

## **Junior Sacerdotal Council of Cao Dai Religion**



### Answers and Observations

The 87th pre-session of the CRC Committee – VIETNAM

September 23, 2020

Jointly prepared by:

Boat People SOS, Coalition to Abolish Modern-day Slavery in Asia,  
Hmong United for Justice, Junior Sacerdotal Council of Cao Dai Religion,  
Montagnards Stand for Justice, Vietnam Coalition Against Torture

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During the pre-session, we attempted to address some questions and comments from CRC Committee members. We would like to elaborate on the following issues.

### Denial of household registration

Ms. Mikiko Otani had a question about Vietnam's household registration. Below is our answer.

Vietnam's system of household registration, known as "hộ khẩu" in Vietnamese, mirrors China's hukou system. Actually, "hộ khẩu" is the Vietnamese pronunciation of hukou. It officially identifies a person as a permanent resident in a locality, and requires each and every citizen and non-citizen to register his or her permanent residence with the local government.

The household register is a critical document; it enables the exercise of the basic rights of a citizen. 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 student 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.

The local authorities use the household registration to monitor and control everyone, including a newborn, who resides in or relocates to their respective localities. The same authorities can easily use this system to ostracize or marginalize "undesirable" elements. Tens of thousands of Hmongs and Montagnards -- all indigenous peoples -- have seen their household registration cancelled for not renouncing their Christian faith. Entire religious communities targeted for land grab by district and provincial governments have been denied household registration. Many Buddhist monks belonging to the Unified Buddhist Church of Vietnam, which was outlawed by the government and replaced with the government-created Buddhist Church of Vietnam in 1981, have been denied household registration. Families of some prisoners of conscience have been denied household registration.

Ms. Otani also asked whether children with household registration may be denied education. The answer is yes.

In our joint submission (<https://dvov.org/wp-content/uploads/2020/02/CRC-Joint-submission-by-BPSOS-et-al-02-28-2020.pdf>), we cited the incident in Dong Yen Parish, Ha Tinh Province, where the government wanted to evict the entire century-old parish from its land so as to lease it to a private developer. After a violent attack by the police, many households left their parish, but some 160 families were determined to stay and defend their parish. To put pressure on the parents, the district government denied all 153 children from these families from attending school. When the parents turned the parish's bible school into a makeshift school, where

volunteers served as temporary educators, the government threatened reprisal against these volunteers. As the teaching went on, the government moved in and demolished the bible school. The children were denied education for 2.5 years before the government relented due to international scrutiny. <https://dvov.org/wp-content/uploads/2019/01/Dong-Yen-Parish-Case-Summary.pdf>

### Tuition

Ms. Amal Salman Aldoseri asked whether students have to pay tuition. Yes, they have to pay a nominal tuition, but that is not the problem. Arbitrary surcharges are.

Students from elementary through high school have to pay nominal tuition at levels set by the central government. In one example (see pictures below), a child in kindergarten in Vu Tien Village, Vu Thu District, Thai Binh Province is charged 80,000 VND per month in tuition, totaling 720,000 VND for the 9 months of the 2020-2021 school year. This is equivalent to 31 USD.

However, this child has to pay all sorts of surcharges (for air conditioning, fuel, drinking water, Saturday activities, etc.) arbitrarily imposed by the school administration. These surcharges add up to 3,350,000 VND, or 4.65 times more than the tuition. That's 145 USD for 9 months. In rural areas like Vu Tien Village, the average monthly household income for low-income families is about 30 USD/month, or 270 USD for 9 months. The surcharges cost 54% of the family's total income for each child in kindergarten. Many parents cannot afford to send their children to school.

Those parents who protested these surcharges have been intimidated and threatened -- children would fail in class if their parents fail to pay the surcharges. In one incident that we documented in our report on the Red Flag Associations, officials at an elementary school mobilized the organized mob to threaten Catholic parents who challenged the expulsion of their children for failure to enroll in and pay for "optional" after-school tutoring.

*"On February 23, 2018, parents of elementary school students from Dang Cao Parish, Dien Doai Commune, Dien Chau District, Nghe An Province, went to Dien Doai Elementary School to challenge their children's expulsion from the school. Earlier, a few teachers had picked on a number of Catholic students and even threatened them with expulsion because they had not signed up for out-of-school tutoring classes offered by teachers who wanted to make extra money. The targeted children were taunted by their classmates, who also prevented them from using school computers and closed the classroom doors to prevent them from attending class. School officials then reportedly called in the Red Flag members, who arrived armed with metal pipes, sticks, and staffs. They waited outside and assaulted the parents as they came out of the meeting with school officials. Instead of investigating the violent mob and protecting the targeted parents, school officials accused Rev. Dinh Van Minh, priest of Dang Cao Parish, of inciting his parishioners to create trouble for the school. The school officials referred to this local Red Flag Association as "Autonomous Security Group to Protect the Government". (See pages 8*

NO. \_\_\_\_\_  
DATE \_\_\_\_\_

Các khoản tiền đóng cuối năm học  
2020-2021: Thu theo quy định 31 khoản

1) Tiền học phí: 80.000 đ/Thg x 9T = 720.000 đ/năm  
 2) Tiền thuê 7. 20.000 đ/buôn x 3 buôn = 60.000 đ/Thg x 9Thg = 540.000 đ  
 3) nước uống 10.000 đ/Thg x 9Thg = 90.000 đ/năm  
 4) Tiền sách báo: 150.000 đ/Thg x 9Thg = 1.350.000 đ/năm  
 5) chất đốt 20.000 đ/Thg x 9Thg = 180.000 đ/năm  
 6) Tiền đồ dùng bán lẻ: 150.000 đ/năm  
 7) Tiền XHHH để mua sắm cơ cụ: 200.000 đ/năm  
 8) tiền chẩn đoán học: 40.000 đ/Thg x 5Thg = 200.000 đ/năm (Thu theo đq hồ)

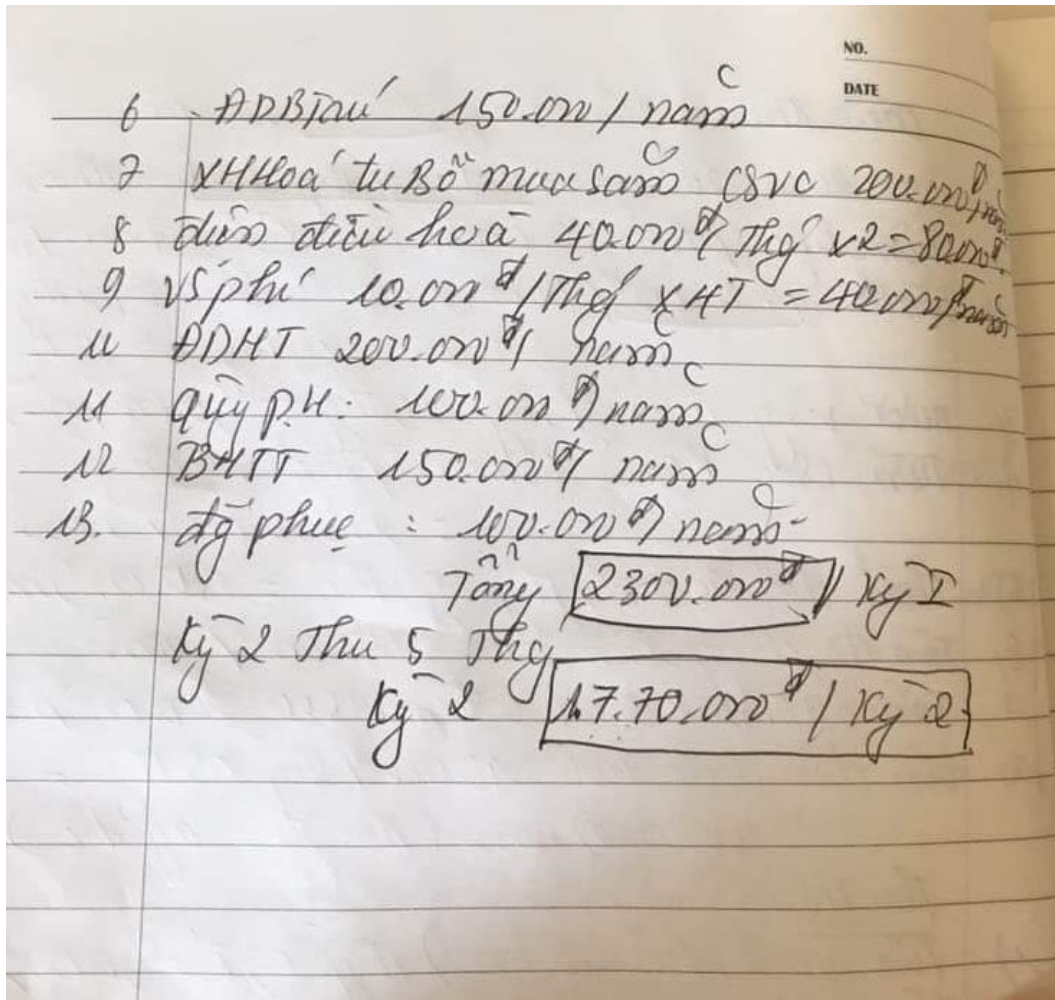
Thu học:

1) Tiền vệ sinh phí 10.000 đ/Thg x 9T = 90.000 đ/năm  
 2) Tiền đồ tập: 200.000 đ/năm  
 3) Tiền quỹ PT: 100.000 đ/năm  
 4) Tiền BHYT: 150.000 đ/năm  
 5) Tiền đq phục: 100.000 đ/năm  
 Tổng cả năm: 4.070.000 đ/năm

Tiền thu kỳ 1:

1) Tiền học phí 80.000 đ/Thg x 4T = 320.000 đ.  
 2) Thu 7: 20.000 đ/buôn x 3 buôn = 60.000 đ/Thg x 4T = 240.000 đ  
 3) nước uống 10.000 đ/Thg x 4 = 40.000 đ.  
 4) CS Báo 150.000 đ/Thg x 4 = 600.000 đ  
 5) chất đốt 20.000 đ/Thg x 4 = 80.000 đ





The government’s use of organized mobs to do their “dirty” work has been raised multiple times by UN mandate holders. For example, the UN Human Rights Committee, in its concluding observations following its March 2019 review of Vietnam’s implementation of the ICCPR, stated:

*It is disturbed by reports that non-State actors, such as the “red flag associations” attack Catholic communities, and are involved in propaganda activities that promote and incite religious discrimination, violence and hate speech (arts. 2, 18–20 and 26).*

In his 2019 Intimidation and Reprisal Report, the UN Secretary General raised the issue of Red Flag Associations operating with impunity:

121. On 26 September 2018, Mr. Nguyen Van An, a Catholic from Ke Gai Parish, was informed of an arrest warrant for documenting a violent incident that took place in December 2017 involving members of “Red Flag Associations” and reporting it to the Special Rapporteur for freedom of religion or belief in February 2018. Mr. Nguyen Van An was also an official government witness for the incident, but was later persecuted for his documentation role. He was the subject of four police summons and accused of “unlawful restraint.” His family was

*reportedly subjected to police harassment. Due to these incidents, Mr. Nguyen Van An and his family have left the country.*

*122. In March 2019, the Human Rights Committee expressed concern at cases of reprisals against rights defenders, including for engaging with the United Nations. It recommended the State party to allow the defenders the necessary latitude to carry out their activities, including engaging with the United Nations, without fear of restrictions or reprisal. The Committee also expressed concern that members of religious communities and their leaders face surveillance, harassment, intimidation, and physical assaults leading to death, and was disturbed inciting religious discrimination as well as acts of violence (CCPR/C/VNM/CO/3, paras. 43, 51–52).*

In its response, the Vietnamese government outright denied the existence of the Red Flag Associations:

*Regarding the situation of Mr. Nguyen Van An, the Government indicated that claims of threats against him and his family are unjustified. The Government stated that there is no “Red Flag Association” in the country and that when tension between Catholic followers and local residents erupted in December 2017, the authorities convoked the two groups requesting them not to engage in acts causing disruption to local social order and security.*

This contradicted Vietnam’s earlier response to the UN Human Rights Committee, acknowledging the existence of Red Flag Associations:

*13. Upset by local extremist Catholic dignitaries who repeatedly made false accusation, distorted the history or socio-political events, and offended late Leader Ho Chi Minh, and frequently infringed upon the social order and security in the locality, a portion of the population in Nghe An province established the so-called “Red Flag Association” at their own discretion. Viet Nam does not encourage the establishment of such associations as the “Red Flag Association”, and local governments employed measures to strengthen the management to ensure that such associations’ activities neither violate laws and regulations, nor trigger discrimination, nor break the solidarity between the Catholics and non-Catholics. (See: [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/VNM/INT\\_CCPR\\_RLI\\_VNM\\_33107\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/VNM/INT_CCPR_RLI_VNM_33107_E.pdf))*

### Exclusion of faith-based organizations from providing free education

A matter related to Ms. Aldoseri’s question above is the government prohibiting and restricting religious organizations from offering tuition-free education to children. The government, in its policy to indoctrinate all citizens from a very young age, has expropriated schools traditionally operated by Buddhist, Cao Dai, Hoa Hao Buddhist, Protestant and Catholic organizations. In the above example, when the parents in Dong Yen Parish decided to turn its bible school into a makeshift school for their children, the government moved in and destroyed the bible school.

Another example is the ongoing case of the Thien An Monastery in Thua Thien – Hue Province, which belongs to the Vatican-based Benedictine Order. In 1998, the government took over 49 hectares of land from this monastery and its Thanh Mau (Blessed Virgin Mary) school, which offered tuition-free education to children from poor families. The government has since aimed to take the remaining 58 hectares of land from this monastery, and has repeatedly sent organized mobs, escorted by the police and local government officials, to beat up the priests and monks at the monastery, causing serious injuries to many of them. Repeated complaints and requests for investigation filed by the monastery have been ignored by the government. In January 2016, the monastery’s abbot-elect, Rev. Antoine Nguyen Van Duc, was attacked by a stranger with a caustic substance causing burns to his neck and cheek. A month later, he fell ill after drinking coffee offered by two visitors. He had to go to France and then Germany for medical treatment for heavy metal poisoning. Last September, he returned to Vietnam but was coerced by the police to leave the country. He is now in enforced exile in Germany, very much like the case of Archbishop Tadevush Kandrusovich of Belarus. Evidently, this monastery would not be allowed to build a new school to offer tuition-free to children living in poverty. We have prepared a video that documents the violent attacks against priests and monks at the monastery: <https://www.youtube.com/watch?v=Y7X5XNluxcg&t=36s>

#### No genuine civil society in Vietnam

During the pre-session, a couple of CRC Committee members referred to inputs from civil society. It is important to understand that genuine civil society is not allowed in Vietnam. The National Assembly has repeatedly postponed considering the Law on Association. Consequently, only organizations operating under the government umbrella have legal status. They are managed or under the direct oversight of a ministry or government agency. There are two types of such organizations. First, there are those known as GONGOs (government-operated NGOs); their management staff are employed by the government. There are also hybrid organizations – they are not part of the government but, in order to operate, must submit themselves to government control and stay away from topics deemed sensitive by the government.

Both types of organizations are overseen by the umbrella organization “Vietnam Union of Science and Technology Associations” (VUSTA), which is a member of the Vietnam Fatherland Front. The Fatherland Front is an instrument of the Vietnamese Communist Party to infiltrate and control all aspects of society in Vietnam’s one-party regime. VUSTA’s role, per its charter, includes contributing to the national defense and communicating and popularizing the guidelines and directions of the Communist Party.<sup>1</sup>

All international NGOs (iNGOs) and funding from foreign sources to Vietnamese organizations (including GONGOs and the hybrid organizations) are under the control of Vietnam Union of

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<sup>1</sup> <http://vusta.vn/chitieten/charter/charter-2018-11-19-10-9-940>

Friendship Organizations (VUFO). It is not any GONGO – it is part of the government and reports directly to the government. It is the standing agency of the Committee for Foreign NGO Affairs (COMINGO), which was established on April 24, 2001 by Decision 59/2001/QQ-TTg of the Prime Minister<sup>2</sup>. COMINGO carries tasks related to iNGOs operating in Vietnam as assigned by the Prime Minister and reports directly to the Prime Minister. Its Chair was Deputy Prime Minister and Foreign Affairs Minister Pham Binh Minh. He was recently succeeded by Ms. Nguyen Phuong Nga, his Deputy Minister of Foreign Affairs.

The functions and responsibilities of VUFO are defined and dictated by Government Decree 12/2012/ND-CP: Communication and promotion of foreign non-governmental assistance. Thereby VUFO approves and controls the operation of all iNGOs in Vietnam, and determines the flow of foreign assistance to Vietnamese recipients. As an instrument of the Government and Communist Party of Vietnam, VUFO ensures that iNGOs and GONGOs, at international forums, represent the voice of the government and the Communist Party under the guise of civil society, while eclipsing the genuine NGOs and sidelining the voices of the victims and vulnerable groups.

More information about VUSTA and VUFO is available at: <https://dvov.org/wp-content/uploads/2019/02/Dossier-on-GONGOs-V3.pdf>

On the other hand, NGOs that are independent from the government is not only outlawed but often publicly attacked and their key members targeted for persecution. Vietnamese Women for Human Rights (VNWHR) is one example. It contributed to the submission authored by NextGen. All its co-founders have either been imprisoned or fled to another country for refugee protection. Many of them have been subjected to torture. NextGen's report features the case of Ms. Tran Thi Hong, a co-founder of VNWHR. She was repeatedly tortured over a period of two months while her husband was in prison. Some of their young children were also tortured. Her repeated requests for investigation have been completely ignored by the government at all levels. In early July of this year, the Indoctrination Department of the Vietnamese Communist Party publicly attacked VNWHR and its two other co-founders on the official television channel of the Ministry of Defense, prompting 18 human rights organizations to join Asian Forum for Human Rights and Development (FORUM-ASIA), a network of 81 human rights organizations in 21 Asian countries, to issue a public rebuttal: <https://www.forum-asia.org/?p=32621>. VNWHR is FORUM-ASIA's only member from Vietnam because this network's policy is not to admit GONGOs. See: <https://www.forum-asia.org/?famember=vietnamese-women-for-human-rights-vnwhr>

In preparing for the pre-session, the organizers may be unaware of the said reality. Consequently, the pre-session was dominated by organizations that operate under the government umbrella. They lined up a long list of individuals reading from pre-written

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<sup>2</sup> <http://www.ngocentre.org.vn/content/comingo-vufo-and-paccomm>



statements, which practically echoed the government's report and added a few recommendations that do not touch on systemic and sensitive issues affecting children such as police violence, systematic denial of birth certificates, expulsion from school as a form of punishment, denial of household registration, forced renunciation of faith, land grab, etc.

Per the suggestion of Child Rights Connect, we reached out to all NGOs that were invited to the pre-session. All, except Child Rights Working Group, shared our respective reports with each other. The following eleven organizations agreed to jointly field only two speakers: Boat People SOS, Coalition to Abolish Modern-day Slavery in Asia, Hmong United for Justice, Junior Sacerdotal Council of Cao Dai Religion, Montagnards Stand for Justice, Vietnam Coalition Against Torture, Jubilee Campaign, Independent Journalists Association of Vietnam, Con Dau Parishioners Association, Buddhist Solidarity Association and Vietnamese Women for Human Rights.

To our surprise, the Child Rights Working Group was allowed to present an array of seven or eight speakers, taking up most of the pre-session's time.

We recommend that the CRC Committee encourages Child Rights Working Group to invite genuine NGOs join them in the next phase of the review process, and UNICEF-Vietnam to consult vulnerable groups that we have listed in our submissions. This will be a basic test for the inclusivity that we all talked about.