

Statelessness as form of punishment against H'Mong and Montagnard Christians in the Socialist Republic of Vietnam



*Five H'Mong Christian families, evicted from their home village
in Son La Province, holding prayer service near their makeshift tent, May 2017*

BPSOS – Religious Freedom Project

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The Religious Freedom Project, which is part of BPSOS's International Initiatives, reflects the organization's commitment to Article 18 of the Universal Declaration of Human Rights. BPSOS has worked to defend and promote religious freedom since 1996. In 1998, the organization co-founded the Committee for Religious Freedom in Vietnam. Since 2010, BPSOS has funded a legal clinic in Thailand to defend the right to refugee protection of close to a thousand victims of political and religious persecution from countries such as Vietnam, Laos, Cambodia, China, Pakistan, Republic of Congo, and Somalia. In 2015, BPSOS joined with regional and international partners to launch the annual Conference on Freedom of Religion or Belief in Southeast Asia (SEAFORB).

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1. INTRODUCTION

Denial of household registration and national ID documents has been used by some provincial governments in Vietnam as a punitive measure against members of unrecognized religions or banned churches. Without these documents, one would become “stateless” in one’s own country and be denied the most basic rights of citizens. The targeted subjects’ movements would be severely restricted and so would be their access to public benefits including education and healthcare. They would not be accorded land use right and would not be able to own property, open a bank account, use the public library, get official employment, or apply for a business license. Undocumented married couples would not be issued a marriage certificate, and their children may not have birth certificates. Oftentimes, their children would be denied formal education. In most instances, a stateless person cannot even file a lawsuit to seek judicial redress due to lack of identifying documents.

Denied national ID document and household registration since 1998, the Most Venerable Thich Quang Do, the Supreme Patriarch of the banned Unified Buddhist Church of Vietnam, may be the best-known stateless person in Vietnam. His case is, however, not unique. We have identified or been informed of over two thousand H’Mong and Montagnard Christian households, accounting for some 10,000 individuals, that have been rendered stateless because of their religious faith.

Through our refugee protection work, we have noticed the prevalence of statelessness among H’Mong and Montagnard asylum seekers arriving in Thailand from Vietnam. In early 2018 we initiated a systematic study of this phenomenon and soon found a broad pattern of statelessness stemming from the anti-Christianity policies of certain provincial governments in Vietnam. This report is the compilation of findings from our year-long study.

At the end of this report we offer practical recommendations to the Government of Vietnam on how to resolve the stateless status of those already affected and end the policy that drives more H’Mong and Montagnard Christians into statelessness.

2. IMPORTANCE OF CIVIL REGISTRATION DOCUMENTS

The household register is a critical document; it enables the exercise of the basic rights of a citizen. The residential registration system in Vietnam requires each and every citizen to register his or her permanent residence in a specific district; if someone wanted to establish residency in another district (i.e., change his only formal residency district), he must purchase land, or rent a house with an official lease, or marry into a family that already has permanent residence and move in with the spouse or, with the spouse, rent a house with an official lease. There currently are 39 administrative procedures associated with local governments and the police at the commune and district levels that require household registration.

A household register is required when applying for birth certificate, death certificate, marriage certificate, guardianship, updating or getting a copy of a personal record, adopting children,

transferring the right to use land, property ownership documents, power-of-attorney, real estate contract, collateral contract, bank loan, reclassification of land based on intended use, entitlements, verification of needy students' status or poverty level or eligibility for public assistance with funeral expenses, certifying eligibility for public housing, buying an insurance policy, or receiving certain preferential treatment.

With respect to procedures involving the local police, a household register is needed for background check, or when household members are ready to leave and form a new household (changes need to be made to an existing household register or a new household register needs to be issued), or when a household member dies, or when a household member gets married and her/his spouse joins the household, or when someone needs to change her/his official address or needs the police to certify her/his official address, registers a vehicle, applies for new license plates, etc. A national ID card, certificate of citizenship or passport will be issued only when one can show a household register.

In Vietnam, proof of nationality is the basis for access to public benefits such as healthcare, education, and other social programs; to opportunities such as employment, property ownership, land use right; and to fundamental rights of a citizen such as being issued a marriage or birth certificate. Without a valid household register, it is not possible to apply for the national ID card, a critical personal document to prove that its holder is a Vietnamese citizen and therefore enjoys all the rights and benefits accorded to citizens and guaranteed by the laws. Birth registration is another way for a person in Vietnam to legally prove that he has acquired nationality by birth or descent, as it establishes a legal record of where a child was born and to whom. Children of parents without household registration are often not issued birth certificates. In cases where legal identity cannot be proved, the local authorities have the power to deny educational diplomas, social security, and other legal certificates and identifying documents, thus shutting down all possible opportunities for a normal life and basic standards of living.

In other words, without household registration one would be practically rendered “stateless” in one’s own country. For already vulnerable communities, such as the Montagnard and H’Mong peoples, the negative impacts of statelessness on poverty, health, displacement and prospects for advancement are further amplified.



Denied education because of parents' Christian faith

Sinh Thi Su was born on December 6, 2003 in Muong Bang Commune, Tua Chua District, Dien Bien Province.

Religious persecution caused her family to move South to the Central Highlands in 2013 and settle in Doan Ket Village, Dak Ngo Commune, Tuy Duc District, Dak Nong Province.

After she completed 5th grade at Kim Dong Elementary School, the school withheld her transcript, a prerequisite for her attending 6th grade. The reason given was her lack of a birth certificate and her family's lack of household registration.

The Ministry of Public Security recently promulgated Resolution 112/NQ-CP in 2017¹ to streamline civil administrative procedures by doing away with household registration. While this may present an opportunity to address statelessness among H'Mong and Montagnard Christians, at the time of this writing this is still an alternative concept and may not come into effect in the foreseeable future, if at all.

At a conference held in Dak Lak Province on December 9, 2018, Vietnam's Prime Minister Nguyen Xuan Phuc acknowledged the problem faced by some 20,000 stateless households in the Central Highlands. He announced the central government's policy to resolve all these cases by 2025 and the budget allocation of 2,500 billion VND (equivalent to US \$112 million) for 2019-2020 to fund projects that create economic opportunities and stabilize the settlement of these stateless households.² For the stateless H'Mong and Montagnard Christians depicted in this report, the announced policy would be inconsequential unless:

- (1) Local governments include all H'Mong and Montagnard Christians as part of the newly announced policy, and immediately accord them all basic rights and access to benefits that are otherwise available to ordinary citizens;
- (2) Provincial governments throughout the country end their practice of forced renunciation of faith; and
- (3) The central government extends its announced policy, currently restricted to the Central Highlands, to all provinces across the country where statelessness is an issue.

3. STATELESS H'MONG CHRISTIANS

a. Persecution against H'Mong who converted to Christianity

H'Mong residents in Vietnam made first contact with Christianity in 1987, through radio broadcasting from Manila, the Philippines. Until that time there were few known H'Mong Christians in Vietnam's Northwestern Mountainous Region.³ Responding to the rapid growth of the H'Mong Christian population, the government launched a series of measures, including policy directives and training manuals issued to local officials, to eliminate or discourage the practice of Protestantism among the H'Mong population, which the government accused of being used by reactionary forces to oppose the government and undermine national solidarity.

¹ <https://thuvienphapluat.vn/van-ban/Bo-may-hanh-chinh/Nghi-quyet-112-NQ-CP-2017-don-gian-hoa-thu-tuc-hanh-chinh-quan-ly-dan-cu-Bo-Cong-an-365898.aspx>

² "Thủ tướng chỉ đạo phần đầu đến 2025 không còn di dân tự do", Dec 9, 2018, available at: <https://vnexpress.net/thoi-su/thu-tuong-chi-dao-phan-dau-den-2025-khong-con-di-dan-tu-do-3851559.html>

³ James Lewis, "The Evangelical Religious Movement Among the H'Mong of Northern Vietnam and the Government Response to It: 1989-2000", *Crossroads: An Interdisciplinary Journal of Southeast Asian Studies* Vol. 16, No. 2 (2002), pp. 79-112

The government often refers to H'Mong Protestants, particularly those belonging to unregistered church groups, as followers of the "Vang Chu" (Vàng Chứ) religion. Articles in the state-controlled media in Vietnam assert that Vang Chu, which means God in the H'Mong language, is not a true religion but a guise for anti-government activities. A 2011 article in the state-owned Law Journal declares: "The nature of the problem is clear, the 'Vang Chu' religion is not a religion at all, but a 'false religion' that abuses and distorts Protestantism. Their evangelical activities are illegal; their leaders are self-appointed."⁴

Under intense criticism by the international community and the rising threat of being designated a Country of Particular Concern (CPC) by the United States, on June 18, 2004 Vietnam's Prime Minister promulgated the Ordinance on Belief and Religion. It was followed by Executive Order 01/2005/CT-TTg, "Special Instructions Regarding Protestantism," dated February 4, 2005, which would allow Protestant communities to officially register their religious activities. The procedures to register religious activities were spelled out in Decree 22/2005/ND-CP, issued March 1, 2005.

Despite its publicized policies, the communist regime continued to view the growth of Protestantism among the H'Mong population in the Northwestern Mountainous Region as a potential threat to national security. On August 24, 2004 the Politburo of the Vietnamese Communist Party decided to establish the Northwestern Region Steering Committee, a focus of which was to deal with the spread of Protestantism. Many governments of northern provinces such as Son La, Lai Chau, and Dien Bien⁵ held a no-tolerance policy towards Christianity, particularly Protestantism.

In 2004-2007, BPSOS supported human rights lawyer Nguyen Van Dai in helping 671 H'Mong Protestant house churches, all affiliated with the Evangelical Church of Vietnam – North (ECVN-North), to register for religious activities according to Decree 22/2005/ND-CP.⁶ In March 2007, Lawyer Dai was arrested and sentenced to 5 years of imprisonment. Shortly thereafter, the central government temporarily suspended its consideration of registration applications by H'Mong Protestant house churches. According to our account, as of 2009, of the 671 H'Mong Protestant house churches receiving our help only 34 had ever had their registration applications approved, and only for a period of one year. In 2009, the Central Committee on Religious Affairs permanently rescinded Decree 22/2005/ND-CP; H'Mong Protestant house churches could no longer register their religious activities. Conducting religious activities without registration would violate Vietnam's law.

It was never the government's intent to implement Decree 22/2005/ND-CP. In 2006 the Central Committee on Religious Affairs issued its handbook titled "Training Document: Concerning the Protestant Religion in the Northern Mountainous Region." According to USCIRF's 2011 annual report, "... Although the 2006 handbook recognizes the legitimacy of some religious activities, it also indicates that the Vietnamese government continues to control and manage religious growth,

⁴ Phap Luat, May 9, 2011

⁵ "Status of Religious Freedom in Vietnam," statement of Rev. Nguyen Van Khai, *available at*: <http://dvov.org/wp-content/uploads/2019/02/Status-of-Catholic-Church-in-Vietnam-by-Rev-Nguyen-Van-Khai.pdf>

⁶ List of H'Mong Protestant house churches applying for registration under Decree 22/2005/ND-CP: <http://dvov.org/wp-content/uploads/2014/08/ecvn-hmong-affiliates-in-northwest-highlands.pdf>

label anyone spreading Christianity in the northwest provinces as a national security threat, and use unspecified tactics to... persuade new converts to renounce their beliefs.”⁷

In the following two years, Vietnam’s government released two revisions of the handbook. The 2007 revision instructs local governments to “encourage the return to traditional beliefs” – a euphemism for forced renunciation of faith, which was ostensibly outlawed by the Prime Minister’s Instruction No. 1 and Decree 22, both promulgated in 2005. This message was reinforced in a leaked document (TL2007) that was issued by the Central Bureau of Religious Affairs calling for provincial and local governments to “resolutely overcome the abnormal and spontaneous growth of Protestantism” and to “propagandize and mobilize the people to safeguard and promote good traditional beliefs of ethnic minorities.” The 2008 revision of the handbook went even further, blaming local officials’ “loose control” over Protestantism for the increase in “illegal meeting places.” It instructed local officials to disband such meeting places.⁸



Evicted from ancestral lands due to Christian faith

The families of Sung Dung De, Sung A Cua, Sung A Do, Sung A So and Sung A Dung, all residents of Huoi Mi Village in Sam Kha Commune of Sop Cop District, Son La Province, joined the Christian Alliance Church in 2015. The local government seized all their farmlands and demanded that they renounce their faith.

On April 22, 2017, a local policeman found that members of these five families were praying together at a neighbor’s home; he alerted the village chief. The village chief gathered villagers, Communist Party members, policemen, militiamen and members of the local unit of the Fatherland Front, 46 individuals altogether. Led by the village chief, this mob went to Sung A Dung’s house, assaulted him, dragged him out, wrecked the house and destroyed his family’s pigsty, chicken coops, and 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 to the border of Dien Bien Province.

In September 2018, three of these families moved to a community of all stateless H’Mong Christians in the Central Highlands.



⁷ USCIRF annual report, 2011

⁸ *Id.*

On November 10, 2017, the Central Committee of the Vietnamese Communist Party announced the dissolution of the Northwestern Region Steering Committee at the start of 2018. However, accounts received by BPSOS from Vietnam have indicated no perceptible changes to the government's drive to force H'Mong Christians to renounce their faith.

b. The consequences of statelessness

From 2001 to 2006 governments of several northern provinces, including Dien Bien, Lai Chau, Lao Cai and Ha Giang, promulgated policies to rein in the spread of Christianity. H'Mong Protestants were given only two alternatives: to give up their religion or leave their village if they want to keep their faith. Those who continued to participate in religious rites would be arrested or persecuted, their homes destroyed, their farmlands confiscated, and their families evicted from the village. The forced renunciation drive appeared to pick up following the promulgation of Decree 22/2005/ND-CP on March 1, 2005, which the government ostensibly presented to the world as an indicator of its more tolerant policy towards Protestantism.

Following eviction and years wandering from village to village, many H'Mong Protestants formed new communities in uninhabited areas in nearby provinces; others migrated to the Central Highlands in search of a safe haven.

For example, of the some 1,300 H'Mong Protestants settled in Doan Ket Village, Dak Ngo Commune, Tuy Duc District in Dak Nong Province, 80% were originally 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. Without farmlands, jobs, houses, and schools for children, these stateless H'Mong Christians lived in makeshift tents. To survive, they worked as seasonal laborers for the locals who owned croplands. Things only got harder with time due to shortage of clean water, lack of healthcare, limited protection against the forces of nature, and the absence of most necessities. Diseases were widespread.

After living this way for nearly 10 years, the residents of Doan Ket Village slowly built their community's infrastructure and discreetly resumed their religious practice. While the local government persisted in monitoring and restricting their religious activities, H'Mong Protestants in Doan Ket Village persisted in keeping their faith. As time passed, they practiced their faith more openly, and the local government became less difficult even though it still issued threats and warnings, particularly around major religious holidays and festivals or when Protestant clergy members from other locations visited local adherents.

After multiple requests from the H'Mong settlers, in 2010 the new provincial government, formed following the establishment of Dak Nong as a new province, decided to incorporate all 127 households in Doan Ket Village into the government-managed resettlement program. They were all approved for household registration. The government also allocated land, approximately 400 m² of residential land and 1 hectare of cropland, per household for growing cashews and coffee. For unknown reasons, 20 households were left out of land allocation; to earn a living they had to work for their more fortunate neighbors.

The government's issuance of household registers to 127 H'Mong households in Doan Ket Village was a one-time deal that does not apply to the approximately 170 households that have since arrived – many of them were victims of the brutal police crackdown in Muong Nhe District, Dien Bien Province in early May of 2011. Without household registration, these new residents live on the margin of the community, in makeshift tents. They have been denied the right to learn how to drive, purchase and own real property, open a business, gain employment, access publicly funded medical care, get legally married, send their children to school... Their children are often not issued a birth certificate; the lucky few with birth certificates are listed as fatherless. Students are denied the financial assistance available to low-income students.



Hard choice between life and livelihood

Born in 1998, Ly A Lam (Lý A Là) is resident of Doan Ket Village, Dak Ngo Commune, Tuy Duc District, Dak Nong Province and a member of the Inter-Evangelistic Movement Church (IEM).

He migrated from Dien Bien Province to Doan Ket Village in 2013. The following year he married his wife Vang Thi Mo (Vàng Thị Mò), who had separately migrated from Dien Bien Province to Doan Ket Village in 2010. Without household registration, they were not issued a marriage certificate. The couple have two children, born in 2014 and in 2015, respectively. None of them has been issued a birth certificate.

In August 2018, Lam fell ill and had to be hospitalized. He was diagnosed with acute stomach ulcer. Without household registration, his family was not eligible for any social service programs, including public health insurance. His wife applied for a loan from a state-owned bank but was told that a household registration was a prerequisite. The hospital advised Lam that if the police of Dak Ngo Commune certified that he was a local resident, the hospital fee would be waived. However, the police refused to certify him as a resident because his family had no household registration.

Without any other option, his wife had to sell the family's motorbike, which was also its only means of livelihood -- Lam earned a living for his family from running errands for others in the village. She sold it for the equivalent of US \$430 and had to borrow another US \$430 from neighbors to pay for hospital fee and medication. As Lam recovers from the illness, his family faces a bleak future for having lost its only means of livelihood.

National aid and development programs as well as budget allocated for resettling H'Mong who had moved to the Central Highlands have apparently not reached Doan Ket Village. Living conditions in these settlements remain poor. The abominable transportation infrastructure severely hampers travel and commerce. Roads are dusty in the dry season and muddy in the rainy season. Several sick persons and pregnant women have died on the way to hospitals.⁹ Few villagers have access to quality health care. Coffee growing, the primary means of livelihood of most villagers, is often affected by the area's inclement weather. Communication infrastructure is very primitive, with no internet and weak cell phone signals. Few local residents are familiar with communication technologies or have access to a computer or a smartphone. A human rights advocate who visited government-managed settlements of displaced H'Mong described them as a Soviet-style "gulag."



The only road leading to Doan Ket Village became unusable after heavy rain (photo of Dan Tri online).

So far BPSOS has identified at least 1,100 H'Mong Christian households, accounting for about ten thousand individuals, living in different self-settlement areas primarily in the Central Highlands but also in certain provinces in Northern Vietnam. More information about identified communities of stateless H'Mong Christian is available in the Appendix 1. We have also received reports on tens of thousands of H'Mong Christians who had fled to China, Laos and Myanmar where they live illegally among local H'Mong communities. In addition, an estimated

⁹ <https://dantri.com.vn/xa-hoi/con-chet-ngat-trong-bung-vi-me-khong-the-vuot-bun-lay-di-sinh-20170807103209729.htm>

400 H'Mong Christians are seeking asylum in Thailand – they are part of the growing population of “urban refugees” in that country.



Death by torture

Ma Seo Sung (Mà Seo Sùng), born in 1989 in Theng Phang Hamlet, Xin Man District, Ha Giang Province

In 2012 he joined his uncle in Ninh Hoa Hamlet, Dak Ngo Commune, Tuy Duc District, Dak Nong Province. The entire family followed Protestantism and all family members were “stateless.”

On May 1, 2017, Sung transported an acquaintance to Dak Lak Province for medical treatment. They were stopped by the public security police of Ea So Hamlet. The following day, his acquaintance was released while Sung was taken to the detention center of Dak Lak Province.

On May 5, 2017 he died while in police custody. The authorities ruled his death a suicide despite signs of torture found on his body. The victim’s family disagreed with the police conclusion and sought assistance from Vietnam Coalition Against Torture (VN-CAT) to file complaints about the unjust death with the provincial and central governments.

Instead of addressing these complaints, the police directed increasing threats against the victim’s family. Fearful for her safety, Sung’s wife took her two small children to Thailand in February 2018. A couple of her relatives also escaped to Thailand after receiving threats from the local police.

While a number of “freely migrating” H'Mong may hold hope of being eventually issued household registration and incorporated into the government’s relocation plan pursuant to the Prime Minister’s recent announcement, this hope is practically nil for most H'Mong Christians who became stateless because of their religious faith. According to current policy, local governments routinely require that household registration applicants include the ID card issued by and a letter of certification from the local authorities of their original place of residence. For H'Mong Christians who had to leave their home villages by force or coercion, asking for such documents from the same authorities that had disowned them would be practically impossible.

c. The Muong Nhe incident of 2011

The governments of the three Northern provinces Son La, Lai Chau and Dien Bien were most aggressive in carrying out the policy laid out by the Central Bureau of Religious Affairs to “resolutely overcome the abnormal and spontaneous growth of Protestantism.” H’Mong who refused to renounce their Christian faith would find their homes destroyed, their farmlands confiscated, their household registration cancelled, their citizen ID cards revoked and themselves evicted from their villages. Forced renunciation of faith sparked a mass demonstration of H’Mong Protestants in May 2011, which was violently suppressed by the government.¹⁰

Reportedly the triggering event started in Na Khua Village, Nam Nhu Commune, Muong Nhe District, Dien Bien Province. All households, some 100 of them, in this village had converted to Protestantism. The provincial government forced them to abandon their faith, charging that Protestantism was an American religion: “You should go to America to till America’s land and follow America’s religion.” On January 28, 2011, the government sent in military troops with order to raze all their homes and take over all their farmlands. Demolition workers then followed. The demolition of all homes was completed on March 15. Villagers who took pictures of the destruction of their homes were arrested. When asked “where do we go now?” by the villagers, the government answered: “wherever but not here.”



Troops ready to raze the entire H’Mong village of Xa Na Khua, Jan 28, 2011.

¹⁰ “Persecution of Hmong Christians and the Muong Nhe Incident,” BPSOS, Jan 24, 2012, available at: <http://dvov.org/wp-content/uploads/2014/07/bpsos-the-muong-nhe-incident-02-12-12.pdf>



What left of the H'Mong Protestants' homes in Xa Na Khua Village, Jan 28, 2011

All residents of Na Khua Village decided to come together to pray and plead with the government to change its policy. Words got out to H'Mong communities in other provinces who had been similarly driven into statelessness. On May 1, 2011 thousands H'Mong adults and children gathered at a location near Huoi Khon Village in Muong Nhe District, with some coming from as far as Dak Lak Province in the Central Highlands and Binh Phuoc Province in the South.

On May 2, the local police arrived. The demonstrators explained to them that they were gathering to peacefully plead with the government to respect their freedom of religion and to end its policy of forced renunciation of faith and forced eviction.

On May 3, hundreds of troops from the military and the mobile anti-riot police encircled the demonstrators, not allowing them to leave.

On May 4, a helicopter flew over the demonstrators, beaming allegedly Prime Minister Nguyen Tan Dung's order for the demonstrators to disband and go home. It was soon followed by a second helicopter spraying a liquid that caused skin rashes to the demonstrators.

On May 5, the mobile police and military troops started to beat some demonstrators. One H'Mong woman reportedly died of police beating.

The next day, the troops launched an all-out assault, using batons and electric rods.¹¹ According to eye-witnesses, scores of H'Mong demonstrators were killed.

¹¹ "BPSOS Releases Footage of Vietnam's Brutal Repression of Hmong Christians in Muong Nhe, Dien Bien," Press Release, Feb 14, 2012, available at: <http://dvov.org/wp-content/uploads/2014/07/bpsos-releases-footage-of-muong-nhe-massacre-02-14-12.pdf>



Thousands of H'Mong demonstrators demanding end of land confiscation and religious persecution, May 1, 2011



Troops, armed with weapons and live ammunition, encircling the demonstrators, May 4, 2011.

The military troops and the police arrested many demonstrators and took them into custody. Those who escaped arrest were tracked down in the following months by the police. Reportedly hundreds of demonstrators hid themselves in the jungle. Many had since been captured while a number successfully made it to Thailand after months of trekking through Laos. One H'Mong Christian from Dak Lak Province who had participated in the demonstration was shot dead as he ran away from the approaching police.



Sanh No Vang, a demonstrator coming from Thon Mong Phong, Xa Cu Pui, Huyen Kala Bong, Dak Lak Province, killed by the police on December 12, 2011

d. Migration of persecuted H'Mong Christians to the Central Highlands

According to the official data of the Vietnamese government, between 2005 and 2017 a total of 25,732 households (totaling 91,703 individuals) had moved from the Northwestern Mountainous Region of Vietnam to the Central Highlands not as part of the government's relocation plan. Referred to as the "freely migrating" population, they are geographically concentrated in five provinces:¹²

- Kon Tum Province: 7,243 households (21,708 individuals)
- Gia Lai Province: 6,250 households (23,624 individuals)
- Dak Nong Province: 5,391 households (8,038 individuals)
- Lam Dong Province: 3,862 households (14,639 individuals)
- Dak Lak Province: 2,936 households (3,038 individuals)

¹² Thực trạng di dân tự do tại Tây Nguyên (Kỳ 1), Báo Nhân Dân, December 5, 2017, *available at:* <http://nhandan.com.vn/xahoi/tin-tuc/item/34918602-thuc-trang-dan-di-cu-tu-do-tai-tay-nguyen-ky-1.html>

According to Vietnam's Ministry of Agriculture and Rural Development, by the end of 2017 local governments had absorbed a total of 14,090 such "freely migrating" households into government-managed relocation zones, with the following distribution:¹³

- Kon Tum Province: 2,319 households (32%)
- Gia Lai Province: 2,416 households (39%)
- Dak Nong Province: 2,652 households (49%)
- Lam Dong Province: 3,717 households (96%)
- Dak Lak Province: 2,986 households (100%)

In other words, 11,642 (45%) of the "freely migrating" households were still left out of the government's relocation plan and not receiving government assistance.¹⁴ Among these we have identified approximately 1,100 households of H'Mong Christians who were displaced because of local authorities' determination to root out Christianity in their respective jurisdictions. Appendices 2-6 document stateless households in five H'Mong communities.

e. Punishment for Reporting Violations to the International Community

When queried by the international community, the Vietnamese government has outright denied that forced renunciation of faith had ever taken place and is bent on punishing victims and advocates who contradict this official line.

In August 2018, a number of H'Mong Christians from Vietnam traveled to Bangkok, Thailand for the fourth annual Southeast Asia Freedom of Religion or Belief Conference (SEAFORB). At the conference, they presented the plight of stateless H'Mong Christians in Vietnam directly to the UN Special Rapporteur on Freedom of Religion or Belief (FORB), the EU Special Envoy on FORB, an official from the U.S. Department of State's Office of International Religious Freedom, a Commissioner on the US Commission on International Religious Freedom and her staff, the human rights officer at the U.S. embassy in Vietnam, and representatives of many international human rights organizations.

Upon return to Vietnam all of them received threats and were repeatedly summoned to the police station for interrogation. One of them, a resident of Chieng Sung Commune, Mai Son District, Son La Province, was questioned by a panel of interrogators led by the Communist Party Secretary of Chieng Sung Commune on August 31, 2018. They asked him to describe his activities from late July through August 2018, including the location of such activities, information on the other SEAFORB participants, why he went to Thailand, who was with him, and who financed his trip. They also asked him about the date he adopted Protestantism and his objective in doing so. Finally, they ordered him to stop his religious preaching and stop hosting private gatherings of local Protestants for group prayers.

A second person, resident of Huoi Lu 3 Village, Nam Nhu Commune, Nam Po District, Dien Bien Province, was similarly targeted. On September 7, 2018, border guards from Border Post

¹³ Thực trạng di dân tự do tại Tây Nguyên (Kỳ 3), Báo Nhân Dân, December 7, 2017, *available at*: <http://nhandan.com.vn/xahoi/item/34940002-thuc-trang-dan-di-cu-tu-do-tai-tay-nguyen-tiep-theo-va-het.html>

¹⁴ Id.

415 in Nam Nhu Commune, Dien Bien Province came to his house, warning him that his “very serious crime” required further investigation and demanding that he report every activity that he had engaged in while abroad. They asked him if he had participated in civil society activities, and whether while in Thailand he had met Pastor Joseph Vang (Vàng Chính Minh) in Thailand, a former religious prisoner of conscience in Vietnam who has resettled to the United States. Subsequently Lien was “invited” back to the police station for further interrogation.

A third person, resident of Nam Vi Village, Nam Vi Commune, Muong Nhe District, Dien Bien Province, was targeted by the local authorities soon after his return from the SEAFORB Conference. At approximately 8 a.m. on October 8, 2018 police officers entered the hospital where Thai was tending to his child and took him to the police station in Muong Nhe District for interrogation about his trip to Bangkok. A public security officer of the Muong Nhe District’s Police Division repeatedly hit his face. As blood came out from his nose and the area around his eyes, he was ordered to clean up to show no trace of the torture. His interrogators demanded him to disclose the names of the other conference participants and if anyone had financed his Bangkok trip. He was told to report any collaboration with groups outside of Vietnam who collected information on the government’s persecution of H’Mong Christians for submission to the UN Special Rapporteur on FORB.

4. STATELESS MONTAGNARD CHRISTIANS

a. Over Four Decades of Persecution

Montagnard, which means “people of the mountains” in French, is a general appellation for the indigenous peoples who reside mainly in the five provinces of the Central Highlands of Vietnam: Dak Lak, Dak Nong, Lam Dong, Gia Lai and Kon Tum. The Montagnard population is linguistically, culturally, and ethnically quite diverse, with Ede, Jrai, Bahnar, Mnong, and K’ho being the major ethnic groups.

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 northern provinces to the Central Highlands on lands confiscated from the Montagnards.

Unlike for the H’Mong in the Northwestern Mountainous 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, 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. Its focus 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 General Quang became

President, the chairmanship was passed on to his successor at the Ministry of Public Security, General To Lam. This succession of top-ranking government officials who were also top Communist Party leaders as Chair of this steering committee reflected its critical importance.

The government's repressive policy was met with mass demonstrations by Montagnard Christians in 2001, 2002, 2004 and 2008. The government responded swiftly by dispersing, demonstrators and arresting and imprisoning hundreds of those suspected of being organizers. The crackdown, implemented not only by local officials but also by the national police and military forces, was characterized by violence and widespread physical abuses and had resulted in several reported deaths. According to Human Rights Watch,¹⁵ more than 300 Montagnards, mainly Protestants but also some Catholics, were imprisoned because of their participation in and/or association with the mass demonstrations. Hundreds of Montagnards wanted by the police fled to Cambodia and Thailand.

As international condemnation mounted, the Central Highlands Steering Committee switched to alternative tactics, including forced renunciation of faith and marginalization of those who refused to abandon their faith. The government alleged that Protestantism is an American religion and Montagnard house churches are affiliated with FULRO, a separatist movement that had long been defunct. The acronym FULRO is the abbreviation of its original French name: "Front Uni de Lutte des Races Opprimées" (United Front for the Liberation of Oppressed Races).

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, spelled out this policy:

"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'¹⁶ Evangelical Church', and established 3 projects to end FULRO elements' operation out of the forest. The Office captured 12 Hà Môn Cult¹⁷ 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 Police, Heroes in the battle against FULRO".¹⁸

¹⁵ Briefing Note by Human Rights Watch, November 2009.

¹⁶ "Dega" is a less used substitute for Montagnard.

¹⁷ The Ha Mon (Hà Môn) Religion is a Christian sect arising from the belief that the rumored appearance of the Virgin Mary at a number of villages in Hà Môn Commune, Dak Ha District, Kon Tum Province in 1999.

¹⁸ <http://vnca.cand.com.vn/Truyen-thong/Nhung-nguoi-linh-anh-hung-chong-Fulro-350266/>

Although the Central Highlands Steering Committee ceased operations at the start of 2018, its policy of forced renunciation of faith has continued unabated. For example, Montagnard Evangelical Church of Christ (MECC), founded in 2009, had a total membership of some 1,500 in 2016. It plummeted to just over 100 by end of 2018 due to forced renunciation or forced conversion of faith. Throughout 2017 and 2018, the public security police went to the house of each MECC pastor and deacon, ordering them to sign a pre-written statement to renounce their faith. Those refusing to comply were threatened with imprisonment. In recent years the Vietnamese government shut down, burned, or demolished at least seven Montagnard churches:

- In 2014, the authorities of Chu Pah Commune, Cheo Reo District, Gia Lai Province burned down the Plei Monu Village church belonging to Bahnar adherents.¹⁹
- In 2014, the local authorities burned a Jarai ethnic church located in Plei Treng Village, Ia Pair Commune, Phu Thien District, Gia Lai Province.
- On January 17, 2015, a worship chapel in Đa Jak Village, Dak Mol Commune, Dak Glei District, Kon Tum Province was demolished by the local authorities of Dak Glei District.
- In late 2015, Buon Kroa C house church was shut down by the local authorities of Cuor Dang Commune, Cu Mgar District, Dak Lak Province.
- Buon Ea Khit village church was shut down on July 12, 2017 by the local authorities of Ea Bhok Commune, Cu Kuin District, Dak Lak Province.
- A house church in Buon Kroa B Village was shut down on September 26, 2018 by the local authorities of Cuor Dang Commune, Cu Mgar District, Dak Lak Province.
- Buon Cuor Dang Evangelical Church was shut down in October 2018 by the authorities of Cu M'Gar District, Dak Lak Province.²⁰

¹⁹ <https://canadafreepress.com/article/vietnam-burned-montagnard-christian-church-and-four-christians-need-urgent->

²⁰ "Montagnard House Church in Central Vietnam Faces Shutdown", International Christian Concern, Oct. 12, 2018, available at: <https://www.persecution.org/2018/10/12/montagnard-house-church-central-vietnam-faces-shutdown/>



Stateless at birth

Born in 1978, Y Muel Knul grew up in a Ede Protestant family in Ayong A Village, Ea Yong Commune, Krong Pac District of Dak Lak Province. He has never been issued personal identification documents despite repeated requests made to the communal, district, and provincial authorities.

The government's explanation was that he came from a family that had served the Republic of Vietnam and therefore was excluded from any assistance from the Communist government.

Without proper documents, Y Muel has been unable to find formal employment. There were times when people who hired him for odd jobs withheld payment for his failure to present his identification paperwork on payday. He often had difficulty travelling to other places to find jobs.

In 2006 Y Muel got married but his application for a marriage certificate got rejected. When his daughter H'Nasa Bkrong was born later that year, Y Muel's name was omitted from her birth certificate as the father. His daughter has been stigmatized and constantly humiliated by other children in the neighborhood for being fatherless.

b. Statelessness among Montagnard Communities

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 is pervasive within certain Montagnard communities, mostly among the communes and districts of Gia Lai Province that border Cambodia. For example, in just Ia Grai District we have documented over one thousand households as being victim of this less visible form of persecution:

- Ia O Commune: some 15 stateless households
- Ia Der Commune: some 50 stateless households
- 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
- Ia To Commune: 7 Bahnar and Jrai ethnic villages consisting of 105 households each, with about 12 stateless households per village
- Ia Chia Commune: 4 Bahnar and Jrai ethnic villages consisting of 250 households each, with about 120 stateless households per village

Appendix 7 lists a sample of stateless Montagnard Christians, including those in Vietnam and those who have fled to Thailand.



Denied education because of her Christian faith

H'Yo Bkrong was born in 1999 to an Ede Protestant family in Buon Cuor Village, Ea Mdroh Commune, Cu M'gar District, Dak Lak Province.

Her father had written to government authorities at the commune, district and province levels to request the issuance of identification documents, but to no avail. The official reason given for their denial was vague: not meeting the criteria set by the government.

Statelessness has reduced all adult members of her family to doing odd jobs for neighbors such as weeding the grass, harvesting coffee beans in the nearby plantations, and collecting used bottles and plastic bags for resale.

H'Yo could not attend school for lack of identification documents. She oftentimes snuck into a nearby school to watch other children of her age studying in their classrooms. All her siblings suffered the same fate.

In recent years, statelessness has driven an increasing number of Montagnard Christians to flee to neighboring countries, particularly Cambodia and Thailand, to seek the protection of the UN High Commissioner for Refugees. More than 200 of them came from the Ia Grai District alone.

c. Punishment for Reporting Violations to the International Community

On August 18, 2016, the police of Gia Lai Province arrested Pastor A Dao, the head of MECC, soon after his return from the Southeast Asia Freedom of Religion or Belief (SEAFORB) held in the same month in East Timor. He was later sentenced to 5 years for "helping individuals to escape abroad illegally", a charge he denied. The true reason for his arrest and imprisonment

might be related to his speaking out against the government's policy of forced renunciation of faith at the conference in East Timor.

Following the arrest of Pastor A Dao, on January 12, 2017 the public security police of Gia Lai Province issued an arrest warrant against Pastor A Ga, the founder and head pastor of MECC, on the fabricated charge of "organizing, forcing others to escape abroad or to stay abroad illegally." He was targeted apparently for having prepared some 30 reports on violations of freedom of religion for submission to the UN Special Rapporteur on FORB. At the time of Vietnam's issuance of the arrest warrant, Pastor A Ga was seeking asylum in Thailand with his wife and son; they all had been recognized as refugees. For their safety, the office of the UN High Commissioner for Refugees relocated them temporarily to the Philippines. They arrived in the United States on September 25, 2018.

Forced renunciation of faith against MECC followers continued and even intensified after the new Law on Belief and Religion took effect on January 1, 2018. On January 12, 2018 Pastor Ksor Sun from Jung Hamlet, Ea Yong Commune, Krong Pac District, Dak Lak Province was ordered to report to the Ea Yong Commune Government Center, where six policemen interrogated him about his activities in MECC. On October 3, 2018 the commune chief assembled villagers for a public denunciation session, where Pastor Ksor Sun was condemned of unlawful religious activities. Police officers introduced a number of local residents and a government official to take turns to denounce Pastor Ksor Sun for not joining a government-approved church. Senior Lt. Colonel Nguyen Vinh of Dak Lak Province's PA 90 (Security Branch) threatened that the government shall punish all MECC followers.

On January 13, 2018, Pastor Y Nuen Ayun and his younger brother Evangelist Y Jon Ayun from the nearby Ea Phe Commune faced similar public denunciation at a gathering of villagers convened by the government. Officers from the police units of the province, district, commune, and village were present. The mob condemned the two brothers, and police officers humiliated them verbally. The Chief of Ea Phe Commune Police threatened that, if the two brothers did not leave MECC, their families would become stateless because the government would not renew their household registration. Fearing police reprisal, Evangelist Y Jon Ayun went into hiding shortly thereafter. In 2014 Pastor Y Nuen Ayun had met with then-UN Special Rapporteur on FORB Heiner Bielefeldt in Ha Noi on the first day of his mission to Vietnam.



Punished for his father's Christian faith

Ksor Y Chiec, born on May 6, 2004 to a Jrai Christian family in Treng Village, Ia Piar Commune, Phu Thien District, Gia Lai Province, studies by himself at home because he may not enroll in the local school.

In 2016, after his father fled to Thailand due to persecution because of his religion, the authorities of Ia Piar Commune confiscated all identification documents from the rest of the family members. They were ordered not to report this to anyone.

In 2017 the secondary school Ngo Gia Tu, where Y Chiec was studying, expelled him while he was in the middle of grade 6. Instead of being in school, he now helps his mother when she works in their neighbors' fields.

In around February 2018 the school and the authorities of Ia Piar Commune pressured his mother to ensure his father's return to Vietnam as the condition for identification documents to be re-issued to all family members and for Y Chiec to return to school.

As his father decided to seek asylum in Thailand, the family remains stateless and faces roadblocks in accessing medical, educational, and related services.

5. VIETNAM'S VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS TREATIES

Using statelessness to punish H'Mong and Montagnard Christians because they had refused to renounce their faith, the Government of Vietnam has seriously violated the UN Charter, which prohibits discrimination on the basis of race, sex, language or religion. It has also failed to comply with commitments as a state-party to the following UN treaties:

- The International Covenant on Civil and Political Rights (ICCPR): Every child has the right to acquire a nationality (Article 24).
- The United Nations Convention on the Rights of the Child (CRC): States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or

beliefs of the child's parents, legal guardians, or family members (Article 2). Children have the right to be registered immediately after birth, to a name, nationality and States Parties must fulfill these rights in accordance with other national and international obligations, especially where children would otherwise be stateless (Article 7).

- The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD): Everyone has the right to nationality, to marriage, to freedom of thought, conscience and religion, to freedom of opinion and expression, to freedom of movement and residence within the border of a state, and to education and training (Article 5).
- The International Covenant on Economic, Social and Cultural Rights (ICESCR): Everyone has the right to a good standard of living for themselves and their families, adequate food, clothing and housing (Article 11). Everyone has the right to the highest standard of physical and mental health (Article 12). Everyone has the right to education (Article 13).

6. VIETNAM'S VIOLATIONS OF ITS DOMESTIC LAWS

Keeping the H'Mong and Montagnard Christians stateless because they refuse to abandon their faith violates Article 24 of Vietnam's Constitution of 2013 and Article 6 of the Law on Belief and Religion, which states that:

- Everyone has the right of belief and religion, to follow a religion or not. All religions are considered equal by law.
- The State respects and protects the right of belief and religion.
- It is unlawful to violate the right of belief and religion of others.

By causing and not addressing statelessness, Vietnam's local and provincial governments violate Vietnam's Law on Children of 2016, which guarantees that:

- Children have the right to registration of birth, death, family name, nationality; their father, their mother, their ethnicity and their gender are determined according to the provisions of law (Article 13).
- Children have the right to the best possible health care, priority access, use of preventive services and medical examination and treatment (Article 14).
- Children have the right to get education and learning to fully develop and reach their best potentials (Article 16, Clause 1).
- Children are equal in access to learning and education opportunities, in the development of their gifts, talents, creativity and ingenuity (Article 16, Clause 2).

This law also states clearly the duties of the State to ensure the exercise of children's rights and obligations, to not discriminate against children, and to ensure the best interests of the child in all decisions related to the child (Articles 5, 42, 43, 44, 45 and 46).

Not resolving the stateless situation of the H'Mong and Montagnard Christians also violates Vietnam's Residence Law of 2006, which guarantees that:

- Citizens have the right to select and decide their places of permanent or temporary residence in accordance with the provisions of this law and other relevant law provisions (Article 9, Clause 1).
- The State shall adopt policies and uniform measures to better ensure the freedom of residence of citizens. The State guarantees the right to freedom of residence of citizens. Agencies, organizations and individuals that infringe upon citizens' right to freedom of residence must be strictly dealt with (Article 5).

Prohibited acts under this law include:

- Obstructing citizens' right to freedom of residence (Article 8, Clause 1).
- Abuse of regulations on household registration in order to limit the lawful rights and interests of citizens (Article 8, Clause 2).

Additionally, the policies that have brought about statelessness among H'Mong and Montagnard Christians have violated laws that govern citizen's rights and the State's duties and obligations with respect to those rights.

7. NECESSITY FOR INTERVENTION BY THE CENTRAL GOVERNMENT

If it wants to, any provincial government can readily end the stateless conditions of H'Mong and Montagnard Christians by issuing them household registration and citizenship ID cards, according their settlement areas official jurisdictional status, and providing their new communities the same kind of support accorded to any other indigenous communities in Vietnam. The story of Xa Que (Xà Quế) Village offers a less than ideal but nonetheless promising example.

Lai Chau Province is among the northern provinces that does not tolerate Christianity. Its government views H'Mong who adopted Protestantism as collaborating with the United States with the aim to establish an independent H'Mong kingdom. Beginning in 1992, Lai Chau Province's public security police and border guards were instructed to stamp out Christianity among the H'Mong population by coercing non-Christians to denounce Christians, and by using monetary fines, property confiscation, torture, detention and imprisonment to force H'Mong Christians to renounce their faith. Victims who wanted to remain Christian had no other choice than relocating to distant communities or moving deep into the forest.

That was how the Xa Que Community came into existence. Located about 300 km from the Town of Dien Bien, its geographical isolation offered a refuge for H'Mong Christians who fled persecution due to their religion. Very soon after the establishment of the new Dien Bien Province in 2006, 50 households of H'Mong Christians from Sinh Ho District in Lai Chau Province and 39 households from Muong Cha District in Dien Bien Province moved to the place that later became known as the Xa Que Community.

As soon as the first H'Mong Christians moved to Xa Que, the government already started to persecute them through unprovoked beatings, destruction of living accommodations and belongings, or confiscation of personal possessions. As examples, in 2007 the police beat up Cu Sia Cha (Cứ Sia Chá), Chang Giang Ho (Cháng Giảng Hồ), and the wife of Thao Dung Po (Thào Dũng Pó), who had just given birth two days earlier, and took all their food reserves. The local government also used administrative measures to encourage local residents to denounce H'Mong who converted to Christianity and to force adherents to sign pledges to recant their faith.

Protestant adherents would lose the use of land that was left fallow for two years or more, and were restricted in their movements, including travel to other villages. Nevertheless, victims of forced renunciation of faith in other localities continued to trickle in to Xa Que Community. In 2008, the Xa Que Community was recognized by the Provincial Government and officially became Xa Que Village, a sub-unit of Chung Chai Commune, Muong Nhe District. The local government issued household registration to 45 households that agreed to be listed as having no religion but not to the dozens that insisted on being listed as Protestant.

In 2010, intensified forced renunciation of faith in Dien Bien Dong District of Dien Bien Province prompted a second wave of stateless H'Mong Protestants to move to Xa Que Village in the 2010-2017 period. This time, the provincial public security police and border guards pursued their victims all the way to Xa Que Village, harassing, assaulting and expelling a number of those who did not recant their faith.

The population of Xa Que Village currently stands at 95 households, totaling a little more than 600 residents. They belong to two Protestant denominations: the Inter-Evangelistic Movement Church (IEM) and the Evangelical Church of Vietnam - Northern Region (ECVN-North) whose pre-1975 predecessor was a member of the Christian and Missionary Alliance (CMA). After 1975, the Communist government established ECVN-South and tightly controlled both the northern and the southern ECVN.

In the past three years, the local police and border guards have been increasingly active in hindering the religious practices of Xa Que villagers. Soldiers from a newly established border guards post in Xa Que Village regularly arrest and fine (equivalent of US\$13-22 per victim) visitors coming from other localities, even if they just pay a visit to their local Christian friends or relatives. This fine also applies to Protestant residents who need to go somewhere outside the village. The policy of travel restrictions aims to control the movements of local Protestants and limit their interaction with non-recognized churches.

Because of the provincial government's stepped-up persecution, in 2017 Pastor Hang A Xa (Hạng A Xá) fled to Thailand with his family; two other H'Mong families in Xa Que Village

also sought asylum in Thailand. At around the same time six other households, including the entire household of the Village Chief, Mr. Lau A Thao (Lầu A Thào), escaped to Burma. The remaining Christian households declared that they would all leave Vietnam and seek asylum in other countries if they continued to be denied household registration. Soon afterwards Dien Bien Province Police come to the village to register the remaining 41 households. However, they marked “no religion” on all new household registers. As these households objected, the police replied that the province had not yet approved Protestantism and therefore they either obtained household registration or kept their faith. Subsequent petitions from these households to have their religion listed have remained unanswered.

After the new Law on Belief and Religion took effect at the start of 2018, forced renunciation of faith intensified; the police and border guards prevented IEM adherents from using their recently built prayer house; 14 households reluctantly joined the government-approved ECVN-North Denomination while 9 households remained with IEM in spite of the government’s ban.

The story of Xa Que Village as well as that of Doan Ket Village in Dak Nong Province show that provincial governments have the full authority to resolve the stateless conditions of H’Mong and Montagnard Christians. However, responsible authorities seem to be reluctant or hesitant to take such a policy initiative as it may clash with the central government’s overarching objective of containing and pushing back the spread of Protestantism in the Northwestern Mountainous Region and the Central Highlands. An effective and durable solution requires the direct involvement of the central government with unambiguous directives, appropriate allocation of budget, and assignment of responsible officials to monitor their implementation at the provincial and local levels. Appendix 8 provides a more detailed description of Xa Que Village.



Persecuted at a young age

Hang Thi Sua was born on December 30, 1999, in Trung Phu Village, Na Son Commune, Dien Bien Dong District, Lai Chau Province (before its split into two provinces, which now include Dien Bien Province).

The police of Dien Bien Dong District repeatedly pressured her father, Pastor Hang A Xa, to abandon his faith and threatened the entire family with eviction from their village.

In 2010, after the police threatened to kill him, Pastor Xa took his entire family into hiding. After 35 days living in the forest, they fled to Xa Que Village.

In the new settlement, the family was not issued a household register. In early 2017, Sua, a senior at the high school of Muong Nhe District, was told by the assistant principal that she was barred from taking the graduation examination because her family lacked household registration and she did not have a government-issued ID card.

Pastor Xa again requested the district government to register his household so that his daughter could continue her education. He was told to submit a detailed report of all the events that the family had gone through before moving to Xa Que Village.

The pastor listed the persecution his family had suffered in Dien Bien Dong District. Using this information, Muong Nhe District Police charged Pastor Xa with opposing the Communist State and diminishing the prestige of the Public Security Branch of the police.

In late 2017 Sua's family fled to Thailand, where they sought protection from the Office of the UN High Commissioner for Refugees.

8. RECOMMENDATIONS

Vietnam as a member State of the United Nations is obliged by the UN Charter to promote “universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion”. These human rights and fundamental freedoms are specified in the Universal Declaration of Human Rights (UDHR), many of which are also recognized as principles of customary international law.

Vietnam has acceded to most of the core human rights instruments. Of the treaties ratified, many guarantee the universal right to a nationality without discrimination. This includes the International Covenant on Civil and Political Rights (“ICCPR”) (Article 24), the Convention on the Rights of the Child (“CRC”) (Articles 7 and 8), the Convention on the Elimination of All Forms of Discrimination against Women (“CEDAW”) (Article 9), and the International Convention on the Elimination of All Forms of Racial Discrimination (“CERD”) (Article 5). Of particular significance is Article 7 of the CRC, which enshrines every child’s right to be registered immediately after birth and to acquire a nationality and protects all children from statelessness. Similarly, in relation to the right to a nationality, CERD provides that “States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law.”

By making and keeping H’Mong and Montagnard Christians stateless, the Vietnamese Government has also violated its own Constitution and laws, namely its Law on Children of 2016, its Law on Belief and Religion of 2017, and its Residence Law of 2006.

To rectify this situation, we respectfully recommend that the Vietnamese government immediately:

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 its commitment to ending the systemic discrimination imposed upon the H'Mong and Montagnard peoples and other indigenous peoples residing in Vietnam;
5. Ensure that local and provincial governments stop their policies of forcing H'Mong 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.

As additional recommendations, we list below those made in the joint report²¹ submitted for the third Universal Periodic Review of Vietnam by BPSOS, Institute on Statelessness and Inclusion and Statelessness Network Asia Pacific. Accordingly, we recommend that the Vietnamese government:

6. Fully promote, respect, protect and fulfill its obligations towards stateless persons under international human rights law;
7. Collaborate with civil society actors to ensure that reforms aimed at addressing statelessness are effectively implemented;
8. 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;
9. Guarantee access to fundamental human rights without discrimination, particularly with respect to ethnic and religious minorities such as the H'Mong and Montagnard communities;
10. 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;
11. Reform the residential registration system, so that access to fundamental human rights is not restricted by one's status within the residential registration system;

²¹ Joint Submission to the Human Rights Council at the 32st Session of the Universal Periodic Review, *available at:* <http://dvov.org/wp-content/uploads/2018/07/ISI-UPR-Submission-Viet-Nam-For-Website.pdf>

12. 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";
13. Ensure all children in Viet Nam have access to education, irrespective of their documentation status;
14. 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.