



**ALTERNATIVE REPORT
to the Human Rights Committee (CCPR)
in addition to the Government of Vietnam's 4th periodic report**



Race-based Discrimination against H'mong in Vietnam

January 2024

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Alternative Report for ICCPR - BPSOS 2024

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1. Introduction

This report is submitted in addition to the 4th Periodic Report On The Implementation Of The International Covenant On Civil And Political Rights (ICCPR) For 2019 – 2022 report, in advance of Vietnam's review by the UN Human Rights Committee. This report highlights areas where Vietnam could improve its compliance with the ICCPR (hereinafter referred to as “this Convention”) and in respecting the rights of the H'mong ethnics in Vietnam.

The perpetuation of restrictive provisions from Articles 8 and 15 of the Ordinance on Belief and Religion (2004) into Article 5 – Prohibited Acts of the Law on Belief and Religion (2017)¹ represents a deeply troubling pattern in the legislative landscape. This perpetuation, accompanied by the inclusion of nebulous and undefined terms such as “*national security*” and “*social morality*,” has, regrettably, resulted in an alarming trajectory where governmental actions encroach upon individual freedoms, especially the enforced abandonment of Christianity and justified the compelled reversion to traditional H'mong beliefs. This troubling phenomenon contradicts the principles enshrined in Article 18 of this Convention. This Alternative Report also highlights the Vietnamese government’s use of intimidation and reprisal against those who report violations to UN mandate holders, thus making it harder for the UN Human Rights Committee to accurately and comprehensively assess the real situation inside Vietnam.

Note: Individuals with names fully disclosed have given their consent.

¹ **Article 5. Prohibited acts**

- 1. Discriminating and stigmatizing people for beliefs or religions.*
- 2. Forcing others to follow or not to follow, bribing others into following or not following, or hindering others in following or not following a belief or religion.*
- 3. Profaning a belief or religion.*
- 4. Carrying out belief and religious activities to:*
 - a/ Infringe upon national defense, security and sovereignty, social order and safety and the environment;*
 - b/ Violate social morality; infringe upon the body, health, life, health and property and hurt the honor and dignity of others;*
 - c/ Obstruct the exercise of civic rights and performance of civic obligations;*
 - d/ Divide nationalities; divide religions; divide people who follow a belief or a religion from people who do not, and people who follow different beliefs or religions.*
- 5. Abusing belief and religious activities for self-seeking purposes.*

2. Background

The H'mong population in Vietnam, a historically marginalised indigenous ethnic minority, stands at approximately 1.3 million, making up around 1.3% of the country's total population². The H'mong reside primarily in the highlands of northern Vietnam, particularly in the provinces of Ha Giang, Lao Cai, and Lai Chau and, more recently, in certain areas in the Central Highland of Vietnam.

Even though Vietnam has been a party to the ICCPR since 1982, government authorities at different levels have continuously violated the Convention's key provisions and failed to address many of the Committee's concerns.

3. Freedom of thought, conscience, and religion

The H'mong, especially H'mong Christians, face “double discrimination”³ stemming from both their ethnic identity and religious affiliation. This part critically highlights the shortcomings of the Vietnamese government in upholding Article 18 regarding “Freedom of Thought, Conscience and Religion” and Article 27 regarding “Rights of individuals belonging to minorities” of the Convention and aligning with General Comment No. 22⁴, No.23⁵.

Evidence presented contradicts the rosy picture painted in the 4th periodic report submitted by Vietnam in March 2023, page 53 about Article 27 and Paragraph 56 of the Committee's Concluding Observations, where the government asserted that:

“133. Religious dignitaries, sub-dignitaries, monks and other religious followers, including ethnic minority believers, are entitled to the right to freedom of belief and religion in accordance with the laws and regulations on belief and religion. The Vietnamese State's policy on religion guarantees religious diversity, harmonization and equality without discrimination against the followers, either ethnic minority or Kinh people. Group religious activities are facilitated. Religious organizations are allowed to

² Tổng cục Thống kê. “Population and Household Census – General Statistics Office of Vietnam.” *Tổng cục Thống kê*, <https://www.gso.gov.vn/en/category/population-and-houses-census/>. Accessed 24 July 2023.

³ The term “double discrimination” is explained in General Recommendation No. 32 (2009) “The meaning and scope of special measures in the International Convention on the Elimination of All Forms [of] Racial Discrimination” available at: <https://www.refworld.org/docid/4adc30382.html>

⁴ Link to CCPR/C/21/Rev.1/Add.4: <https://www.refworld.org/docid/453883fb22.html>

⁵ Link to CCPR/C/21/Rev.1/Add.5: <https://www.refworld.org/docid/453883fc0.html>

open training schools and classes to serve religious followers and activities. The publication of holy texts and introduction of religious equipment are supported. Ethnic minority religious followers are encouraged to participated in international activities. Many Buddhist monks and bhikkhus have studied in Thailand, Cambodia, Myanmar, Sri Lanka and India. A number of Chăm Muslims have competed in International Qu'ran Recital Contest in Thailand, Brunei, Malaysia, and Indonesia as well as international Muslim conferences and workshops and studied Muslim doctrine in Muslim countries.”

Not only has the State party failed to safeguard the rights of these ethnic minorities, according to Article 27 of ICCPR, but it has also blatantly violated Article 70 of Vietnam's 1992 Constitution and Article 24 of Vietnam's 2013 Constitution. While the Vietnamese government took a commendable step by introducing the “Law on Belief and Religion 2017,” effective from 1 January 2018, this law retains the critical flaws of the Ordinance on Belief and Religion 2004 that the Committee on the Elimination of Racial Discrimination (CERD) raised concerns over in its December 2023 review of Vietnam:

“The Committee is deeply concerned about reports that people working on the rights of ethnic minorities, Indigenous Peoples and non-citizens, as well as leaders of ethno-religious associations, are systematically targeted using violence, intimidation, surveillance, harassment, threats and reprisals as a consequence of their work. The Committee is particularly concerned by reports of reprisals for cooperating or attempting to cooperate with the United Nations” [Page 6_ CERD/C/VNM/CO/15-17]

Instead of upholding the freedom of belief, this law and its subsequent 162/2017/NĐ-CP Decree have shifted into the territory of prohibitions and restrictions. This misguided approach has birthed a slew of inconsistencies in how the law is applied across various regions. Thus, these loopholes have provided room for local authorities to violate the rights of ethnic minorities practically with impunity.

3.1. Forced renunciation of Christianity toward H'mong Protestants in Northern Vietnam

The Vietnamese Government intends to misrepresent “**True Religious Freedom**”. In its 4th periodic report to CCPR (referenced under paragraph 84, page 40 about **Article 18 and**

Paragraph 44 of the Committee's Concluding Observations), the Government of Vietnam notably stated:

“With respect to religion, there are 43 organizations under 16 religions that have been recognized by the State as religious organizations and granted certificates of registration of religious activities; there are about 26.5 million followers (accounting for 27% of the population), 54,125 dignitaries, 135,561 sub-dignitaries, and 29,658 places of worship. By the end of December 2022, the whole country has 50,703 belief establishments, of which 15,205 belief establishments have been classified as relics or included in the local inventory of relics at all administrative levels.”

The statistics cited by the government predominantly include the religious organisations that are, in essence, extensions of or submissive to the state apparatus. Such organisations, while numerically significant, are used strategically as instruments to execute or to cover up repression against independent-minded religious communities. In other words, these are not true embodiments of the religious freedom the government purports to support.

The churches operating under government control have enjoyed greater latitude under the “Law on Belief and Religion 2017,” but progress toward religious freedom cannot be measured by the number of religious organisations controlled by the government.

Drawing parallels with practices in China, the Vietnamese government has developed a *modus operandi* of proscribing authentic churches, only to replace them with government-created or government-controlled proxies. The latter are “hybrid” religious organisations – they consist of people who genuinely want to practice their religion and believe that operating within the strictly controlled government system while making essential compromises with the government is the best or only way to do this.

The Evangelical Church of Vietnam–North (EVCN-North) and its southern counterpart, EVCN-South, stand as notable examples of these “hybrid” organisations. The recent revelations by BPSOS, which submitted a staggering 12 reports highlighting the persecution of H'mong Christians, cast a long shadow on ECVN-North's commitments to its own members. The reports repeatedly indicate an alarming pattern: ECVN-North turned a blind eye or offered only nominal support to its vulnerable H'mong adherents.

3.1.1. CVM's Christian group

CVM's group of H'mong Christian believers, all members of ECVN-North, which was established in 2020 in LC Province, northern Vietnam. They were denounced, humiliated, and assaulted by government employees and H'mong villagers. M and his father-in-law were beaten by villagers with support from local authorities until they were hospitalized.



The rocks thrown through the walls of Mrs. TTĐ's house

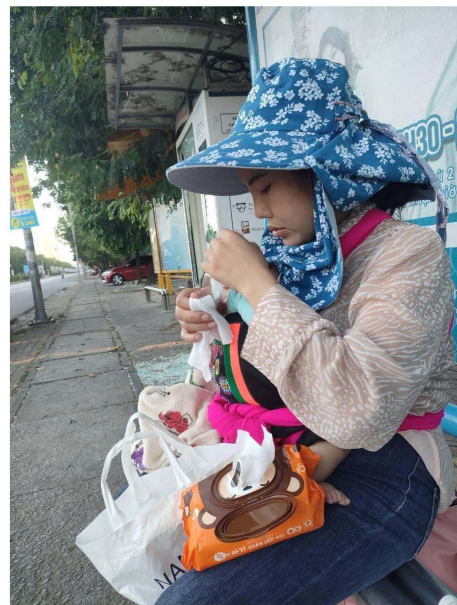
Another member, Ms. TTĐ, a 72-year-old H'mong Christian, refused to renounce her faith, the villagers upped their ante by throwing rocks at her house late at night -- several landed on her bed, any of which could have maimed or killed her. There was no investigation after the incidents, and the local authorities did nothing to protect the Christian group. Furthermore, when Mrs. TTĐ joined a Sunday service in the house of another believer, the local authorities came to stop the service. They tried to fine the group for practicing religion without permission. The fine was actually unlawful since the local authority did not provide any legal document for the fine but only a handwritten paper without citing any particular law or decree. The incident was reported to the Special Rapporteur on freedom of religion or belief.

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3.1.2. Three Protestant sisters from Kỳ Sơn District, Nghệ An Province



Mrs. Lầu Y Tòng in Bangkok Thailand



*Mrs. Lầu Y Lý (aka Mai Linh) and Mrs. Lầu Y Hua with their infants on the way to seek
refugee protection in Thailand*

Mrs. Lầu Y Tòng were banished from their village and had to leave family members and children behind.

In early 2022, Lầu Y Tòng left EVCN-North after being forced to pledge to recant Protestantism but did not receive any intervention from this government-approved church. After she refused to abandon God, her father-in-law immediately wrote a divorce application and asked Tòng's husband, who was working in Japan at the time, to send home his signature. Her father-in-law then forced Lầu Y Tòng to sign the divorce application that was written in Vietnamese. She was compelled to sign it out of fear without understanding its content because she couldn't read Vietnamese. It turned out that, by signing it, she agreed to "willingly" leave her village while letting her husband keep her cash, motorbike, their jointly owned land and cattle, and her two children, aged 17 and 13.

In July 2022, Lầu Y Tòng went to Saigon (Ho Chi Minh City) to find a temporary place to live. She still received intimidating calls from her husband in Japan, and the police in her hometown announced that they would arrest her if she returned to Nghệ An Province. On February 2023, after being threatened by her own husband and in-laws that they would track her down to kill her "for the crime of betraying the family, humiliating the family, affecting the work of the father-in-law [who was a government employee]," Lầu Y Tòng fled to Thailand and sought UNHCR protection.

In early 2023, Tòng's two younger sisters, Lầu Y Lý (Mai Linh) and Lầu Y Hua, were beaten by their in-laws as they resisted the local government's order to renounce Christianity. Both converted to Christianity in January 2018 but concealed their religious faith until the authorities found out earlier this year. Threatened by government authorities, beaten by their in-laws and receiving no intervention or support from their Church, ECVN-North, they secretly left their respective homes at night, each with her own infant.

Besides the infant she brought along, Lầu Y Lý left behind her two children, seven and ten years old. In early August 2023, they left for Thailand. Note that the local government had in March 2023 punished Lầu Y Hua by not allowing her newborn daughter to have the same surname as the father, according to the traditional H'mong customs. On August 20, 2023, Ms. Lý shared the

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stories of her, her sister Hua and her sister Tồng with UN Special Rapporteur on FORB Nazila Ghanea at a virtual conference hosted by BPSOS to mark the International Day Commemorating Victims of Acts of Violence Based on Religion or Belief.

Link to the reports:

- https://drive.google.com/drive/folders/1kqFPpu7mwIR7FMfqYCHd1yLbwKdmDD4c?usp=drive_link

3.1.3. A disabled young man was expelled from his village



Vả Bá Lia - a disabled young man - was banished from his village

It was alleged that the Vietnamese government targeted a disabled Hmong in Kỳ Sơn District, Nghệ An Province, who joined the unregistered Good News Mission Church in May 2022. He dared not join others for Sunday service, restricting himself to online prayers with two Hmong sisters Lầu Y Lý and Lầu Y Hua. After these two fled to Thailand, the government targeted Vả Bá Lia, banishing him from his village in September 2023. Lia now lives temporarily in the home of Pastor C (this photo) in Lào Cai Province.

3.1.4. Mrs. L in Kỳ Sơn District, Nghệ An Province

Mrs. L converted to Protestantism in 2012, and since then, she has been summoned several times by the local government about her religion. In 2019, she decided to register with ECVN-North officially. According to the Law on Belief and Religion of 2016, Article 16 – Conditions for registration of group religious practice, “*An organisation with a religious activity registration certificate shall register group religious practice for its members*”. ECVN-North did not comply with this regulation – it gave all the documents to Mrs. L and told her to do it on her own. When Mrs L tried to submit the registration application to the local government, its officials threatened to imprison her for registering as a Protestant. She was threatened by the villagers with rape and exile from the village if she did not renounce her religion. The officials also tried to force her husband to divorce and beat her, but he disagreed and was warned that he could lose his job as a primary school teacher.

3.1.5. Report on V in Kỳ Sơn District, Nghệ An Province

In July 2022, V converted to Christianity as a member of ECVN-North. In August 2022, as he and his other family members did not agree to renounce Protestantism, a police officer came to his house and choked his neck to scare him. Local government cadres confiscated all the cell phones in his family. V, his wife and his parents were put under house arrest until they agreed to sign a pledge to recant their faith. The government refused to issue the birth certificate of V's newborn daughter. In November 2022, V and his family fled to Thailand, leaving behind all their properties. In the same month, he attended the Southeast Asia Freedom of Religion or Belief Conference (SEAFORB) in Bali, Indonesia, to share his struggle and demand justice for his family.

3.1.6. Report on X from Kỳ Sơn District

X is the representative of a Protestant group with eleven believers in KD Village that in April 2022 was recognised as a subordinate of the ECVN-North. After the group was registered with the local government, a number of officials, police officers, and H'mong residents of KD Village denounced, assaulted, sexually harassed, and confiscated land and properties of these Protestants. For nearly two months, the police, local authorities, and villagers forced them to renounce Protestantism and return to traditional H'mong paganism. The government officials told villagers

to vote to punish this group of Protestants by confiscating all the land and properties of an innocent Protestant family to set an example for others. In June 2022, a group of 50 people, including local government officials, police, and villagers, came to X's house and declared that they were about to confiscate his land in the public interest. The group threatened to beat him until death if his family dared to enter their own property again. When all the men of the family were outside talking with the police, some of the perpetrators sexually harassed X's younger sister. Perpetrators also destroyed some of the victims' properties.

3.1.7. Report on V in Kỳ Sơn District, Nghệ An Province

V and family members in Kỳ Sơn District, Nghệ An Province were converted to Christianity in April 2022. Similar to the above-mentioned cases, they were interrogated by the local authority. He was stripped of his rice field, buffalo and pig after refusing to recant Protestantism. The government cordoned off the seized rice field with yellow tape, and villagers harvested all his rice. Some villagers threw rocks at his house, endangering the occupants' lives.

The local government denounced V and his friend X, who also converted to Christianity at the same time, and their family members for protesting their mistreatment by government officials and villagers. Some villagers even wrote to the Ministry of Public Security (MPS) requesting punishment of Christians in the village. The victims also wrote to MPS to request present their side of the situation and requested intervention. In spite of the Law on Belief and Religion, which prohibits forced renunciation of faith, MPS did not take action against these violations.

3.2. Pastor Lê Văn Cao, punished for refusing to join EVCN-South



In 2011, Lê Văn Cao and 37 other Christians in Ea Sup District, Đắk Lắk Province, congregated to create a local parish and embrace the teachings of Protestantism. Their efforts gained recognition from the Vietnam Baptist Convention in 2013; in 2022, Cao was ordained as a pastor. However, the group faced a setback when they attempted to register their parish with the local government. The authorities demanded that they register under ECVN-South (aka the General Confederation of Southern Evangelical Churches), an organisation under government control. He refused.

From 2011 to 2023, the local government frequently summoned Pastor Cao to question his religion and his parish's activities. On 21 February 2023, Pastor Cao attempted to appeal to the U.S. Government for assistance in gaining recognition for his Protestant parish. He arranged to meet with a delegation led by Mr. Rustum Nyquist, Political Officer at the U.S. Consulate General in HCM City, at a restaurant in Buon Ma Thuot City. However, upon arriving at the rendez-vous, he was stopped by police and prevented from meeting the delegation. Ultimately he had to go home.

Upon arriving home, Pastor Cao was met by police officers who inquired about his travel plans, including where he had intended to go and with whom he would meet. Seven police officers guarded Pastor Cao's house all day and night to make sure he could not get out of his house during Mr. Nyquist's visit to the Central Highlands.

On 23 March 2023, Pastor Cao and Mr GMM, a resident of Subdivision 179, met with Mr. Nyquist. Pastor Cao shared the struggles of his Protestant Parish and talked about the plight of Mrs. L, the wife of an American citizen who was forced to abandon her Christian faith by the local government authorities in her home village in Kỳ Sơn District, Nghệ An Province [See 3.4]. Pastor Cao gave her and her four children, evicted from their home, temporary refuge at his family's residence.

For the next seven days, Pastor Cao faced harassment in the form of frequent phone calls from government authorities, who demanded that he report to the police in Đắk Lắk Province and provide information about his meeting with Mr Nyquist. Additionally, the police warned Pastor Cao that sharing information with American officials was a violation of Vietnamese law and that he could be arrested and imprisoned.

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On 31 March 2023, Pastor Cao was tipped by a friend who worked in the provincial government that the police were planning to arrest him within 24 hours. Fearing for his safety, he went into hiding with his family. For four days Pastor Cao and his family hid in a coffee field at a nearby hill. On 4 April 2023, Pastor Cao made the difficult decision to flee Vietnam. Pastor Cao, along with his family, including his mother, his wife, and three children, fled to Cambodia and then Thailand, where they sought the protection of the United Nations High Commissioner for Refugees (UNHCR).

3.3. Repression toward Dương Văn Minh Sect



Tuyên Quang Province's police, disguising as medical personnel, attacked mourners during the funeral of Mr. Dương Văn Minh. Hmong adherents tried to stop the riot police squad from entering Mr. Minh's house.

The Dương Văn Minh Sect follows a new system of beliefs promoted by its founder Dương Văn Minh, and adopted by some H'mong ethnic groups, mostly in four Northeastern provinces of Vietnam: Cao Bằng, Bắc Kạn, Tuyên Quang and Thái Nguyên. The Dương Văn Minh Sect teaches H'mong to reform their costly and unhygienic funeral practices, and to give up the cult of spirits; yet the government accused this faith of superstition. Mr Dương Văn Minh taught his followers to put a deceased person in a coffin and leave it in their house for no more than a day before burial. Yet the government forces them to resurrect the Hmong "tradition" of suspending the dead for seven days and seven nights at home and slaughtering farm animals to offer to the deceased and other supernatural beings during the funeral. The impoverished Hmong could not afford this. Mr. Dương Văn Minh taught believers to make simple funeral accessories that can be shared among villagers, and build simple sheds to store them⁶.

Since this sect is not recognised as a legal organisation, the Vietnamese government openly orders its eradication⁷. Its founder, Mr. Dương Văn Minh, died on December 11, 2021. At his

⁶ Read more at: VETO, Vietnam Suppression of religious freedom among ethnic minorities The 25-year persecution of the Hmong's Duong Van Minh religion. Access on 23 August 2023.
https://dvov.org/wp-content/uploads/2014/07/140430_vn_suppressionduongvanminhreligion-veto_report_to_srrfen.pdf

⁷ Read more about the Dương Văn Minh Sect at "Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt - Mission to Viet Nam (21 to 31 July 2014)." documents-dds-ny.un.org, 30 January 2015,

funeral, a large group (more than 200 people) of police, militia, riot police, government officials, and self-proclaimed medical personnel came to the house of Mr. Dương Văn Minh to “examine” how the believers complied with Covid-19 prevention guidelines, but later violently attacked mourners with gas and detained at least 56 members of the sect. In May 2022, authorities in Tuyên Quang province sanctioned 15 H’mong followers of Mr. Dương Văn Minh Sect with a total of more than 38 years in prison and a fine of VND 285 million (11,854 USD) for the charge of "resisting public officials" and "violating safety in the crowded area".

On Sunday, June 12, 2022, a group of about 60 Duong Van Minh adherents was intercepted by the district police in Nà Pháo Village, Vĩnh Quang Commune, Bảo Lâm District, Cao Bằng Province on the way to attend Sunday service. The police claimed the gathering of the adherents was illegal and ordered them to disperse. When the adherents refused to obey, the police came and destroyed religious effigies in their funeral storage shed in the name of anti-superstition policy and forced the group to sign papers to recant their belief.

See the full report at:

- <https://drive.google.com/file/d/1ft1AFBqr5MgKzvs8bWQyHge9vXfITK6A/view?usp=sharing>

3.4. Confiscating children’s birth certificates to force a parent to renounce her faith

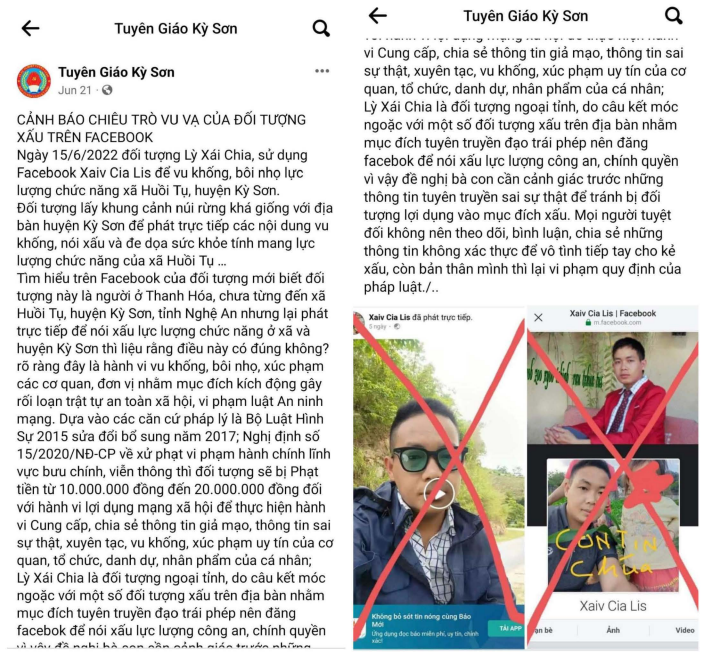
Mrs. L raises her four children alone while waiting for her husband, KV, a U.S. citizen, to complete the immigration sponsorship needed for them to join him in the United States. In September 2022, discovering that she and her husband were Christians, the local police confiscated her children’s birth certificates to derail her emigration process. The local government confiscated all of her and her children’s personal documents and threatened to banish them from the village while blocking their emigration. She appealed for intervention from her church, ECVN-North, with the help of Lý A Chà (see 3.5) but received no support. Mrs. L took her four children into hiding. Under the present circumstances, it is difficult for her husband in the United States to proceed with applying for immigrant visas for her and their four children.

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/014/16/PDF/G1501416.pdf?OpenElement>. Accessed 7 August 2023.

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In early 2023, Mrs L and her children fled to Đắk Lắk Province to stay at the home of Pastor Lê Văn Cao, the leader of an unregistered parish [See 3.2]. When, in April 2023, Pastor Cao fled to Thailand to seek refugee protection, Mrs. L and her children had to find another place of refuge.

3.5. Reprisal against Lý A Chà for reporting violations



The Facebook post of the Propaganda Committee of the Vietnamese Communist Party of Kỳ Sơn District defaming Mr. Lý A Chà

The Vietnamese Government has a long history of intimidation and reprisal against those who report violations to the UN and other international organisations ⁸. Lý A Chà is a case in point.

Lý A Chà, a H'mong Christian who provided information on religious persecution to BPSOS in May and June 2022, which largely contributed to exposing incidents of forced renunciation of faith, was interrogated by the government many times. He was forced to falsely admit that he had fabricated the news to misrepresent government policies. After several instances of interrogation and threats from the local authorities, Lý A Chà fled to Thailand in July 2022. In Thailand, he

⁸ See the 2022 UN Secretary General's Annual Report on Intimidation and Reprisals. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/487/13/PDF/G2248713.pdf?OpenElement>

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continued to be targeted with threats on social media, and his family in Vietnam was visited many times by local public security officials.

Link to the report:

- https://dvov.org/wp-content/uploads/2022/09/Final-PROTH'mong_En-Ly-A-Cha-Vu-Ba-Mai-Van-Ho-Ky-Son-Events-2022-Jun-Jul.pdf

3.6. Lai Chau Police attacked Hmong Christians of the Church of the Loving God on Mount Zion.



Vàng Thị Máy was hospitalised after the violent act by police officers in Lai Chau on August 27, 2023

The Church of the Loving God on Mount Zion is a house church established in 2017 with close to 800 members from 140 families in northern Vietnam and the Central Highlands. Its 23 worship groups meet weekly for prayer services. This church is affiliated with a Hmong Christian Church in the US. On 27 August, 2023, the Lai Châu Province government attacked over 80 adherents from 25 families, including disabled people, the elderly, children, and women, and confiscated their personal belongings. The police forced them to sign or fingerprint a pre-written renunciation statement. One woman, Vàng Thị Máy, was hospitalized for several

days after being beaten and handcuffed. Two other women, Giảng Thị Dí and Sùng Thị Dợ, were also beaten but not as severely. Later on, the government visited the group multiple times and ordered them to abandon their religion.

Link to the report:

- https://drive.google.com/drive/folders/15THmJPfG7rb_3C3bk3xFBpIu?usp=drive_link

4. Stateless H'mong Christians

The Government's policy of forced religious renunciation toward H'mong people in Vietnam can be traced back to the 1980s. Until that time, there were few known H'Mong Christians in Vietnam's Northwestern Mountainous Region. Responding to the rapid growth of the H'Mong Christian population after they learned about Christianity on the radio, the government launched a series of measures, including policy directives and training manuals issued to local officials, to eliminate or discourage the practice of Protestantism among the H'mong population, which the government accused of being used by reactionary forces to oppose the government and undermine national solidarity.

Following forced eviction from their home villages and years of wandering from village to village, many H'Mong Protestants formed new communities in uninhabited areas in nearby provinces; others migrated to the Central Highlands in search of a safe haven.

4.1. Subdivisions 179 and 181 in Lam Dong Province

According to the official data of the Vietnamese government, between 2005 and 2017, a total of 25,732 households (totaling 91,703 individuals) had moved from the Northwestern Mountainous Region of Vietnam to the Central Highlands, not as part of the government's relocation plan.

In the early 2000s, tens of thousands of Hmong Christians headed south and resettled in the Central Highlands of southern Vietnam, hoping to escape from religious persecution in their home provinces in the north. Many of them were met with extreme neglect by their new local governments and have been living practically as stateless individuals in their own country. The local authorities acted as if they didn't exist and denied birth certificates to newly born children, marriage certificates to newly wed couples, and the right to attend school to school-aged

children.

For established Hmong communities in northern Vietnam whose members have not migrated south and Hmong migrants from northern Vietnam who have been integrated into the general Central Highlands population (i.e., have ID papers, household registration, etc.), Christianity is still a major liability. In the Central Highlands, Hmong Christians fare no better than Montagnard Christians because the government constantly demands both ethnic groups to join government-controlled Christian churches and use unlawful intimidation and pressure to coerce those who resist.

In many remote areas in northern provinces, Hmong Christians fare even worse because both the government and villagers jointly force them to abandon Christianity. Those who refused to do so were banished from their communities without any legal basis. Several victims asked BPSOS to submit their cases to the United Nations are members of the Evangelical Church of Vietnam (ECVN) - North, a major government-controlled Protestant organization in northern Vietnam, because their church did not speak out on their behalf.



A section of Area 179, Liên Sơn Commune, Đam Rông District, Lâm Đồng Province

As previously mentioned, such communities are usually left to themselves and ignored, essentially forced to be stateless within their own country. Subdivisions 179 and 181 in Đam

Rông District, Đắk Nông Province is such a community. Roads are barely usable. Children have no school and families have no legal documents. Since the people of Subdivisions 179 and 181 were not registered into the National Identification system, children in both locales have struggled to attend formal schooling—an issue that had spanned decades. Historically, children with parents without household registrations were not issued birth certificates, which prevents these children from registering in public schools. Local authorities have the power to deny educational diplomas, social security, and other legal certificates when identity cannot be proven. Consequently, the legal parameters which dictate who may receive social benefits, as well as the arbitrary power wielded by local authorities in Vietnam, have driven many Hmong Christian families into destitution and chronic poverty without avenues for redress or relief.

Thanks to international attention, in early 2020, the Government of Đam Rông District signaled a positive policy shift towards the Hmong residents in Subdivision 179 of Lien Sronh Commune. In January 2020, the District Government announced its allocation of 76.78 billion VND (equivalent to US \$ 3,311,297), with 77% contributed by the central government and the rest by the local government, for infrastructure development for Subdivision 179. On June 4, 2020, the local authorities permitted the permanent resettlement of the Hmongs in Subdivision 179 and issued identity documents to the first 16 individuals. However, the authorities soon paused the issuance of ID cards and by late 2022 started to target community leaders who speak to the government on behalf of the rest of the residents.

4.2. Reprisals against community leaders

Reprisals against residents of Subdivisions 179 and 181 who spoke out and reported violations to UN mandate holders consisted of police interrogations during which victims were beaten; one victim was beaten to unconsciousness. Many victims were threatened with imprisonment and forced to sign pledges to stop all contact with foreign entities, including Western diplomats.

In June 2022, fearing arrest, Mr. Ma A Dinh, a community leader in Subdivision 179, left his community and fled to Thailand. The police continued to harass his relatives and friends in Vietnam to seek information about him concerning his activities and whereabouts. In November 2022, Mr. Ma A Dinh went to Bali, Indonesia, to advocate for the situation in Subdivision 179 during the Southeast Asia Freedom of Religion or Belief Conference (SEAFORB), but then got

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threatened and defamed in the social media. Facing increasing duress caused by local authorities, in November 2022 his wife and six children fled to Thailand.



Ma A Dinh at the SEAFORB conference in Bali, Indonesia, November 2022

Additional information on his case can be accessed at:

<https://drive.google.com/file/d/1jiGikvg6BYFwciCTLQr-GFZpqrQhxIXB/view?usp=sharing>

Like Ma A Dinh, Ma Seo Chang and Ma A Sinh were designated by community members to represent Subdivision 179 in dealing with the government. In 2022, the “in-place” resettlement project of residents of Subdivision 179 showed signs of bureaucratic delays after only 16 ID cards being issued. These two community leaders repeatedly wrote letters to the government of Lam Dong Province to request the issuance of national ID cards to the remaining 700 residents.

On 21 February 2023, the duo went to meet Mr. Rustum Nyquist, Political Officer at the U.S. Consulate in HCM City, to advocate for international support. When riding their motorcycle on the return trip, the two were stopped by the police. They were taken to a police station where they were beaten, threatened, interrogated, and ordered to sign a pledge to stop all contact with foreign entities. Ma Seo Chang replied: *“I will stop as soon as you complete issuing ID cards to all our people”*. Although the police released them, police officers continued to harass them at their homes and frequently inspected their phones to see whom they communicated with.

In early April 2023, the police came to Subdivision 179 to search the two men’s homes and threatened to jail them for conspiring with foreign entities. They had to flee to Thailand and seek

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refugee protection.



Picture of Ma Seo Chang, on the above - right, with his family in Bangkok Thailand 2023



Picture of Ma A Sinh, the third one from right to left, with his family in Subdivision 179 in 2022

4.3. Impacts on children

In December 2021, BPSOS sent a shadow report, *Consequences of Statelessness on Hmong Christians: The Children of Subdivision 181 in Vietnam – a Case Study*, to the Committee on the Rights of the Child (CRC)⁹. This document described the failure of the local government to resolve the statelessness of this Hmong Christian community, focusing on the barriers to education caused by statelessness. The government had not built a school for this community's undocumented children who must live by themselves during the school week in shacks far from home but closer to the schools they attend. The makeshift classrooms built by their parents, in the hope of eventually getting teachers to come to their village, were ordered to be demolished by the government.



Picture of the children in the makeshift house

In the Concluding Observations of its 2022 review of Vietnam, the CRC Committee raised concern about the impacts of statelessness on H'mong and other ethnic children:

Recalling target 10.3 of the Sustainable Development Goals, the Committee reiterates its previous recommendations and urges the State party:

(a) To address disparities in access to all public services by girls, children in remote areas, children with disabilities, lesbian, gay, bisexual and transgender children, children living

⁹ BPSOS. "Consequences of Statelessness on Hmong Christians: The Children of Subdivision 181 in Vietnam – a Case Study." *ohchr*, <https://www.ohchr.org/sites/default/files/2022-01/Boat-People-SOS.pdf>. Accessed 25 August 2023

in poverty, children belonging to ethnic or religious minority or indigenous groups, including Hmong and Khmers-Krom children, and migrant children, and regularly evaluate the enjoyment by these children of their rights;

(b) To ensure that all children, including children belonging to ethnic or religious minority or indigenous groups and migrant children, have access to household registration;

(c) To conduct comprehensive awareness-raising activities aimed at eliminating gender stereotypes and discrimination against girls.

Even though the CRC committee has brought this situation to the attention of the Vietnamese Government, nothing has changed. In 2022, BPSOS helped to rescue five H'mong, including three minors from this Subdivision, who were trafficked to Cambodia for labour exploitation. Poverty caused by statelessness led to such tragic outcomes.

Being undocumented affects H'mong residents in Subdivision 179 and 181. In November 2023, the Youtube channel of Nhan Dan newspaper, the official newspaper of the Communist Party of Vietnam, posted a broadcast titled "*The unnamed village of immigrants*"¹⁰ about Subdivision 179, which acknowledged the situation of statelessness which BPSOS had already advocated for in the past few years. Even though the broadcast of the Nhan Dan newspaper indicated that issuance of legal documents to the residents Subdivision 179 is ongoing, the fact is the opposite. Many of the people there, including hundreds of women, have been turned away when they approach local authorities to register for national ID cards. Community representatives are still targeted by the government. There are many other communities of undocumented Hmong Christians dotting the Central Highlands.

5. Violation of the ICCPR Convention and CCPR General Comments:

5.1. Violations of Article 7 - Freedom from Torture or Cruel, Inhuman, or Degrading Treatment or Punishment and General Comment No. 20 - HRI/GEN/1/Rev.9 (Vol. I) p.200:

Violence by police officers in Lai Chau against members of the Church of the Loving God on Mount Zion and attack on the Duong Van Minh group constitute a breach of the prohibition on torture or cruel, inhuman, or degrading treatment.

¹⁰ "Bản làng không tên của những người di dân | Đàng với Dân." ("The unnamed village of immigrants") YouTube, 10 November 2023, <https://www.youtube.com/watch?v=9-IzKyQKGkw>. Accessed 2 January 2024.

5.2. Violations of Article 9 - Prohibition of Arbitrary Detention and General comment No. 35 (Liberty and security of person) CCPR/C/GC/35:

Detaining H'mong Christians without proper legal procedures, threatening them, and Police forcing them to sign or fingerprint pre-written renunciation of faith statements constitute arbitrary arrest or detention.

5.3. Violations of Article 12 - Freedom of Movement:

Denial of national ID cards and restrictions on movement for stateless individuals in Subdivision 179 and 181 contravene the right to freedom of movement.

5.4. Violations of Article 18 - Freedom of Thought, Conscience, and Religion and General Comment No. 22:

The government's actions indicate a systematic effort to suppress religious freedom among the H'mong Christian population since the 1980s, including forced renunciation, harassment, denial of personal documents, eviction, and physical attacks on individuals due to their religious beliefs blatantly violate this Article.

5.5. Violations of Article 24 - Rights of the Child:

The failure to provide education and build schools for undocumented H'mong children contravenes the right of the child to education is illustrated by but not limited to Subdivisions 179 and 181.

5.6. Violations of Article 27: Rights of individuals belonging to minorities and General Comment No. 23:

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language. The reported incidents suggest a pattern of suppressing the cultural and religious practices of the H'mong Christian minority, including forced renunciation, attacks, and harassment, which result in denying the H'mong Christians the right to enjoy their own culture and practice their religion.

6. Recommendations

6.1. Streamlining Religious Registration and Making it Optional

It is imperative for the Vietnamese Government to immediately promulgate clear and transparent guidelines facilitating the registration of independent religious groups, especially “*Article 16. Conditions for registration of collective religious activities*”. While this article does not specifically require groups of followers to register their activities or seek government’s approval for as long as they do operate as a religious organisation, in practice, they are not allowed to conduct religious activities unless such activities are registered with and approved by the government. Pastor Lê Van Cao’s parish is a case in point.

6.2. Upholding the Autonomy of Religious Choices

We strongly urge the Vietnamese Government to unconditionally recognize and respect the inalienable rights of its citizens to freely affiliate with religious organizations of their choosing, regardless of whether such organizations are recognized by the government or not.

6.3. Prompt Investigations into Reported Incidents of Forced Renunciation of Faith

Reports of public security forces and government officials forcing Christian converts to renounce their faith, particularly in Kỳ Sơn, Nghệ An Province, are deeply alarming. We request the Vietnamese government to conduct an immediate, comprehensive, and transparent investigation into these alleged incidents. Those found culpable should face commensurate legal repercussions for violating not only international conventions and covenants that Vietnam is a state-party of but also Vietnam’s 2013 Vietnam Constitution and 2017 Law on Religious and Belief.

6.4. Appeal to ECVN-South and ECVN-North to Provide Protection to Members, Report Violations, and Denounce Forced Conversion

In its policy to eradicate independent congregations of believers, the authorities either forced them to renounce their faith or to join a government-backed religious organization such as

ECVN-South or ECVN-North. These two organizations have refrained from providing support and intervention to members who face intimidation and reprisals because of their faith, let alone reporting such incidents to higher-level government authorities or UN mandate holders. In many instances, ECVN-South pastors even publicly denounced unregistered Montagnard Christian house churches, and called on their members to join ECVN-South instead. As a first step, these two organizations should issue a policy statement denouncing forced renunciation of faith as a matter of principle and refusing to admit anyone who only joins them as a result of duress or coercion.