

Maltreatment of Religious and Indigenous Communities in Vietnam

Submission to the UN Special Rapporteur on Freedom of Religion or Belief

relating to his report to the United Nations General Assembly on Eliminating Intolerance and Discrimination Based on Religion or Belief and the Achievement of Sustainable Development Goal 16 (SDG 16)

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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 functionally 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 functionally stateless because of their religious faith.

Through our refugee protection work in Thailand, we have noticed the prevalence of H’Mong and Montagnard asylum seekers being undocumented in their own country (Vietnam). In early 2018 we initiated a systematic study of this phenomenon and soon found a broad pattern of functional statelessness stemming from the anti-Christianity policies of certain provincial governments in Vietnam. Being indigenous further compounds the situation for H’Mong and Montagnard Christians.

At the end of this submission 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.

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. MONTAGNARD CHRISTIANS IN THE CENTRAL HIGHLANDS

For decades, the Vietnamese Communist government has tried to suppress, if not exterminate, Christianity in relatively remote areas. The Montagnards who live primarily in the Central Highlands, not far from Lao People’s Democratic Republic, have been one such target. The authorities resort to torture, imprisonment, expropriation, harassment, and even denial of medical care of incarcerated Christian victims. A number of the victims had to convert to a government-controlled denomination whose leadership is more loyal to the Communists than to God.

Below is an updated summary chart of cases for which BPSOS has information, spanning the years 2013 through January 2020. BPSOS has submitted reports on numerous cases to the United Nations over the years.

Figure 1. Religious freedom violation incidents reported by victims (submitted to UN Special Procedures)

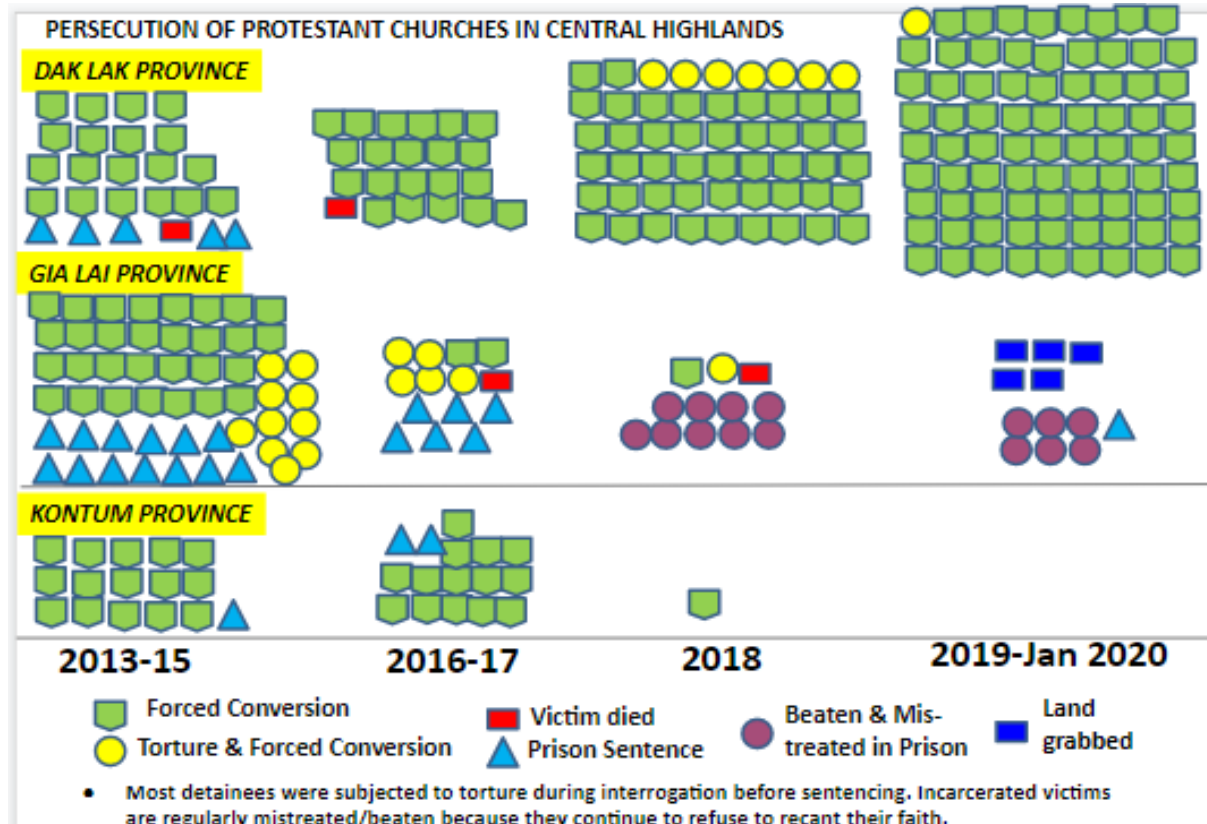


Figure 1 notes: Each symbol represents an individual being persecuted (detained and

interrogated; interrogated by security forces in one's home; unlawful search and seizure; etc.) on a specific day – can be the same individual on a different day or a different individual on the same day -- this characterization allows one to compare the persecution severity among different provinces.

The government constantly monitors adherents to disrupt worship sessions, write reports on their activities, and order victims to sign police-prepared pledges to stop religious activities and leave independent churches. The government always brand adherents “criminals who undermine solidarity policy, divide the people, oppose the Party and State, or plot to overthrow the government”. The police conduct arbitrary, unannounced searches of houses during which police officers confiscate cell phones, computers, Bibles and other religious materials - without showing a warrant. They do not return seized properties to the victims.”

The local authorities sometimes arbitrarily made up requirements on-the-fly to obstruct religious practices. On March 24, 2020, at about 6 AM, the chairman of Ja Village, Êa Trul Commune, Krông Bông District, Dak Lak Province, invited Evangelist Y Yer Kpor and Ms. H'Long Byã (widow of a pastor) to the government center. There, police officers Y Song Byã and Y Kăn Êcãm of the police force of Krông Bông District interrogated them from 8AM until 11AM about their unauthorized house church activities. Evangelist Kpor was told that he did not have formal pastor credentials to lead worship sessions, and was ordered to stop all religious activities. There is no requirement in Vietnam's law for pastor credentials for unregistered churches.

The persecution against Montagnard Christians emanates from policies at the provincial and regional, if not central, levels. In a September 2019 video released by the Security Police and translated by Boat People SOS,¹ the authorities admitted to implementing a policy to destroy the Montagnard Evangelical Church of Christ (MECC). They portrayed the persecution of Central Highlands religious communities as synonymous with fighting the separatist movement, which had died 27 years ago. Authorities have sentenced some 60 Montagnard Christians to prison primarily because of their faith but charged with undermining “national security” or “national unity,” grounds that are not justifiable under article 18 of the International Covenant on Civil and Political Rights (ICCPR).²

4. RECENT PERSECUTION SUMMARY

As shown in the previously mentioned chart, in mid-2019 through January 2020, the government of Dak Lak Province and its subordinate units in districts and communes intensified their efforts at forced conversion of independent house churches, including the International Degar Church, the Evangelical Church of Christ, the Good News Mission Church (registered), the Evangelical Church of Vietnam - Southern Region (registered), and the Presbyterian Church.

The crackdown was particularly severe after Pastor Gene Nathan from the United States visited and prayed with a number of Montagnard Christians in one of the local villages for about an hour, and following the churches' commemoration of the International Day of Victims of Religious Persecution³ on August 22, 2019³ and International Human Rights Day on December 10, 2019.

¹ <https://youtu.be/fuAcdWOFZ0w>

² General comment No. 22 (48) (art. 18), para. 8.

³ <https://news.un.org/en/story/2019/08/1044751>

This meeting is documented in the film by the Security Forces. The police began to order summoned victims to hand back the request for interrogation that the police delivered to victims in advance of the day of interrogation - to remove the evidence of police violation of their rights. In 2019 the police arbitrarily seized many cell phones and a number of laptops from the homes of Montagnard Christians that they searched without warrants. Police interrogators frequently use threats of long-term imprisonment and even death to coerce victims to sign pledges to leave their denomination and stop reporting violations to human rights organizations, foreign governments and international bodies such as the United Nations. The interrogators frequently threaten victims with prosecution and imprisonment for “unauthorized religious activities”.

These statements and actions contradict the commitment of the government of Viet Nam, expressed in September 2019 when they issued Decision No. 1252/QĐ-TTg⁴ about compliance with the ICCPR in response to the concluding observations of the Human Rights Committee. The actions by the local police in Dak Lak Province breach the freedom to “have or to adopt” a religion which includes “the right to replace one’s current religion or belief with another.”⁵ The right to “have or to adopt” a religion or belief is a fundamental right. Article 18 implies that coercion “that would impair the right to have or to adopt a religion or belief through the use or threat of physical force or penal sanctions to compel believers or non-believers to leave their religion or belief or to convert”⁶ is unlawful.⁶

5. H'MONG CHRISTIANS

In May 2019 BPSOS started legal advocacy for the Hmong community in Subdivision 179 (Dam Rong District, Lam Dong Province) and in September 2019 for the Hmong in Doan Ket Village (Tuy Duc District, Dak Nong Province). There are an estimated 1,700 residents in these two communities who are functionally stateless Hmong Christians – they had been evicted from their home villages for having refused to abandon their Christian faith. The local authorities in their new places of residence have refused to issue them household registration and citizenship ID. The absence of these critical documents severely restricts their access to education, medical care and employment, as well as other rights guaranteed by article 25 of the ICCPR.

We commend the government of Lam Dong Province for listening to the community petition and suspending its plan to expropriate land of Subdivision 179 residents. In February the Provincial Government officially announced its policy with funds allocated to resolve the situation affecting 521 Hmong residents (79 households) of Subdivision 179. However, there was a worrying development. The local authorities recently arrested Ma A Xi, a resident of Subdivision 179, for investigation into alleged illegal logging. Considering that the entire Subdivision 179 came into existence through 20 years of hard labor by its residents to turn an area of the jungle into cultivable land, practically everyone could be charged with illegal logging. The authorities also floated their suspicion that Xi was a drug user; we advised his family to get blood test results, which showed no trace of illegal drug.

Hmong Christians in the Doan Ket Village sent their petition to the Government of Dak Nong Province, who forwarded the petition to the People's Committee of Tuy Duc District. The District’s People's Committee instead of resolving the issues passed the petition to the public

⁴ http://dvov.org/wp-content/uploads/2020/01/Decision1252_En-Civil-Polit-Rights.pdf

⁵ *Supra note 2.*

⁶ *ibid.*

security office, viewed by the petitioners as a threat rather than the authorities' intention to address their grievances.

6. RECOMMENDATIONS

We urge the Socialist Republic of Viet Nam to:

- Ensure that all local governments implement the Decision No. 1252/QD-TTg by complying with the rights laid out in the ICCPR, including the government of Lam Dong Province and the Provincial Government in Doan Ket Village.
- Ensure that community petitioners who peacefully ask for their rights pursuant to article 18 and 25 of the ICCPR are not punished through threats or arrests, such as was the case for many Montagnard and Hmong Christians in the Central Highlands.
- Train the Security Police to uphold the rights in the ICCPR and not to use “national security” or “national unity” to breach the fundamental right to choose religion or belief.
- Recognize Hmong and Montagnard Christians as equal citizens and ensure their rights to public benefits, medical treatment and other rights under articles 2 and 25 of the ICCPR.