

Intersection of vulnerabilities for simultaneously ethnic and religious minorities in Vietnam

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Vietnam is a multi-ethnic and multi-cultural country in South East Asia with a population of about 90 million. The vast majority, about 86% of the population (77 million) are ethnic Kinh. The remaining 13 million belong to 53 ethnic minority groups ranging from hundreds to a million people in each group. Large ethnic groups with populations of over one million include the Mường, Tày, Thái, Khmer and Hmong. The Montagnards, a collective name for 16 different ethnic groups living in the Central Highlands, count some 1.8 million people (as of 2009). The ethnic minorities claim that as a result of the Vietnamese resettlement policy, enacted since 1975, they have been pushed back by the Kinh majority and have now become minorities on their ancestral lands. Due to poverty, minimal education, low Vietnamese language proficiency and a lack of social contact, the ethnic minorities in Vietnam are extremely vulnerable to discrimination and human rights violations.

Some ethnic minorities in Vietnam practice their own religions; these include the Cham Muslims in Central Vietnam and the Khmer-Krom Theravada Buddhists in the Mekong Delta. However, social injustice and discrimination in the eighties and nineties spurred many ethnic minorities to look for new religions. In recent years, some ethnic groups have converted in large numbers to Christianity, for example, the Banar now mostly follow Hà Môn Catholicism. Many Montagnards have converted to different evangelical denominations in the Central Highlands; many Hmong and Dao have converted to variants of Christianity such as the Duong Van Minh, the Vang Chu and the Thin Hung religion in North Vietnam. Generally adherents of old and new religions are living in coexistence in their villages unless they are incited by the authorities and have to echo the official propaganda against the so called “superstitions, evil way or bad religions”ⁱ among the ethnic minorities.

Religious minorities that are also ethnic minorities face many difficulties originating from the Vietnamese government. The Vietnamese government views ethnic issues and religious issues each as politically very sensitive. The government associates ethnic issues with the autonomy and separatism problem, especially when Montagnards in Central Vietnam, Hmong in North Vietnam or Khmer-Krom in South Vietnam are involved in the incidents. In many instances, Vietnam mobilized infantry and tanks to suppress what it called the ethnic unrest of Montagnard Christians in Central Highlandsⁱⁱ or of Hmong Christians in the North of Vietnam.ⁱⁱⁱ The government also suspects that Christianity is being used by hostile foreign forces to try to bring about a peaceful revolution to democracy following the examples in Eastern Europe, which could undermine the power of the ruling Communist Party of Vietnam (CPV). In an attempt to quantify the political damage caused by such new ethnic religions, secret papers of the CPV counted some dozens of CPV members and state officials who had converted to new religions.^{iv} Although the government couldn't provide any credible and solid evidence of separatism or foreign plot, the combination of ethnic and religious factors is still considered a threat to national security. So it considers that ethnic religious communities should be eradicated.

In general, the Communist government in Vietnam mistrusts religions and uses all means to control them. For example, they have to be registered before starting any activity. Many religious groups of ethnic minorities are not allowed to register due to the very narrow definition of religion^v or belief

^{vi} in the Vietnamese law, or because they don't want to be excessively controlled by the government after registration.

If not registered, a religion and its adherents are considered illegal. In one case in point, Montagnards and Hmong were forced to renounce their religions and to join state-controlled religious organizations. Despite this, even after they joined state-controlled organizations, they were persecuted when they practiced their religion with people from their ethnic group. Similarly, believers of the Duong Van Minh religion were forced to join officially recognized Protestant groups, which are ironically harassed and persecuted no less than they were ten years ago. So lack of registration cannot be the only reason for persecution.

Under the guise of legal provisions, gatherings of unregistered ethnic religious groups are dissolved, and their facilities and religious symbols destroyed. Between February and June 2015, government forces in North Vietnam have destroyed or burned down 22 sheds that store funeral cult objects of the Duong Van Minh religion. During the raids, 7 Hmong believers were injured, among them two very seriously.^{vii}

To date, at least 90 ethnic people are serving prison terms of up to 18 years because of their activities for religious freedom. They are charged with crimes against national security, such as “carrying out activities aimed at overthrowing the people’s administration,”^{viii} “undermining the national unity^{ix},” “conducting propaganda against the state,”^x “disrupting security,”^{xi} or “fleeing abroad to oppose the People’s Government.”^{xii} Or, they are imprisoned because they had protested against harassments or sent joint petitions to the central government, resulting in charges of “abusing freedom of religion,”^{xiii} “causing public disorder,”^{xiv} or “resisting officers in the performance of their duties.”^{xv} In custody, many of them were tortured and forced to confess to crimes that they didn’t really understand the meaning of because of language barriers. Most of the Christian Montagnards are serving their prison terms in very remote prisons in the North of Vietnam, up to 1,200 km away from their hometown and family.

The government uses extreme deterrent measures against adherents of persecuted religious groups, including public denunciation, job dismissal, administrative harassment, denial of health care or exclusion from social and humanitarian assistance programs.^{xvi}

We are very concerned about the ongoing and systematic persecution of groups that are simultaneously ethnic and religious minorities, which in some cases has persisted for 30 years. It isn’t a secret that this persecution is centrally guided by three steering committees, which are affiliated with the Politburo of the ruling Communist Party of Vietnam:^{xvii} the Steering Committee for South Western Region is combating the Khmer-Krom Buddhist groups;^{xviii} the Steering Committee for Central Highlands leads campaigns against the Montagnard Christian groups;^{xix} and the Steering Committee for Northwestern Region is responsible for eradication of Hmong religious groups in North Vietnam.^{xx} These powerful steering committees have openly called for the eradication of illegal ethnic religious communities. Very worrying is the fact that these orders are binding for authorities, army, police and state-controlled civil organizations at all administrative levels. As a consequence, the perpetrators take the order of their superiors as permission for fair game with abuses against the victims and as a signal they will not be made accountable for any arbitrary act against the victims.

Some thousands of ethnic people are fleeing from Vietnam and seeking refuge now in Thailand or Cambodia because of religious persecution. The refugees are vulnerable due to their status as stateless. Some have been sent back to Vietnam without access to proper asylum proceedings. Their protection after the return is difficult since they fall back to their previous vulnerabilities. In some cases we could detect years later that they were charged with “fleeing abroad to oppose the People’s Government” and sentenced to high prison terms.^{xxi}

In conclusion, a member of the UN Human Rights Council Vietnam should uphold the highest standards in the promotion and protection of human rights. There isn’t any evidence that ethnic religious groups have threatened the national security in Vietnam. Therefore we call upon Vietnam

to respect their right to freedom of religion and stop forcing their adherents to recant their faith or to join religious organizations recommended by the authorities. Furthermore Vietnam should promote the primacy of law and end any extralegal religious persecution based on secret orders. The upcoming Law on Belief and Religion which is now in the drafting process should comply with the International Covenant on Civil and Political Rights (ICCPR) to which Vietnam is a state party and remove all restrictions on reason of national defense or national security which are not compatible with Art. 18, para 3 ICCPR. Lastly, the call of the UN Special Rapporteur on Freedom of Religion or Belief after his visit in Vietnam 2014 was that religious freedom is a universal right, which “cannot be made dependent on any specific acts of administrative recognition or approval”.^{xxiii}

ⁱ “The village elder, the chief of hamlet, the pastor (of the state friendly Evangelical Church of Vietnam, note of the translator), representatives of the local government and public security had denounced publicly three adherents of superstitions who had exercised their religion illegally in Dak Lak Province” (Article “Public denunciation of adherents of superstitions at a village meeting” [Kiểm điểm các đối tượng mê tín dị đoan trước buôn làng], Public Security TV online, 17 June 2015)

<http://www.antv.gov.vn/tin-tuc/xa-hoi/kiem-diem-cac-doi-tuong-me-tin-di-doan-truoc-buon-lang-150518.html>

ⁱⁱ Repression of Montagnards: Conflicts over Land and Religion in Vietnam's Central Highlands, Human Rights Watch, 23 April 2002

<https://www.hrw.org/news/2002/09/20/226170>

ⁱⁱⁱ Thousands of Hmong stage rare Vietnam protest, Reuters, 6 May 2011

^{iv} “After over 20 years of operation, the illegal Duong Van Minh organization has grown in Cao Bang, Bac Kan, Thai Nguyen and Tuyen Quang Province to 1.032 households, 6.226 individuals, all Hmong, from 44 hamlets, 34 villages belonging to 16 districts and a town. Among them, there are 21 cadres in hamlets, 4 prestigious persons, 1 member of the village’s People Council member, 1 secretary of the Youth Organization, 5 members of political organizations, 3 public security officials and 16 Communist Party members.” (Concluding Communiqué of the Conference on the Deployment of Measures to Constrain and aimed at Eradicating the illegal Organization Dương Văn Minh in some Northwestern Provinces” [Thông báo kết luận Hội nghị Triển khai các giải pháp ngăn chặn, tiến tới xóa bỏ đối với tổ chức bất hợp pháp Dương Văn Minh trên địa bàn một số tỉnh Tây Bắc], No. 09-TB/BCĐTB, Central Presidium of the Steering Committee for the Northwestern Region, Communist Party Vietnam, 25 April 2012, stamped SECRET)

<http://veto-network.org/veto-content/uploads/2014/12/Document-1-120425-Communiqu%C3%A9-of-SteeringCommittee-NorthWestRegion.pdf>

^v “A religious organization is an assembly of believers of the same tenets, cannons, rites, and has a clear organizational structure recognized by the State.”, Art. 3 par. 3 of Ordinance on Belief and Religion

^{vi} “Activities which arise from religious beliefs express themselves as ancestor worship; memorializing and honoring those who have rendered great services to the country and the community; the worship of divinities and traditional symbols as well as other folk beliefs and activities that represent fine, valuable historical, cultural, moral and social values.”, Art. 3 par. 1 of Ordinance on Belief and Religion

^{vii} Persecution against adherents of Duong Van Minh Belief in Vietnam - Update for reporting period from May 2014 to May 2015, VETO!, May 30, 2015

<https://veto-network.org/news/persecution-against-adherents-of-duong-van-minh-belief-in-vietnam.html>

^{viii} Vietnam Criminal Code, §79

^{ix} Vietnam Criminal Code, §87

^x Vietnam Criminal Code, §88

^{xi} Vietnam Criminal Code, §89

^{xii} Vietnam Criminal Code, §91

^{xiii} Vietnam Criminal Code, §258

^{xiv} Vietnam Criminal Code, §245

^{xv} Vietnam Criminal Code, §257

^{xvi} The 25-year persecution of the Hmong’s Duong Van Minh Religion, VETO!, July 30, 2014

<https://veto-network.org/featured/the-25-year-persecution-of-the-hmong-duong-van-minh-religion.html>

^{xvii} Regulation on functions, duties, authority, organizational apparatus, working relationships of the Steering Committees for Northwestern, Central Highlands and Southwestern Region; Website Journal on Building up the Communist Party of Vietnam, 13 June 2012

<http://www.xaydungdang.org.vn/Home/vankientulieu/Van-kien-Dang-Nha-nuoc/2012/5156/Quy-dinh-ve-chuc-nang-nhiem-vu-quyen-han-to-chuc-bo.asp>

^{xviii} “The Steering Committee for Southwestern Region has always kept abreast of key issues such as instructing, inspecting and urging the authorities in the region to struggle against hostile forces who are inciting separatism, autonomy movement and internationalization of the Khmer issue” (Briefing Conference of the three Steering Committees for Southwestern, Northwestern and Central Highlands Region: Destroying the evil religions, separatism and reactionaries, Website Pioneer of the Ho Chi Minh Youth Organisation, 13 November 2014

<http://www.tienphong.vn/xa-hoi/triet-pha-ta-dao-tu-tuong-ly-khai-phan-dong-782760.tpo>

^{xix} “On the results of the 10 years implementation of Directive 16/2004/ CT-TTg of the Prime Minister on ‘Fighting and eliminating the reactionary organization Fulro which are rekindling its activities in some provinces of the Central Highlands’, Minister Tran Dai Quang noted that in the future we should continue to remove and persecute the domestic bases of reactionary organizations of Vietnamese expatriates who are seeking to ensconce in Central Highlands and neighboring provinces” (Preliminary Report on Activities of the Steering Committee for Central Highlands in the first six months of 2015, Website Public Security, 10 July 2015)

<http://cand.com.vn/thoi-su/Cao-Ban-Chi-da-o-Tay-Nguyen-so-ke-t-6-tha-ng-da-u-nam-2015-357756/>

^{xx} “Concluding Communiqué of the Conference on the Deployment of Measures to Constrain and aimed at Eradicating the illegal Organization Dương Văn Minh in some Northwestern Provinces, ebd.

^{xxi} Mr. Y Thot, a Christian Montagnard born in 1963, has participated in demonstrations in Gia Lai Province in 2001. With his wife he fled later to Cambodia but they were expelled to Vietnam on 1 March 2002. The UNHCR told them that the Vietnamese government would not prosecute them. He was arrested on 27 April 2004 and sentenced to ten years imprisonment for allegedly “Fleeing abroad to oppose the People’s Government” (§87 VCC) and “Undermining the national unity” (§87 VCC). He was imprisoned in Nam Ha prison in North Vietnam which is 1.200 km far away from his hometown. His wife H. Thuy was arrested in 2005 (charge unknown) and sentenced to 4 years imprisonment. (Report of human rights lawyer Nguyen Van Dai after being released from Nam Ha prison, 10 April 2011)

<http://davidlovinguyen.blogspot.de/2011/04/tay-nguyen-1.html>

^{xxii} Press Statement on the visit to the Socialist Republic of Viet Nam by the Special Rapporteur on freedom of religion or belief, 31 July 2014

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14914&LangID=E#sthash.MXno6hhw.dpuf>