

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): NGO Submission on Hmong and Montagnard Christians in Vietnam

I. Background

Jubilee Campaign, in special consultative status with ECOSOC, submits this analysis of discrimination and statelessness of Hmong and Montagnard Christians in Vietnam as a response to the request by the Special Rapporteur on Freedom of Religion or Belief for submissions related to Article 2 of the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

II. Discrimination in Law and Practice

A. Circumstances in which religious communities are prevented from administering their own affairs without State interference.

Boat People SOS (BPSOS) released a publication in 2019 addressing the unending persecution faced by Hmong and Montagnard Christians in the Central Highlands of Vietnam. In this report, it is revealed that “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.”¹ In Vietnam, household registration is perhaps the most important documentation an individual or family can possess; with such documentation, one can apply for employment and education, open a business, gain access to government-funded public services, and open a bank account. BPSOS has identified a trend in which local governments with an anti-Christian sentiment have been refusing to allow Hmong and Montagnard Christians to obtain household registration. The effects of such denial cannot be underestimated. As is stated in this report:

“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.”²

Additionally, national identification documentation must be provided in order to obtain access to public services such as education, welfare, healthcare, and more. An individual is ineligible to apply for an identification card if he or she does not have a valid household registration document, thus further preventing targeted individuals such as Hmong and Montagnard Christians from receiving the benefits that all Vietnamese citizens are provided by law. To make matters even more cruel, couples that do not have

¹ Boat People SOS [BPSOS], *Statelessness as form of punishment against H’Mong and Montagnard Christians in the Socialist Republic of Vietnam*, 6 March 2019, available at: <http://dvov.org/wp-content/uploads/2019/03/Stateless-Hmong-Montagnard-Christians-03-06-19.pdf>

² *ibid.*

household registration are unable to register the birth of their children and obtain birth certificates, forcing the entire family to statelessness.

Such a policy of revocation and denial of citizenship can be traced back to 2007. As stated in the BPSOS report, “the 2007 revision [of handbook “Training Document: Concerning the Protestant Religion in the Northern Mountainous Region] instructs local governments to ‘encourage the return to traditional beliefs’- a euphemism for forced renunciation of faith...”³

B. Laws and Policies restricting the right to manifest freedom of religion or belief of minority religious communities

The Constitution of Vietnam provides all individuals the right to freedom of religion, and states that violations of such freedoms are strictly prohibited.⁴ However, the government has launched multiple campaigns to indirectly target minority religious groups, especially Hmong and Montagnard Christians. In addition to forcing statelessness on such individuals who refuse to renounce their faith, applications for churches have been repeatedly overturned or denied. According to BPSOS, in 2005 the Executive Order “Special Instructions Regarding Protestantism” allowed Protestant churches to apply for legal registration. And in 2007, human rights lawyer Nguyen Van Dai was arrested for his legal assistance to 671 Hmong house churches in applying for registration. Following his arrest, “the central government temporarily suspended its consideration of registration applications by H’mong Protestant house churches.”

To further explain, the process of applying for registration of a religious group is both extremely lengthy and complicated; in order to register, a religious group must submit complicated applications requiring information on gathering locations, leaders, history of the group, and bylaws. Only after five years of continuous religious activity following registration can a religious organization apply for state recognition, for which they submit a dossier including information regarding “the group’s structure, membership, geographical scope of operation and headquarters location; summary of history, dogmas, canon laws and rites; list and resumes, judicial records, and summary of religious activities of the organization’s representative and tentative leaders” and more.

Vietnam’s Law on Belief and Religion further infringes upon religious freedoms. The United States Department of State 2018 International Religious Freedom report on Vietnam states that, according to the law, “individuals may not use the right of belief and religious freedom to undermine peace, national independence, and unification; incite violence or propagate wars; proselytize in contravention of the state’s laws and policies; divide people, nationalities, or religions; cause public disorder...”⁵ Such restrictions, notably that religious freedoms can be rescinded in the case that an individual or group is accused of subversion of the state or national security, are quite concerning that in many nations use similar restrictions to falsely accuse religious minority groups.

Montagnard Christians, while facing the similar crackdown religion that Hmong Christians experience, have an even more so strained relationship with the state, dating back to the 1990s, when the government of Vietnam launched a campaign to prevent the spread of Protestantism following the presence of American missionaries. Following the mass protests in the 2000s held by Montagnard communities in response to the

³ *ibid.*

⁴ The Constitution of the Socialist Republic of Vietnam, *Constitution Net*, available at: http://constitutionnet.org/sites/default/files/tranlation_of_vietnams_new_constitution_enuk_2.pdf

⁵ United States Department of State, *Vietnam 2018 International Religious Freedom Report*, available at: <https://www.state.gov/wp-content/uploads/2019/05/VIETNAM-2018-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>

crackdown on their freedom of religion, Vietnamese authorities have closed numerous Montagnard churches starting in 2014.

II. Effects of Discrimination

A. Statelessness and Internal Displacement

Due to the statelessness caused by denial of household registration and national identification documents, during the period from 2001 through 2006, Hmong Christians were forced by their provincial governments to either renounce Christianity or otherwise leave their community as they did not have valid documentation. According to BPSOS, “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.”⁶ As a result, Hmong Christian communities were internally displaced and forced to uproot themselves from their home and locate new uninhabited regions to re-establish their communities. For a decade, most of these communities were forced to live in tents or shacks as they were unemployable and unable to send their kids off for education: “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.”⁷

While many Hmong communities remain stateless and destitute, some were re-incorporated by village governments into the broader community and even were granted household registers, however, such families are in the minority. Since this step forward, provincial governments have taken two steps back as they have not provided these assimilation measures to the 170 Hmong families that have arrived since.

An example of the most heartbreaking effects of statelessness is exhibited in the story of Ly A Lam. After migrating from Dien Bien Province to Doan Ket Village in Dak Nong Province, Lam married his wife and had two children. The family never received a household registration from the provincial government, so both the parents and the children have no legal documentation. In August 2018, Lam became extremely sick and through examinations it was determined he had severe stomach ulcers. “Without household registration, his family was not eligible for any social service programs, including public health insurance.” Lam’s wife made numerous attempts to obtain a loan, but was turned away by the state-owned bank as household registrations are required for the application process. She eventually was forced to sell the family motorbike which her husband used to operate a delivery business in his community. Though she was able to acquire the funds necessary in order to pay for Lam’s costly time in the hospital and he is now in recovery, the family now has no means of income.

Montagnard statelessness evokes a similar outcome for families who are unrecognized by their state and local governments. According to BPSOS, there are thousands of stateless Montagnard households spread throughout numerous communities and districts. One young Montagnard boy named Ksor Chiec has been discriminated against and persecuted not only due to his membership in a Jrai Christian family, but also because his father escaped to Thailand in 2016. Shortly following his father’s escape, the provincial government rescinded Ksor’s family household registration and national identification documentation. As a result, Ksor has been expelled from his school at the young age of 15. The government has ensured that the only way for the family to be reissued their essential documentation is if Ksor’s father were to return to

⁶ Boat People SOS [BPSOS], *Statelessness as form of punishment against H’Mong and Montagnard Christians in the Socialist Republic of Vietnam*, *supra* note 1.

⁷ *ibid.*

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

Therefore the effects of discrimination and non-recognition of religious communities has far-reaching effects. When the children of Hmong and Montagnard Christians are not granted birth registration they then also lack education and access to health care. These children and the community are then left outside of the development of the country and access to diversity of employment is limited.

III. Good Practices

Jubilee Campaign urges that the Government of Vietnam, in order to ensure that the best practices of freedom of religion or belief are met:

- Indiscriminately issue national identification documentation, including household registration, to all Vietnamese citizens regardless of their status as ethnic or religious minorities
- Cease the practice of denying household registration to Hmong and Montagnard Christians as a form of punishment for their religious practice
- Eradicate unnecessary and superfluous obstacles to the application process for religious organizations and expedite the process
- Direct provincial governments to stop evacuating Hmong and Montagnard Christians from their homes in order to combat forced internal displacement
- Take actions to integrate Hmong and Montagnard Christians into local communities
- Recognize that essential health care and education is necessary for citizens of Vietnam regardless of whether they have obtained a household register or national identification documentation