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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Jubilee Campaign, non- governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[03 February 2020]

* Issued as received, in the language(s) of submission only.

GE.20-02484(E)



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Viet Nam continues to leave Hmong and Montagnard Christians effectively stateless

Jubilee Campaign, together with Boat People SOS (BPSOS), seeks to draw the Council’s attention to the statelessness of Montagnard and Hmong Christians in the Socialist Republic of Viet Nam. The authorities of Viet Nam place restrictions on the communities, in the remote Northwestern and Central Highlands, in their right to follow Christianity. BPSOS reports how the authorities resort to torture, imprisonment, expropriation, harassment, and even denial of medical care of incarcerated Christian victims.

Since Jubilee Campaign’s written statement in September 2019 there has been no improvement for Montagnard or Hmong Christians in terms of statelessness or right to follow Christianity in many communities.

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.

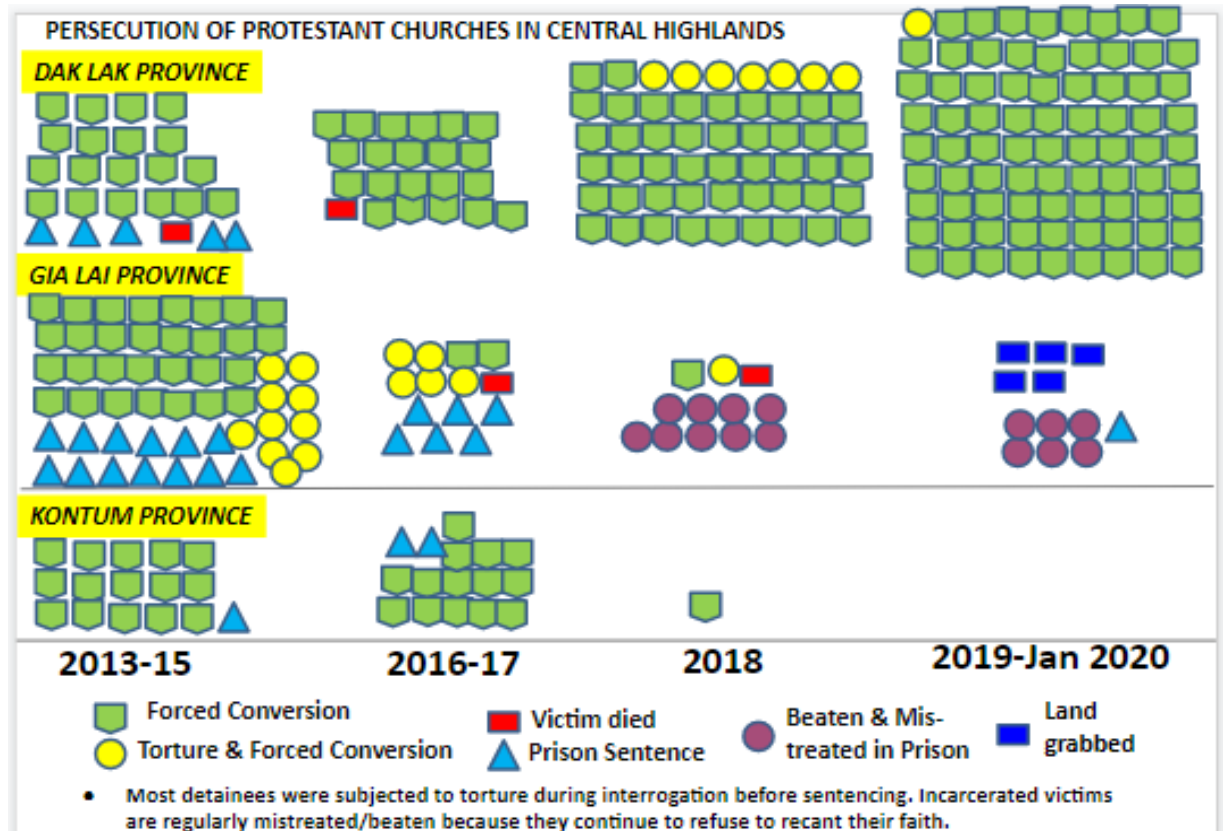


Figure 1. Religious freedom violation incidents reported by victims (submitted to UN Special Procedures)

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 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

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, 2019 and International Human Rights Day on December 10, 2019. 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

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>

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

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.

Hmong 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.

Jubilee Campaign commends the government of Lam Dong Province for listening to the community petition and suspending its plan to expropriate land of Subdivision 179 residents. However, the needs of the Hmong petitioners regarding social services, health, farmland and household registration have not been addressed by the Chairman of Dam Rong District who met with community leaders regarding these issues in August 2019. These rights are crucial to the full enjoyment of article 18 and 25 of the ICCPR. The Hmong petitioners followed up their request by appealing to the National Assembly but the local government continues to deny these rights.

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

Recommendations

Jubilee Campaign urges 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.
- Recognise Hmong and Montagnard Christians as equal citizens and ensure their rights to public benefits, medical treatment and other rights under article 2 and 25 of the ICCPR.

Boat People SOS NGO(s) without consultative status, also share the views expressed in this statement.

⁵ *Supra* note 2.

⁶ *ibid.*