



Con Dau Parishioners Association



Joint Submission Responding to  
the 5<sup>th</sup> and 6<sup>th</sup> State Report on Vietnam's Implementation  
of the UN Convention on the Rights of the Child

February 29, 2020

Jointly prepared by:

Jubilee Campaign, Independent Journalists Association of Vietnam, Con Dau  
Parishioners Association, Buddhist Solidarity Association, Boat People SOS

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**Jubilee Campaign** is a non-profit organization which promotes the human rights and religious liberty of ethnic and religious minorities such as those in Pakistan, Iran, Iraq, Syria, Egypt, Nigeria, China, North Korea and others. The organization assists individuals and families seeking asylum in the West from religious based persecution as well as promoting the care and well-being of larger groups of refugees fleeing religious and ethnic persecution.



**The Independent Journalists Association of Vietnam (IJAVN)**, formed on July 4th, 2014, seeks to preserve the professionalism in Vietnam journalism. It aims to maintain and develop the critical spirit of journalists and intellectuals on heated and urgent issues of society and the nation; to help readers to understand the aspects of social life and the country; to transfer some domestic information into the international community in Vietnamese and foreign languages; to convey recommendations and

suggestions from the people to the authorities; and to bridge exchanges and dialogues between people and its people.



Con Dau Parishioners Association

**Con Dau Parishioners Association** was founded in the aftermath of the brutal police assault on the Con Dau Parish in Da Nang City on May 10, 2010. The association's mission is to defend the existence of Con Dau Parish in the face of land grab by the Government, protect the rights and interests of parishioners, and assist other Catholic communities in defending themselves against persecution by the government or by government-supported non-state actors.



**Buddhist Solidarity Association** was founded in 2018 to defend the rights of Buddhist communities in Vietnam as they fight to off the Government's attempts to impose controls. The organization also conducts advocacy activities to bring the plight of the Unified Buddhist Church of Vietnam to the attention of the international community.



**Boat People SOS (BPSOS)**, co-founded in 1980 by Vietnamese refugees in the United States and Vietnamese boat people in Thailand, has for the past four decades assisted refugees fleeing persecution in Vietnam and in other countries (Cambodia, China, Pakistan, etc.). The organization has a long track record combatting human trafficking and promoting religious freedom in Southeast Asia. BPSOS has supported scores of religious and indigenous communities in Vietnam in developing their capacity to protect their own civic space.

## TABLE OF CONTENTS

SUMMARY	4
BACKGROUND	4
Article 7. Right to birth registration	5
Article 8. Right to preservation of identity without unlawful interference; and Article 16. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence	9
Article 24. Right to the enjoyment of the highest attainable standard of health	11
Article 28: Right to education	13
Article 30. Right to enjoy own culture, profess and practice own religion, or use own language	16
Article 31. Recreational activities	18

## SUMMARY

1. This joint submission is compiled based on information provided by:
  - Jubilee Campaign
  - Independent Journalists Association of Vietnam
  - Con Dau Parishioners Association
  - Buddhist Solidarity Association
  - Boat People SOS (BPSOS)
  
2. This joint submission addresses the following articles of the UN Convention on the Rights of the Child (CRC):
  - Article 7: Right to birth registration
  - Article 8: Right to preservation of identity without unlawful interference
  - Article 14: Freedom of thought, conscience and religion
  - Article 16: Unlawful interference with a child's privacy, family, home or correspondence
  
  - Article 24: Right to the enjoyment of the highest attainable standard of health
  - Article 28: Right to education

## BACKGROUND

3. The Constitution of Vietnam outlines the rights of all Vietnamese citizens to Freedom of Religion or Belief, and ensures that it is under no individual's jurisdiction to violate one's religious freedoms.<sup>1</sup> Despite such promises, many religious communities face persecution and discrimination at the hands of the national and local governments. In Vietnam, the government's policies do not distinguish between majority and minority religions but between government-controlled churches and those independent-minded ones.
  
4. Catholicism and Protestant Christianity, accounting for approximately 10% of the Vietnamese population, have been consistently targeted by the Vietnamese communist regime for suppression.<sup>2</sup> According to Open Doors, "Christians are tolerated as long as they do not challenge the existing order. As many of the Protestant Christians belong to

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<sup>1</sup> [http://constitutionnet.org/sites/default/files/tranlation\\_of\\_vietnams\\_new\\_constitution\\_enuk\\_2.pdf](http://constitutionnet.org/sites/default/files/tranlation_of_vietnams_new_constitution_enuk_2.pdf)

<sup>2</sup> <http://opendoorsanalytical.org/wp-content/uploads/2020/02/Vietnam-WWL-2020-Country-Dossier-February-update.pdf>

ethnic minorities, which historically fought on the American side in the Vietnam War, they are quick to be seen as being troublemakers.”<sup>3</sup> However, persecution is not solely directed towards Protestant Christian communities in Vietnam. Catholics are often seen as “being connected to a foreign power, the Vatican,” and are routinely monitored.<sup>4</sup>

5. Similarly, consistently suppressed are religious communities that insist on being independent from government control such as the Unified Buddhist Church of Vietnam (UBCV), the Cao Dai Religion, the Hoa Hao Buddhist Religion, the Khmer Krom Buddhist communities, and ethnic religions. In Vietnam, traditional religious practice is seen as a potential threat to the Communist (Marx/Lenin/Ho Chi Minh) “dogma.”<sup>5</sup> There is little information about much smaller religious communities including Cham Muslims, Hindus, and Baha’i practitioners.<sup>6</sup>

#### **Article 7. Right to birth registration**

6. In its State Party report, the Vietnamese government states, “The Children’s Law of 2016 states that children have the right to have their births and deaths registered with a surname and nationality. For children who are born with their nationality undetermined the Civil Status Act of 2014 mandates that birth certificates for all children born in the territory of Viet Nam show Vietnamese nationality.” [State Party Report, Para. 43]
7. In the same report, the government claims, “As a result of these efforts, the birth registration rate for children has increased significantly. To date, more than 90% of children under 5 have been registered for birth certificates, in particular, children in remote areas and ethnic minorities.” [State Party Report, Para. 45]
8. The 10% of children without birth certificates should be of concern. Numerous Hmong and Montagnard Christians are continuously obstructed from the realization of fundamental Vietnamese citizenship rights, as the Vietnamese local governments systematically refuse to provide such ethno-religious minorities, particularly Christian converts, with important legal documentation such as national identification cards and household registration records.<sup>7</sup> As a result, “they would not be accorded land use right and would not be able to own property, open a bank account, use the public library, get official employment, or apply for a business license.”<sup>8</sup>

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<sup>3</sup> <http://opendoorsanalytical.org/wp-content/uploads/2020/02/Vietnam-WWL-2020-Country-Dossier-February-update.pdf>

<sup>4</sup> <http://opendoorsanalytical.org/wp-content/uploads/2020/02/Vietnam-WWL-2020-Country-Dossier-February-update.pdf>

<sup>5</sup> <http://opendoorsanalytical.org/wp-content/uploads/2020/02/Vietnam-WWL-2020-Country-Dossier-February-update.pdf>

<sup>6</sup> <http://opendoorsanalytical.org/wp-content/uploads/2020/02/Vietnam-WWL-2020-Country-Dossier-February-update.pdf>

<sup>7</sup> <http://dvov.org/wp-content/uploads/2019/03/Stateless-Hmong-Montagnard-Christians-03-06-19.pdf>

<sup>8</sup> <http://dvov.org/wp-content/uploads/2019/03/Stateless-Hmong-Montagnard-Christians-03-06-19.pdf>

9. Children of undocumented Hmong, Montagnard, and other religious minority couples often cannot acquire birth certificates issued by the State. According to a recent report by Open Doors, “There have been reports that Christians from minority tribes were denied birth certificates and that in other cases government officials forced them to change their surnames to ‘Ho’ (after Revolutionary Communist leader Ho Chi Minh). There were many reports of Christians asking local officials to certify their documents for education, school and employment. But when the local authorities discovered they were Christian, they refused to certify the documents...”<sup>9</sup> Such denial of citizenship identification, and subsequent “statelessness,” is in direct conflict with the rights of children that Vietnam ensures in its most recent State Party report.
10. According to BPSOS: “In cases where legal identity cannot be proved, the local authorities have the power to deny educational diplomas, social security, and other legal certificates and identifying documents, thus shutting down all possible opportunities for a normal life and basic standards of living.”<sup>10</sup>
11. According to the United States Commission on International Religious Freedom, nearly 2,000 Hmong and Montagnard homes, including up to 10,000 individuals -- remain stateless due to the government’s denial to issue identification documentation and birth certificates.<sup>11</sup> Such a precarious identity has disproportionately large effects on the population of Hmong and Montagnard Christian children, who face troubles in receiving primary and higher education, health care, social advancement opportunities and other public benefits.<sup>12</sup>
12. Hmong United for Justice has identified at least 1,100 Hmong Christian households that have been rendered “stateless” because of their Christian faith.

In the Northwestern Highlands:

- 71 households in the Tá Pì Chà worship group of Chung Chảy Commune, Mường Nhé District, Điện Biên Province.
- 6 households in the worship group at the source of Nậm Hạ Creek, Kan Hồ Commune, Mường Tè District, Lai Châu Province. The Nậm Hạ Creek worship group started meeting in 2013 and have not been issued papers.

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<sup>9</sup> <http://opendoorsanalytical.org/wp-content/uploads/2020/02/Vietnam-WWL-2020-Country-Dossier-February-update.pdf>

<sup>10</sup> <http://dvov.org/wp-content/uploads/2019/03/Stateless-Hmong-Montagnard-Christians-03-06-19.pdf>

<sup>11</sup> [https://www.uscirf.gov/sites/default/files/Tier1\\_VIETNAM\\_2019.pdf](https://www.uscirf.gov/sites/default/files/Tier1_VIETNAM_2019.pdf)

<sup>12</sup> <https://undocs.org/pdf?symbol=en/A/HRC/40/NGO/251>

- 5 households in Huồi My Hamlet, Sam Kha Commune, Sốp Cộp District, Sơn La Province. The government of Sam Kha Commune expelled them; they moved to the Central Highlands but have not been issued papers.
- 10 Protestant households in Sông Mã District, Sơn La Province were deprived of their ID papers and residency documents after the local government punished them.
- Approximately 30% of H'Mong residents are Protestant in the districts of Mường Nhé and Nậm Pồ, Điện Biên Province and have no ID and residency papers (efforts are continuing to gather more detailed information on the households).

In the Central Highlands:

- 140 Protestant households in Đoàn Kết Hamlet, Đắk Ngo Commune, Tuy Đức District, Đắk Nông Province have not been issued papers.
- 90 Protestant households in Tân Lập Hamlet, Đắk Ngo Commune, Tuy Đức District, Đắk Nông Province, have not been issued papers.
- 6 Protestant households in Sính Chải Hamlet, Đắk Ngo Commune, Tuy Đức District, Đắk Nông Province, have not been issued papers.
- 37 Protestant households in Ninh Hòa Hamlet, Đắk Ngo Commune, Tuy Đức District, Đắk Nông Province, have not been issued papers.
- 35 Protestant households in Si At Hamlet, Đắk Ngo Commune, Tuy Đức District, Đắk Nông Province, have not been issued papers.
- 20 Protestant households in Gian Châu Hamlet, Đắk Ngo Commune, Tuy Đức District, Đắk Nông, have not been issued papers.
- 88 Protestant households in Area 179, Liêng Srôngh Commune, Đam Rông District, Lâm Đồng Province have no basic personal and residency papers after living here for more than 16 years.
- Over 200 Protestant households in Đắk Phoi Commune, Lăk District, Đắk Lắk Province, have no basic personal and residency papers after living here for more than 12 years.
- 100 Protestant households in Area 181, Liêng S Roanh Commune, Đam Rông District, Lâm Đồng Province, have no basic personal and residency papers after living here for nearly 20 years.
- 150 Protestant households in M'Đrăk District, Đắk Lắk Province, have no basic personal and residency papers after living here for nearly 20 years.
- Over 300 Protestant households in Vụ Bồn Commune, Krông Păk District, Đắk Lắk, have no basic personal and residency papers after living here for more than 10 years.
- Approximately 30% of the residents are Protestant in the communes of Cư San, Emroan, and Cư Krúa in M'Đrăk District, and the communes of Cư Pui and Cư Đran of Krông Bông District, Đắk Lắk Province, have no basic personal and residency papers after living there for more than 20 years.

13. While there is no clear indication that it is a policy set by the Central Highlands Steering Committee, denying or revoking essential documents has been used by certain local governments to induce Montagnard Christians to renounce their faith and discourage new followers. Consequently, statelessness becomes pervasive within certain Montagnard communities, mostly among the communes and districts of Gia Lai Province that border Cambodia. For example, in just one district, the Ia Grai District of Gia Lai Province, we have documented over one thousand households as being victims of this less visible form of persecution:

- Some 15 stateless households in Ia O Commune.
- Some 50 stateless households in Ia Der Commune.
- Ia Grang Commune: 17 villages consisting of 120 households each, with about 20 stateless households per village;
- Ia Hrung Commune: 5 Bahnar and Jrai ethnic villages consisting of 200 households each, with over 20 stateless households per village;
- Ia To Commune: 7 Bahnar and Jrai ethnic villages consisting of 105 households each, with about 12 stateless households per village; and
- Ia Chia Commune: 4 Bahnar and Jrai ethnic villages consisting of 250 households each, with about 120 stateless households per village.

14. Such failure to register the births of Vietnamese children regardless of ethnic belonging or religious affiliation further violates Article 7 Section 1 of the Convention on the Rights of the Child, which states that “the child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.”<sup>13</sup>

15. **Recommendations:** We respectfully recommend that the UN Human Rights Committee and the UN Committee on the Rights of the Child discuss with the Government of Vietnam and raise the statelessness of Hmong and Montagnard Christians, with particular attention paid to the disproportionate negative effects such statelessness has on children within the Hmong and Montagnard Christian communities. Furthermore, we recommend that the UN Human Rights Council urge the Government of Vietnam to:

- a. Provide birth certificates to children of Hmong and Montagnard Christians, thus establishing their legal identity and providing them the opportunities and rights available to other Vietnamese children, including education and health care;
- b. To ensure that such statelessness of Hmong and Montagnard children is eliminated, issue citizenship identification documentation and household

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<sup>13</sup> <https://www.ohchr.org/documents/professionalinterest/crc.pdf>



registration to all Hmong and Montagnard peoples as well as other subverted indigenous communities;

- c. Establish enforcing mechanisms in localities of Vietnam to ensure that the local governments are carrying out their duties to issue all Hmong and Montagnard Christians and indigenous peoples citizenship documentation and household registration, as well as to issue all children birth certificates in accordance with both Article 7 of the Convention on the Rights of the Child and the 2016 Children’s Law of Vietnam; and
- d. Ensure that citizenship documentation, household registrations, and birth certificates are neither withheld or denied as penalties for religious beliefs among Hmong, Montagnard, and indigenous Vietnamese peoples/communities.

**Article 8. Right to preservation of identity without unlawful interference; and**

**Article 16. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence**

16. Just over a year ago, in January 2019, Tan Binh District’s local government mobilized large groups of demolition workers and police officials to conduct the eviction of numerous Catholic families from and subsequent destruction of their homes in the Loc Hung Vegetables Garden community.<sup>14</sup> This traditionally Catholic community located in Ho Chi Minh City has survived off of agricultural production for some nearly 70 years, and has in recent years become a safe haven for human rights advocates and persecuted individuals seeking safety from the government.<sup>15</sup>

17. Such project was initiated in late December 2018, when the People’s Committee of Tan Binh District gave quite short notice to community of its plans to demolish all buildings and structures that had been “illegally” constructed after January 1, 2018.<sup>16</sup> By the first week of 2019, all 500 homes in this community were destroyed --- the vast majority of them were not illegally constructed after January 1, 2018, leaving nearly 200 families, including many children, homeless and in an even more precarious state than before.<sup>17</sup> One such family, of Huynh Anh Tu and Pham Thanh Nghien, two former political prisoners of conscience, had to flee their home with their one-year-old daughter to a safer location.<sup>18</sup>

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<sup>14</sup> <http://dvov.org/wp-content/uploads/2019/03/Loc-Hung-Vegetables-Garden-Summary-01-31-19.pdf>

<sup>15</sup> <http://dvov.org/wp-content/uploads/2019/03/Expropriation-of-Property-of-Catholic-Communities-01-17-19-1.pdf>

<sup>16</sup> <http://dvov.org/wp-content/uploads/2019/03/Expropriation-of-Property-of-Catholic-Communities-01-17-19-1.pdf>  
<sup>17</sup> pdf poster

<sup>18</sup> <https://the88project.org/forced-eviction-in-catholic-community-of-loc-hung-leaves-hundreds-of-families-homeless-and-destitute-including-many-political-activists/>

18. According to Father Le Ngoc Thanh, former priest of the Saigon Redemptorist Church, some 89 Vietnamese students from the Loc Hung Vegetables Garden community were affected by the demolition project. In addition to being forced to move to the outskirts of the city where rent is relatively unaffordable for these families, the parents of these children have lost their main source of income, which makes it increasingly difficult to pay school fees for their children.
19. As a result of the high fees of rental homes, multiple families have decided to share the homes and cut down on expenses by splitting the costs among more people. One Loc Hung Vegetables Garden community representative shared that his extended family-including 24 individuals, 9 of which are young children, are living together in a home the size of 40 square meters.<sup>19</sup> He explains that in addition to preventing these kids from studying, the overcrowded home has caused inactivity and idleness, which has negatively affected the emotional state of these children who had already previously witnessed the total destruction of their family homes and have been placed in an entirely foreign and uncomfortable situation.<sup>20</sup>
20. Following the eviction and destruction of the Loc Hung Vegetables Garden community, schools within the community required the children attending to recite government-issued and -approved propaganda statements regarding the situation of the coerced evictions.<sup>21</sup> One child, Cao Thanh Tin, refused to recite in front of the class, stating that the propaganda was false and biased.<sup>22</sup> One mother of the community, Nguyen Thanh Ha, stated: “They took our houses, leaving us and our children homeless, and now they told our children that it was right to destroy our houses, that it was right to tear down our village and it was right to make them homeless. That’s propaganda against education!”
21. Article 16 Section 1 of the Convention on the Rights of the Child states that “No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.”<sup>23</sup> Article 8 of the CRC states, “Where a child is illegally deprived of some or all elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.”<sup>24</sup> In the original Convention, identity consists of three aspects: nationality, name, and family relations; however, the Committee has since recognized that the a child’s environment also is a huge determinant and characteristic of his or her identity. At the 2016 CRC Day of General Discussion, the argument was raised that “damage to the environment... can

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<sup>19</sup> <https://www.facebook.com/danoanlochung/posts/989125611429155> ;

<https://www.facebook.com/danoanlochung/posts/788241848184200>

<sup>20</sup> <https://www.facebook.com/danoanlochung/posts/788241848184200> ;

<https://www.facebook.com/danoanlochung/posts/989125611429155>

<sup>21</sup> <https://www.rfa.org/english/news/vietnam/vn-loc-hung-boy-04102019163944.html>

<sup>22</sup> <https://www.rfa.org/english/news/vietnam/vn-loc-hung-boy-04102019163944.html>

<sup>23</sup> <https://www.ohchr.org/documents/professionalinterest/crc.pdf>

<sup>24</sup> <https://www.ohchr.org/documents/professionalinterest/crc.pdf>

negatively impact children’s emotional health and sense of identity.” Perhaps the most immediate environment for a child is his or her home, and therefore destruction of the home can challenge the child’s mental health and self-identity.

22. In its most recent State Party report, the government of Vietnam claims that in accordance with the Children’s Law of 2016, the government prioritizes “the creation of an environment to protect and care for children” and that “only in special cases, where children have no homes, are they placed in social assistance centers.”<sup>25</sup> Contrary to these claims, families and children have remained homeless for lengthy periods of time as a result of the unlawful seizure and subsequent destruction of their homes.
23. **Recommendations:** We respectfully recommend the UN Committee on the Rights of the Child to discuss with the Government of Vietnam their operations to demolish the Loc Hung Vegetables Garden community, focusing specifically on the detrimental physical and emotional effects on the children of the community, and urge the Government of Vietnam to:
  - a. With the home environment considered as a crucial aspect of a child’s identity, meet its obligations as a State Party to the Convention on the Rights of the Child to “provide appropriate assistance and protection, with a view to re-establishing his or her identity” in regards to the children of the Loc Hung Vegetables Garden community;
  - b. Meet the Government’s own self-obligation under the 2016 Children’s Law by facilitating access for affected children and their parents to “social assistance centers,” social services and mental health services in order to illustrate that Vietnam prioritizes “the creation of an environment to protect and care for children”; and
  - c. Cease disseminating misinformation regarding the incident of the demolition of the Loc Hung Vegetables Garden community, as well as stop requiring children of the community to recite such claims against their will.

#### **Article 24. Right to the enjoyment of the highest attainable standard of health**

24. In its most recent State Party report to the CRC, Vietnam stated in Article 7.3 Section 110 that in accordance with both the 2013 Constitution and the 2016 Law on Children, every Vietnamese child has “the right to the best possible health care, priority access to preventive care and medical examination and treatment services.”<sup>26</sup>

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<sup>25</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fVNM%2f5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fVNM%2f5-6&Lang=en)

<sup>26</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fVNM%2f5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fVNM%2f5-6&Lang=en)

25. Moreover, according to the 2008 Law on Health Insurance and the 2014 Law on Amendment and Supplementation, all children under the age of 6 have the preferential right to free health care, with special attention paid to children of impoverished households or ethnic minority communities.<sup>27</sup> However, in the same year, in the 2014 report of Unrepresented Nations and Peoples Organization, the argument was made that:

“The introduction of user fees in order to receive medical treatment has transformed healthcare into an expensive commodity. This is particularly harmful for the impoverished indigenous and minority groups of the Northern and Central Highlands and the Mekdong Delta, as they often have to pay additional informal fees, transportation costs and expenditures on drugs, which further widens the gap between them and the ethnic Kinh and hampers their access to healthcare.”<sup>28</sup>

26. This same report reveals some harrowing statistics regarding the difference in child mortality rates between the ethnic majority and minority communities: UNICEF estimates of infant mortality rates among indigenous communities in the Central and Northern Highlands are around four times higher than the national average of Vietnam.<sup>29</sup> Moreover, the rates of underweight children below the ages of 5 remain relatively high (34%) in the Central and Northern Highlands, which contrasts the steadfast decrease of national average rates (20%).<sup>30</sup>

27. According to the 2016 report by the Vietnam Human Rights Network, “the under-five-year-old mortality rate for ethnic minority groups was 3.9%, while the Kinh/Chinese ratio was 1.2%. The number of children under five with symptoms of malnutrition and stunted growth in ethnic minority households is more than double that of Kinh households.”<sup>31</sup>

28. The above information is pertinent to Article 24 of the Convention on the Rights of the Child, which states that (1) State Parties shall take concrete steps to reduce infant/child mortality, and (2) “ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care.”<sup>32</sup>

29. ***Recommendations:*** We respectfully recommend the UN Committee on the Rights of the Child and the UN Human Rights Committee to urge the Government of Vietnam to uphold its international human rights and child rights obligations. Namely, the Government of Vietnam should:

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<sup>27</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fVNM%2f5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fVNM%2f5-6&Lang=en)

<sup>28</sup> [http://www.ecoi.net/file\\_upload/1930\\_1396516552\\_int-cescr-ngo-vnm-16883-e.docx](http://www.ecoi.net/file_upload/1930_1396516552_int-cescr-ngo-vnm-16883-e.docx)

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

<sup>31</sup> <http://www.vietnamhumanrights.net/english/documents/ReportVNHRN2016-17-Net.pdf>

<sup>32</sup> <https://www.ohchr.org/documents/professionalinterest/crc.pdf>

- a. Ensure that free health care is provided to all Vietnamese children regardless of religious identity, disability, or involvement within an indigenous or ethnic community, in accordance with Article 24 of the Convention on the Rights of the Child; Vietnam’s 2013 Constitution, 2016 Children’s Law, 2008 Law on Health Insurance, and 2014 Law on Amendment and Supplementation;
- b. Eliminate as much as possible any existing obstacles to accessibility of free health care -- including fees on medication as well as transportation -- that disproportionately affect ethnic, indigenous, and religious minority communities, often in the Central Highlands;
- c. In accordance with Article 24 Section 1 of the Convention on the Rights of the Child, which states that “State Parties shall take concrete steps to reduce infant/child mortality,” conduct investigations on the factors contributing to inflated infant/child mortality rates among ethnic minority and indigenous groups; and
- d. Combat malnutrition and stunted growth, which also unreasonably affect children of ethnic minority and indigenous communities.

## Article 28: Right to education

30. According to the UNICEF Out-Of-School Children 2016 report on Vietnam: the proportion of the population of 5-year-old children who were out of school in 2014 was 6.7% (99,200 children); the proportion of the population of 6 to 10-year-old children who were out of school in 2014 was 2.5% (180,500 children); the percentage of 11 to 14-year-old children who were out of school in 2014 was 8.1% (435,700 children).<sup>33</sup>
31. Such statistics illustrate that while primary school education is being carried out in relatively high proportions, compulsory primary education is not being fully met. Moreover, this report reveals that the proportions of out-of-school-children (pre-primary, elementary, and pre-secondary) were much higher in rural areas than in urban areas, with those in rural areas having “disadvantaged” access to education.<sup>34</sup>
32. Perhaps the most educationally disadvantaged groups in Vietnam include children of the Hmong and Montagnard Christian ethno-religious communities. According to Christian Solidarity Worldwide, a common form of persecution towards such children includes “denial of access to education for Christian children if their parents are Christians, sometimes due to forced eviction, other times due to discrimination.”<sup>35</sup> Moreover,

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<sup>33</sup> <https://www.unicef.org/vietnam/media/2481/file/Main%20report%20Out-of-school-children-report-2016.pdf>

<sup>34</sup> Ibid.

<sup>35</sup> <https://www.refworld.org/pdfid/5970855d4.pdf>

according to Boat People SOS (BPSOS), married religious minority couples often remain unregistered, and their children, who are often unable to receive state-approved birth certificates, are denied access to educational services.<sup>36</sup> According to the United Kingdom Home Office:

“The law prohibits discrimination against ethnic minorities but societal discrimination against ethnic minorities persists in Vietnam, including some unofficial restrictions on employment and access to education. The Vietnamese government has made considerable efforts to reduce poverty across all population groups, yet the ethnic minorities remain disproportionately the poorest and most vulnerable citizens of Vietnam, particularly in relation to employment, education and health.”<sup>37</sup>

33. In its 2014 report to the UN Committee on Economic, Social and Cultural Rights, the Unrepresented Nations and Peoples Organization stated: “A 2011 report by the UNFPA has indicated that only 37.7% of the Hmong population is able to read and write. Only 69.7% of Hmong children are enrolled in primary school and 34.1% in lower secondary schools, which is remarkably low taking into account that ethnic Kinh enjoy a 97% enrollment rate for primary schools and 86.7% for lower secondary education.”<sup>38</sup>
34. In multiple provinces within Vietnam, the issue of increasing school fees has caused many Vietnamese schoolchildren and their parents to publicly protest. In Nghe An Province, some 300 students of Dien Doai elementary school gathered in March of 2018 to protest the monthly school fees they are required to pay for “extra classes.”<sup>39</sup> One parent named Tinh stated: “They did this even though provincial authorities have said they are not allowed to charge the fee, and so we have decided to keep our children at home to protest the collection.”<sup>40</sup> Reportedly, numerous school and government officials have personally visited the homes of the children who are refusing to attend school and requesting that their parents allow them to continue schooling, but many families claim they will only return their children to school on the condition that fee collection stops.<sup>41</sup>
35. Just a month prior, parents of Catholic students of the same Dien Doai Elementary School who were expelled for refusing to take extra classes and pay high fees at the request of their teachers, gathered at the school to talk to officials about their children’s expulsion.<sup>42</sup> During the meeting, school administration officials contacted the Red Flag group, which arrived and began to physically assault parents with sticks and pipes as

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<sup>36</sup> <https://www.persecution.org/2019/03/24/hmong-montagnard-christians-vietnam-stateless-due-faith/>

<sup>37</sup> United Kingdom: Home Office, *Country Information and Guidance - Vietnam: Ethnic Minority Groups*, 7 November 2014, available at: <https://www.refworld.org/docid/5499533b4.html> [accessed 21 February 2020]

<sup>38</sup> [http://www.ecoi.net/file\\_upload/1930\\_1396516552\\_int-cescr-ngo-vnm-16883-e.docx](http://www.ecoi.net/file_upload/1930_1396516552_int-cescr-ngo-vnm-16883-e.docx)

<sup>39</sup> <https://www.rfa.org/english/news/vietnam/school-04162018161606.html>

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> <http://dvov.org/wp-content/uploads/2018/03/BPSOS-Report-on-Red-Flag-Associations-03-27-18.pdf>

they exited school grounds.<sup>43</sup> According to Radio Free Asia: “Government-supporting Red Flag groups frequently mobilize to attack Catholic priests and parishioners in Vietnam in what social media users and rights groups describe as state-sponsored abuse in the one-party communist state.”<sup>44</sup>

36. Dong Yen Parish, an entirely Catholic community located in Ha Tinh Province, has been urged by the district government to relocate their parish in response to the ecological crisis that occurred there two years prior, in 2016. Nearly 160 families of this community have refused to move to the mountains, as ordered by the government, and in attempts to coerce these families to reverse their conviction, each and every child of the Catholic parish has been expelled from the public school.<sup>45</sup> Parents of these children had started using their parish school as a temporary location where classes continued to be held, but government officials sent a construction team to demolish the bible school, the chaplain’s home, and other religious buildings and locations.<sup>46</sup>
37. **Recommendations:** We respectfully recommend that the Committee on the Rights of the Child ensures that the Government of Vietnam meets its obligations with regards to Article 28: right to education, and urges the Government of Vietnam to:
- a. Cease the practice of restricting children of ethnic or indigenous Christian families from attending school, as this violates their fundamental right;
  - b. Take measures to eliminate all obstacles to accessing education, in this situation particularly, by providing Hmong and Montagnard families as well as children with the necessary documentation, and financial assistance that is otherwise available to children from poor families, that would enable them to attend school;
  - c. Stop taking punitive measures -- such as expulsion -- to punish parents and students who refuse to pay extra schooling fee and stop altogether the practice of extraneous fee collection; and
  - d. Take actions to address the low literacy and school enrollment rates of the Hmong and Montagnard Christians.

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<sup>43</sup> <http://dvov.org/wp-content/uploads/2018/03/BPSOS-Report-on-Red-Flag-Associations-03-27-18.pdf>

<sup>44</sup> <https://www.rfa.org/english/news/vietnam/parents-03012018173531.html>

<sup>45</sup> <http://dvov.org/wp-content/uploads/2018/03/Assault-on-Catholic-communities-in-Vinh-Diocese-Summary-02-21-18.pdf>

<sup>46</sup> <http://dvov.org/wp-content/uploads/2018/03/Assault-on-Catholic-communities-in-Vinh-Diocese-Summary-02-21-18.pdf>

## **Article 30. Right to enjoy own culture, profess and practice own religion, or use own language**

38. This article stipulates that, “In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.”
39. The Government of Vietnam’s policy towards Hmong Christians in the Northwestern Highlands has consistently violated this article of the CRC. In 2004 Vietnam’s Prime Minister issued Ordinance on Religion and Belief followed by the Decree on Implementing the Ordinance on Belief and Religion (22/2005/ND-CP) issued March 1, 2005, which laid out the procedure for house churches to register their activities. Between 2006 and 2009, some 671 Hmong Protestant house churches in the Northwestern Highlands affiliated with the Evangelical Church of Vietnam – North, which had been approved for operations by the government, submitted all required documents for registration. Only 34 of them were approved for registration and just for one year.<sup>47</sup>
40. Starting in 2011, provincial governments in the Northwestern Highlands targeted each of these house churches and forced their members to abandon their faith. Those who refused would see their homes destroyed and their entire families evicted from their home villages. On occasions, families were evicted from the province.
41. On January 28, 2011, the government sent military troops with order to raze all the homes and take over all the farmland in the Hmong village of Xa Na Khoa, Ban Nam Nhu, Huyen Muong Nhe, Dien Bien Province. Listed among the 671 Hmong Protestant churches that had tried to register their religious activities under Ordinance on Religion and Belief, this village was home to over a hundred Hmong Christian households. The authorities told the villagers that Protestantism was an American religion and since they refused to renounce their faith, they had no place in Vietnam. Villagers who took pictures of the demolition of their homes were arrested. This event triggered a mass prayer that would end in bloodshed.
42. Xa Na Khoa villagers decided to demonstrate against the demolition of their homes. Words got out to Hmong communities in other provinces, who were also targeted by the government’s policy of persecution against Hmong Christians. On May 1, 2011 some five thousand Hmong Christians, including men, women and children, gathered in a location near Huoi Khon Village in Muong Nhe District, some coming from as far as Dak Lak and Binh Phuoc in the South. They held a mass prayer to appeal to the Government to end its policy of forced renunciation of faith, its confiscation of their

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<sup>47</sup> List of Hmong house churches attempting to register their religious activities: <http://dvov.org/wp-content/uploads/2014/08/ecvn-hmong-affiliates-in-northwest-highlands.pdf>



farmland and its destruction of their homes. On May 3, hundreds of troops from the military and the mobile (anti-riot) police encircled the demonstrators. On May 4, a helicopter flew over the demonstrators, beaming a statement from Prime Minister Nguyen Tan Dung ordering the demonstrators to disband and go home. It was soon followed by a second helicopter that dropped chemicals on the demonstrators, causing some to suffer eye injuries.

43. On May 5, the mobile police and military troops continued to encircle the demonstrators. One Hmong woman reportedly died of police beating. The next day, May 6, the troops launched an all-out assault against the demonstrators, using batons and electric rods against men, women and children. According to eye-witnesses, scores were killed. The government arrested many demonstrators and took them into custody. Those who escaped arrest were tracked down in the following months by the police. Reportedly hundreds of demonstrators hid themselves in the jungle. Many have since been captured while a number successfully made it to Thailand after months of trekking through Laos.<sup>48 49</sup> The government of Vietnam effectively blocked access to the area to outsiders and news from the area from getting out.
44. This policy of forcing Hmong Christians to renounce their faith continues to this day. As an example, the families of Sung Dung De, Sung A Cua, Sung A Do, Sung A So and Sung A Dung, all residents of Huoi Mi Village in Sam Kha Commune of Sop Cop District, Son La Province, joined the Christian Alliance Church in 2015. The local government seized all their farmlands and demanded that they renounce their faith. On April 22, 2017, a local policeman found that these five families were praying together at a neighbor's home. The village chief gathered villagers, Communist Party members, policemen, militiamen and members of the local unit of the Fatherland Front, 46 individuals altogether. Led by the village chief, this mob went to Sung A Dung's house, assaulted him, dragged him out, wrecked the house and destroyed his family's pigsty, chicken coops, and other belonging. They proceeded from home to home until they destroyed all five homes before expelling the victims from Sam Kha Commune and exiling them to the border of Dien Bien Province. In September 2018, three of these families moved to a community of all stateless Hmong Christians in the Central Highlands.<sup>50</sup>
45. The government of Hua Chan Village in Dien Bien Province tore down the houses of 3 Hmong Christian families and expelled them from the village on November 25, 2017. Two families returned later but were not allowed to rebuild their dwellings. One of the 2 heads of household, Mr Sùng A Khua, brought home 9 poles made from trees in the

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<sup>48</sup> "Persecution of Hmong Christians and the Muong Nhe Incident," BPSOS, January 24, 2012: <http://dvov.org/wp-content/uploads/2014/07/bpsos-the-muong-nhe-incident-02-12-12.pdf>

<sup>49</sup> "The Muong Nhe Massacre of May 6, 2011," BPSOS, February 12, 2012: [https://www.youtube.com/watch?v=l\\_gleadjG7c&feature=g-upl&context=G2fdc004AUAAAAAAAAAAAAA](https://www.youtube.com/watch?v=l_gleadjG7c&feature=g-upl&context=G2fdc004AUAAAAAAAAAAAAA)

<sup>50</sup> "Statelessness as form of punishment against H'Mong and Montagnard Christians in the Socialist Republic of Vietnam," BPSOS – Religious Freedom Project, March 6, 2019: <http://dvov.org/wp-content/uploads/2019/03/Stateless-Hmong-Montagnard-Christians-03-06-19.pdf>

forest to rebuild his house and his parents' house. He was arrested, tried, and given a 26-month prison sentence for unauthorized deforestation. On February 17, 2019 his wife met a reporter at a restaurant, who interviewed her about the plight of her family. Unfortunately, undercover police officers already dining there recorded the conversation and took their pictures. On February 21, the police interrogated her about the conversation with the reporter; on February 28 the police interrogated Sua's father. During both sessions, the interrogators threatened the victims with detention and imprisonment because they talked to a foreign reporter about the government's persecution. This case was reported to the UN Special Rapporteur on Freedom of Religion or Belief. The foreign reporter published his article in the South China Morning Post.<sup>51</sup>

46. By evicting Hmong Christians from their home villages and ancestral lands, the government has rendered entire families, including children, homeless and violated their cultural rights.
47. **Recommendations:** We respectfully recommend the UN Committee on the Rights of the Child to discuss with the Government of Vietnam their operations to demolish the Loc Hung Vegetables Garden community, focusing specifically on the detrimental physical and emotional effects on the children of the community, and urge the Government of Vietnam to:
  - a. Ensure that provincial governments in the Northwestern Highlands immediately cease its policy of forcing Hmong Christians to renounce their faith and evicting entire families from their home villages;
  - b. Investigate the reported killings in the Muong Nhe incident in May 2011;
  - c. Approve all Hmong house churches to freely conduct religious activities in accordance with Article 18 of the ICCPR; and
  - d. Stop all forms of reprisal against those who report human rights violations to UN mandate holders or speak to the media.

#### **Article 31. Recreational activities**

48. In accordance with the Central Government's policy of outlawing the Unified Buddhist Church of Vietnam (UBCV), which represented the largest religion in Vietnam, provincial and local governments have destroyed many UBCV-affiliated pagodas such as Phap Bien

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<sup>51</sup> "Vietnam's Hmong Christians are persecuted for their beliefs. Why does their faith make the government so uneasy?" South China Morning Post, March 27, 2019: <https://www.scmp.com/news/asia/southeast-asia/article/3003490/vietnams-hmong-christians-are-persecuted-their-beliefs-why>

Pagoda in Ba Ria – Vung Tau Province in 2011, Lien Tri Pagoda in Ho Chi Minh City in 2016<sup>52</sup> and the An Cu Pagoda in Da Nang City in 2018.<sup>53</sup>

49. The case of Phap Bien Pagoda in Ba Ria – Vung Tau Province illustrates how the destruction of Buddhist temples affect the welfare of children of Buddhist followers. Like most Buddhist temples, this pagoda hosted the Gia Dinh Phat Tu (Buddhist Families) Program, which is modeled after boy and girl scout programs. For years, the government-controlled Buddhist Church of Vietnam exerted pressure on the Phap Bien Pagoda to join it and leave the Unified Buddhist Church of Vietnam. At 8pm on August 25, 2011, the government mobilized public security officers, government workers, Mobile Force No. 113, and Border Public Security agents, numbering approximately 150 in all, to surround the pagoda's grounds. As the government workers proceeded to destroy the pagoda, the police beat up Buddhist followers who protested. Those who took pictures of the scene were assaulted by the police and their cameras confiscated. At the time of its destruction, the Gia Dinh Phat Tu program was serving 120 youths. In 2019, to restart the Gia Dinh Phat Tu program, Buddhist followers built a makeshift structure on the premise of the destroyed temple. Without proper facility, this program is serving only 20 Buddhist youths. The local police closely monitor their activities and have tried to interfere a number of times.
50. Other UBCV-affiliated Buddhist temples, while not under threat of destruction, have been “blockaded” by the police. The police set up posts and surveillance cameras around these temples, threaten visitors, and order Buddhist followers in the neighborhood to switch to the government-controlled Buddhist Church of Vietnam.
51. As a consequence of its policy to outlaw UBCV-affiliated pagodas, destroying or blockading many of them, the Government has deprived many youths of recreational and educational activities.
52. **Recommendations:** We respectfully recommend the UN Committee on the Rights of the Child to urge the Government of Vietnam to:
  - e. Allocate land and provide fair monetary compensation for the reconstruction of UBCV-affiliated pagodas that have been destroyed by the government;
  - f. Lift police blockade against UBCV-affiliated pagodas; and
  - g. Allow all pagodas, regardless of affiliation, to host Gia Dinh Phat Tu Program and provide recreational and educational activities to Buddhist youths.

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<sup>52</sup> “Buddhist monk loses fight with Vietnamese government,” South Florida Sun Sentinel, September 14, 2016 : <https://www.sun-sentinel.com/sdhoy-buddhist-monk-loses-fight-with-vietnamese-2016sep14-story.html>

<sup>53</sup> “Aftermath of An Cu Temple’s destruction,” SBS Radio, November 13, 2018: <https://www.sbs.com.au/yourlanguage/node/1529770?language=vi>