



ADF INTERNATIONAL

Stateless Christians in Vietnam

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Overview of Situation:¹

It is estimated that there are at least 10,000 stateless² Christians in Vietnam. Members of the Hmong and Montagnard ethnic groups, these Protestant Christians are denied the basic documents of citizenship, referred to as “household registration”, because they belong to churches that are not controlled by the government and/or because the authorities regard their faith as a threat to the established order.³ Household registration is required for nearly all the necessary legal actions that arise in the normal course of life. In particular, household registration is required to obtain state identification cards which are the main proof of Vietnamese citizenship and the vehicle by which an individual can access rights and benefits provided by the state.⁴ Denying household registration to Christians therefore renders them functionally stateless.

Household registration is also required for, among other things, obtaining passports, certificates of birth, death, or marriage; owning property; securing bank loans, employment, and housing; adopting children; purchasing insurance; and having access to basic services such as health care and education.

Authorities have frequently made clear that the Christian faith of Hmong and Montagnard Christians is the precise reason for their statelessness. Their Christian denominations are unrecognized by the government and viewed as threatening and unduly “American”. In many instances, authorities have assured Christians that household registration would be issued if they were to renounce their faith. For example, in 2008, the Provincial Government of the Muong Nhe District agreed to issue household registration cards to Christian families who agreed to have “no religion” listed on their documents. Those who requested to identify as Protestant were categorically denied registration.

Background on Hmong Christians:

The Hmong began converting to Christianity over thirty years ago. They mainly reside in the mountainous region of Northwestern Vietnam, primarily in the Dien Bien, Lai Chau, Lao Cai and Ha Giang provinces. From 2001 to 2006, provincial authorities throughout these provinces attempted to stamp out Christianity among the Hmong by insisting that they either renounce their faith or flee. Many fled to previously uninhabited lands where they have had no choice but to live in makeshift tents and work as seasonal laborers for farmers. They lack access to clean water, health care, protection against natural disasters, and basic necessities. Others have fled to other countries where they have sought asylum.

¹ All information contained in this briefing paper has been taken from reports drafted by the Religious Freedom Project of Boat People SOS (BPSOS). In 2018, BPSOS initiated a year-long systematic study of de facto stateless Christians in Vietnam. For additional information or to reference the source of the information contained herein, please refer to BPSOS’s comprehensive March 2019 report entitled “Statelessness as form of punishment against H’Mong and Montagnard Christians in the Socialist Republic of Vietnam”: <http://dvov.org/wp-content/uploads/2019/03/Stateless-Hmong-Montagnard-Christians-03-06-19.pdf>.

² These individuals do not technically qualify as “stateless” according to the definition in Article 1 of the 1954 Convention relating to the Status of Stateless Persons because the government still considers them to be Vietnamese nationals. (Article 1 of the Convention states: “For the purpose of this Convention, the term ‘stateless person’ means a person who is not considered as a national by any State under the operation of its law”.) However, as they have been stripped of most of their civil, political, economic, and social rights, the term “stateless” accurately describes their de facto status.

³ Vietnam does not officially discriminate against Protestant Christians. Christians who belong to churches that have “registered” with the State are generally able to practice their religion under the close and constant supervision of the government’s Committee on Religious Affairs. However, many Protestant churches are not willing or able to “register” for various reasons, including: (1) doctrine incompatible with the Committee on Religious Affairs’ requirements, (2) denial of registration despite meeting all requirements, (3) indefinite delay in approving qualified applications. Even “registered” churches in the northwestern mountains and the Central Highlands often face government persecution.

⁴ Birth certificates can also be used to prove nationality; however, children of parents without household registration documents are often not issued birth certificates.

Background on Montagnard Christians:

The Montagnard population began converting to Christianity about sixty years ago. They live in the Central Highlands of Vietnam, in the provinces of Dak Lak, Dak Nong, Lam Dong, Gia Lai, and Kon Tum. For many years, provincial authorities in this region have systematically shut down, burned, or demolished Christian churches. The government has been working to stamp out Christianity among the Montagnards in part because the government conflates their Protestant faith with historical Montagnard separatist movements and opposition to communism. Most Montagnards, regardless of religion, would likely choose self-determination if given an option, but the government has little justification for associating evangelical Christianity with separatism and even what it calls “terrorism”. Authorities also routinely pressure Montagnard Christians to renounce their faith through force or by threatening to deny them civil registration documents, such as household registration and state ID cards.

Violation of International and Domestic Laws:

Denying Vietnamese Christians household registration, state ID cards, and the many rights and benefits that are only granted through these documents is in direct violation of Vietnam’s obligations under international and national law. Several treaties to which Vietnam is a State Party prohibit discrimination on the basis of religion: The International Covenant on Civil and Political Rights (ICCPR); the UN Convention on the Rights of the Child (CRC); the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The Vietnamese government is also in violation of many of its own domestic laws, including Article 12 of the 2013 Constitution, Article 6 of the 2017 Law on Belief and Religion, several articles of the 2016 Law on Children, and the Residence Law of 2006, among others.

Complicating Factors:

Three complicating factors help to explain why relief for stateless Vietnamese Christians has been slow in coming.

1. Proposed changes to national law have languished. For example, in 2017 the Ministry of Public Security introduced Resolution 112/NQ-CP, which would do away with household registration. The resolution has yet to be passed into law.
2. Stateless Christians are prevented from legally moving to less discriminatory provinces. In order to legally relocate, they must obtain letters of certification from the local authorities in their current home village. Such recommendation letters are routinely denied to Christians.
3. The international community has been effectively sidelined in part because police have interrogated and harassed Vietnamese Christians who have reached out to the international human rights community.

Recommendations for Action:

The United Nations should urge the government of Vietnam to:

1. Ensure all children, irrespective of religious affiliations, are able to attend primary and secondary school.
2. Eliminate household registration requirements, especially for obtaining state ID cards.
3. Punish local and provincial authorities who coerce Christians to renounce their faith.
4. Issue birth certificates to all children born in the country. These documents, irrespective of when they are issued, should include the actual dates of birth and the names of both parents.
5. Issue marriage certificates to all marriages that would have been lawful had the individuals possessed state ID cards and household registration documentation. Such a certificate should include the actual date of the marriage.
6. Eliminate the requirement of recommendation letters for legal relocation.