 20 stateless households per village;

²³ BPSOS compendiums of prisoners of conscience (2005 - present)

²⁴ BPSOS reports submitted to Special Rapporteur FoRB in 2014-2019

- Ia To Commune: 7 Bahnar and Jrai ethnic villages consisting of 105 households each, with about 12 stateless households per village; and

- Ia Chia Commune: 4 Bahnar and Jrai ethnic villages consisting of 250 households each, with about 120 stateless households per village.

80. Recommendations: We respectfully recommend that the UN Human Rights Committee to raise the issue of statelessness among Hmong and Montagnard Christians with the Government of Vietnam and ensure that it:

- (1) Issue birth certificates to all children bearing both parents' names, and facilitate their full access to education and all benefits programs;
- (2) Issue citizenship ID to all individuals without it, and household registration to all families without it;
- (3) Issue marriage certificates, backdating to the actual wedding date;
- (4) Eliminate any barriers (i.e. language, financial, transportation) to accessing and applying for other legal documents as a way to reinforce and prove their commitment against the systemic discrimination of the Montagnard peoples and other indigenous peoples residing in Vietnam; and
- (5) Ensure that local and provincial governments stop their policies of forcing Hmong and Montagnard Christians to renounce their faith, and of using denial of citizenship ID and household registration as punitive measures against those who defend their faith.

81. Additionally we would like to reiterate our recommendations below to the Government of Vietnam, which have been offered in the joint report submitted by BPSOS, Institute on Statelessness and Inclusion and Statelessness Network Asia Pacific for the third Universal Periodic Review of Vietnam:²⁵

- (1) Fully promote, respect, protect and fulfil its obligations towards stateless persons under international human rights law;
- (2) Collaborate with civil society actors to ensure that reforms aimed at addressing statelessness are effectively implemented;
- (3) Publish information on the size and profiles of the stateless populations in Vietnam and the barriers these populations face in acquiring or confirming citizenship in Viet Nam;
- (4) Guarantee access to fundamental human rights without discrimination, particularly with respect to ethnic and religious minorities such as the Hmong and Montagnard communities;
- (5) Develop and implement civil documentation and registration campaigns that support people who are stateless or at risk of statelessness to acquire and confirm citizenship and obtain civil documentation. Such activities should focus on supporting populations residing in border areas and in remote and hard to reach locations;

²⁵ <http://dvov.org/wp-content/uploads/2018/07/ISI-UPR-Submission-Viet-Nam-For-Website.pdf>

(6) Reform the residential registration system, so that access to fundamental human rights is not restricted by one's status within the residential registration system;

(7) Ensure universal birth registration in Viet Nam, as a tool for protecting the right to a nationality and preventing statelessness, in compliance with Viet Nam's obligations under article 7 of the CRC (to register all births immediately) and the Sustainable Development Goals, which aim under goal 16.9: "by 2030 provide legal identity for all including birth registration";

(8) Ensure all children in Viet Nam have access to education, irrespective of their documentation status; and

(9) Ratify and fully implement the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness and the 1951 Convention relating to the status of Refugees and its 1967 Protocol.