



Vietnam: Query Response

The treatment of ethnic minority groups: Hmongs and Montagnards

19 July 2017 (COI up to 20 June 2017)

19th July 2017 (COI up to 20 June 2017)

Vietnam Query Response: The treatment of ethnic minority groups in Vietnam: Hmongs and Montagnards¹

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 - b) [Is there any evidence of these legal provisions being used by Vietnamese immigration authorities in a discriminatory manner against certain ethnic groups?](#)

¹Useful background information on the Montagnards is provided amongst others:

- by the private, nonprofit corporation Degar Foundation, INC., [Who Are Degar?](#), Undated [Last accessed: 02/05/2017]
- by Minority Rights Group International, [Vietnam – Highland minorities](#), Undated [Last accessed: 02/05/2017]
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Explanatory Note

This report presents country of origin information (COI) on Vietnam up to 20th June 2017 on issues identified to be of relevance in refugee status determination for Vietnamese nationals.

The COI presented is illustrative, but not exhaustive of the information available in the public domain, nor is it determinative of any individual human rights or asylum claim. All sources are publicly available and a direct hyperlink has been provided. A list of sources and databases consulted is also provided, to enable users to conduct further research and to conduct source assessments. Research focused on **events**, which occurred between 1 January 2016 and 20th June 2017, and all sources were accessed between April and June 2017. Sources pre-dating the cut-off point for research were included to provide background information where necessary. Some sources reporting on the situation and treatment of ethnic/tribal groups located in the Northwest Highlands and/or the Central Highlands without referring to the Hmongs or the Montagnards specifically have been included to illustrate the situation these groups are likely to face as they respectively originate and inhabit those areas.

To supplement the publicly available information included, country experts on Vietnam were contacted during May and June 2017, asking the following questions:

Specifically we are looking for information covering 2016/2017 on:

- 1) Freedom of religion
 - a. What restrictions or limitations are imposed by the authorities on Hmongs' and Montagnards' right to practice their faith (e.g. forced conversion, treatment by the police, obstructing religious ceremonies, damaging religious property, restricting construction of churches?)
- 2) Confiscation of land
 - a. Are certain ethnic groups disproportionately impacted by "land-grabs" and therefore particular targets?
 - b. Are some ethnic groups compensated less (or not), and if so, for what reasons?
- 3) Freedom of Movement
 - a. Are the legal provisions of Art 274 of the Penal Code (Illegally leaving or entering the country: illegally staying abroad or in Vietnam) and Art 91 of the Penal Code (Fleeing abroad or defecting to stay overseas with a view to opposing the people's administrations) being used by Vietnamese immigration authorities in a discriminatory manner against certain ethnic groups?
- 4) Societal treatment of ethnic groups, in particular of Hmongs and Montagnards

For a list of country experts consulted, a short paragraph on their expertise, and their contact details, see [Annex A](#) in this report.

This document is intended to be used as a tool to help to identify relevant COI and the COI referred to in this report can be considered by decision makers in assessing asylum applications and appeals. **However, this document should not be submitted in full or in isolation as evidence to refugee decision making authorities.** Whilst every attempt has been made to ensure accuracy, the authors accept no responsibility for any errors included in this report.

Sources and databases consulted

Not all of the sources listed here have been consulted for each issue addressed in the report. Additional sources to those individually listed were consulted via database searches. This non-exhaustive list is intended to assist in further case-specific research. To find out more about an organisation, view the 'About Us' tab of a source's website.

Databases

[Asylos's Research Notes](#)

[EASO COI Portal](#)

[European Country of Origin Information Network \(ECOI\)](#)

[Relief Web](#)

[UNHCR Refworld](#)

Sources

[Amnesty International](#)[Vietnam pages]

[Asian Correspondent](#)[Vietnam pages]

[AsiaNews](#)

[Asia Society](#)[Vietnam pages]

[Asia Times](#)

[Centre for Strategic & International Studies](#)

[Christian Solidarity Worldwide](#) [Vietnam pages]

[CIA World Factbook](#)[Vietnam pages]

[Degar Foundation, Inc.](#)

[Democratic Voice of Vietnam](#)

[Eurasia Review](#)

[Fortify Rights](#)

[Forum-Asia](#)

[Freedom House](#)[Freedom in the World 2017 – Vietnam pages]

[Human Rights Watch](#)[Vietnam pages]

[Institute for War and Peace Reporting \(IWPR\)](#)

[International Federation for Human Rights](#)[Vietnam pages]

[Inter Press Service](#)

[Minority Rights Group International](#)

[Montagnard Assistance Project](#)

[Montagnard Human Rights Organization \(MHRO\)](#)

[Queme – Action for Democracy in Viet Nam](#)

[Radio Free Asia](#) [Vietnam pages]

[Radio Free Europe/Radio Liberty](#)

[Reuters](#)

[United Nations News Centre](#)

[United Nations Office of the High Commissioner for Human Rights \(OHCHR\)](#) [Vietnam pages]

[United Nations Special Rapporteur on freedom of religion or belief](#)

[United States Department of State](#)

[Unrepresented Nations and Peoples Organization \(UNPO\)](#)

[VietNamNet](#)[news site run by Vietnamese Information Ministry]

[Vietnam Human Rights Network](#)

[Viet Nam News](#)[Vietnamese state-run, English-language daily]

[WorldWatchMonitor](#) [Vietnam pages]

List of Acronyms

CPC	Country of Particular Concern
CPV	Communist Party of Vietnam
FoRB	Freedom of Religion or Belief
GCRA	Government Committee for Religious Affairs
UBCV	Unified Buddhist Sangha of Vietnam [Buddhist Church of Vietnam]
UNPO	Unrepresented Nations and Peoples Organization
VCHR	Vietnam Committee on Human Rights

1) Background information on ethnic minority groups in Vietnam

The U.S. Department of State stated in its annual Freedom of Religion report covering 2015 that “Ethnic minorities constitute approximately 14 percent of the population. Based on adherents’ estimates, two thirds of Protestants are members of ethnic minorities, including groups in the Northwest Highlands (H’mong, Dzao, Thai, and others) and in the Central Highlands (Ede, Jarai, Sedang, and M’ngong, which include groups also referred to as Montagnards, among others)”.²

The Embassy of Vietnam based in London, UK, states on its website that “Vietnam is a multi-nationality country with 54 ethnic groups. The Viet (Kinh) people account for 87% of the country’s population and mainly inhabit the Red River delta, the central coastal delta, the Mekong delta and major cities. The other 53 ethnic minority groups, totaling [sic] over 8 million people, are scattered over mountain areas (covering two-thirds of the country’s territory) spreading from the North to the South. Among ethnic minorities, the most populated are Tay, Thai, Muong, Hoa, Khmer, Nung... with a population of around 1 million each, while the least populated are Brau, Roman, Odu with several hundred people each”.³

The same source further provided the following table outlining the ‘Composition and Distribution of the Vietnamese Ethnic Minority Groups’⁴:

²U.S. Department of State, [International Religious Freedom Report for 2015: Vietnam](#), 10 August 2016, *Section I. Religious Demography*

³Embassy of Vietnam, London – United Kingdom, [Population/Ethnics](#), Undated, *Ethnic Groups* [Last accessed: 3 May 2017]

⁴Embassy of Vietnam, London – United Kingdom, [Population/Ethnics](#), Undated, *Ethnic Groups* [Last accessed: 3 May 2017]

No.	Name	Population	Other names	Sub-groups	Locations of inhabitation
1	2	3	4	5	6
1	Kinh	55,900,000	Việt		All over the country
2	Tày	1,190,000	Thái	Ng'ân, Ph'ân, Thu lao, Paddy	Hồ Giang, Tuyên Quang, Lào Cai, Yên Bái, Cao Bằng, Lai Châu, Bắc Thái, Hòa Bình
3	Thị	1,040,000	Tày	T, y Khao (White Th.), T, y S'âm (Black Th.), T, y Chiông or T, y M'ông (Hung Tạng), T, y Thanh (Man Thanh), T, y M'êng, Pù Thây, Thái S'ư Bắc, T, y Méc Ch'âu (T, y S'eng)	S'ân La, Lai Châu, Nghệ An, Thanh Hoá, Lào Cai, Yên Bái, Hòa Bình, Lâm Sơn...
4	Mông	914,000	Mol, Muai, Mái	Mái Bi, Ao T, (đu T,)	Hòa Bình, Thanh Hoá, Vĩnh Phúc, Yên Bái, S'ân La, Ninh Bình
5	Hoa	900,000	Kh, ch, T'au, H, n	Tri Ôn Ch'âu, Phúc Kiến, Quảng S'ông, Quảng T'ây, H'ải Nam, X' Phang, Thổ S'ơn, HN	K'ân Giang, H'ải Phòng, Vĩnh Long, Tru Vinh, Quảng Ninh, S'ông Nai, H'ồ Giang, Minh H'ải, Hồ Chí Minh City
6	Khmer	895,000		Mi'ân, Cur, Cul, Thái, Khmer-origin Viet, Khmer K'ram	H'ồ Giang, Vĩnh Long, Tru Vinh, K'ân Giang, Minh H'ải, T'ây Ninh, Hồ Chí Minh City, S'ông B'è, An Giang
7	Ning	705,000		Ning Xuông, Ning Giang, Ning An, Ning Phun S'ân, Ning L'ái, Ning T'ing S'ân, Ning Ch'ô, Ning Quý	Cao Bằng, Lạng Sơn, Bắc Thái, Hồ Giang, Tuyên Quang, Hòa Bình, Quảng Ninh, Hồ Chí Minh City, Lâm Sơn, S'ông Lào, Laos
8	Hmong	556 000	Mèo, Meo, Man, Mieu Toc	Meo Hoa, Meo bleu, Meo rouge, Meo noir, Na Miao, Meo blanc	Hà Giang, Yên Bái, Lào Cai, Lai Châu, Sơn La, Cao Bằng, Lạng Sơn, Nghệ An, Thanh Hóa, Hòa Bình, Bắc Thái
9	Dao (Zao)	474 000	Man, Dong, Trai, Ziu, Mien, Kiem, Kim Mun	Zao Dai Ban, Zao Do (rouge), Zao Coc Ngang, Zao Coc Mun, Zao Lo Giang, Zao Quan Chet, Zao Tam Dao, Zao Tien, Zao Quan Trang, Zao Lan Tien, Zao Ao zai	Hà Giang, Tuyên Quang, Lào Cai, Yên Bái, Cao Bằng, Lạng Sơn, Bắc Thái, Lai Châu, Sơn La, Vĩnh Phú, Hà Bắc, Thanh Hóa, Quảng Ninh, Hòa Bình, Hà Tây
10	Giarai	242 000	Moi, Chrai	Cho, Hdung, Arap, Mdhur, Tbuân	Gia Lai, Kông Tum, Đắc Lắc
11	Édê	183 000	De, Moi	Radé, Rhadé, Edé Ega, Anak Edé, Kpa Adam, krung Ktul, Dlié, Rué, Blo, Epan, Mdhur, Bih, Kdrao, Dong Kay, Dong Mak, Ening, Arul, Hning, Kmun, Klié	Đắc Lắc, Phú Yên, Khánh Hòa
12	Bana	137 000	Bnam, Roh, Kon, Kdé, Ala Cong, Kpang Cong	Tlo, Glar, Rngao, Krem, Geloeng (Yloeng)	Kông Tum, Bình Định, Phú Yên
13	San Chay	114 000	Man, Cao Lan San, Chi, Hon, Chung, Son Tu	Cao Lan, San Chi	Bắc Thái, Tuyên Quang, Quảng Ninh, Hà Bắc, Lạng Sơn, Vĩnh Phú, Yên Bái
14	cham	99 000	Chiem Thanh, Cham Pa, Hoi	Cham Hroi, Cham Chau Doc, Cha Va, Ku, Cham Pong	Ninh Thuận, Bình Thuận, An Giang, Hồ Chí Minh Ville, Bình Định, Phú Yên, Châu Đốc, Khánh Hòa
15	Sdang	97 000	Kmerong, Hdang, Konelane Brila	Steng, Tra, Mename, Halang, Casong, Chau, Tatché, (Tatchi)	Kông Tum, Quảng Nam, Đà Nẵng, Quảng Ngãi
16	San Ziu	94 630	Tchai, Tchait Dat, San Zo, Man Kwan Cok, Man Vay Xer		Quảng Ninh, Hà Bắc, Hải Hưng, Bắc Thái, Vĩnh Phú, Tuyên Quang

17	Hré	94 000	Moi Da Vach, Chamré, Moi Luy, Thach Bich, Moi Son Phong		Quang Ngai, Binh Dinh
18	K'ho	92 000		Sré, Nop (Tu Nop), Kzon, Chil, Lat (Lach), Tring	Lam Dong, Ninh Thuan, Binh Thuan, Khanh Hoa
19	Raglai	72 000	Orang, Glay, Roglay, Radlay, Moi	Raqlay (Ray), Noong (Laoang)	Ninh Thuan, Binh Thuan, Khanh Hoa, Lam Dong
20	Mnong	67 000		Gar, Chil, Rlam, Preh, Kuenh, Nong, Bu Dang, Prang, Dip, Biet, Si To, Bu Deh	Dac Lac, Lam Dong
21	Tho	51 000		Kuo, Mon, cuoi, Ho, Dan Lai Ly Ha, Tay Poong (Con Kha, Xa La Vang)	Nghe An, Thanh Hoa
22	Xtieng	50 000	Xa Dieng Moi, Ta Mun		Song Be, Tay Ninh, Lam Dong, Dac Lac
23	Khmu	43 000	Xa Cou, Bu Thenh, Tay Hay, Viet, Cang, Kha	Quang Lam	Son La, Lai Chau, Nghe An, Yen Bai
24	Bru Van Kieu	40 000		Van Kieu, Mang Koong, Tri, Khuu, Bru	Quang Binh, Quang Tri
25	Zay (Giáy)	38 000	Nhang Giang, Sa Nhan, Pau Thin, Chung, Cha, Pu Nam	Pu Na (Cui Chu ou Quy Chau)	Lao Cai, Ha Giang, Lai Chau
26	Ktu	37 000	Katu, Katang, Moi, Cao, Ha	Phuong, Kantua	Quang Nam, Da Nang, Thua Thien Hue
27	Gietrieng	27 000	Giang Ray, Brila, Katang, Moi, Doan	Gié (Dgieh, Tareh), Trieng (Tren), Ve, Lave, Panoong (Broong)	Quang Nam, Da Nang, Kong Tum
28	Tacoi	26 000	Toi Oi, Tahoi, Ta Oih, Ta Uat (Atuat)	Paco, Bahi, Cantua	Quang Tri, Thua Thien Hue
29	Ma	25 000		Chau Ma, Cho Ma, Moi	Lam Dong, Dong Nai
30	Co	23 000	Trau, Cua, Moi, Col, Cor, Khua		Quang Ngai, Quang Nam, Da Nang
31	Chro	15 000	Chauro, Zro, Moi		Dong Nai
32	Ha Nhi	12 500	U Ni, Xa U Ni, Ha Nhi Gia	Ha Nhi Co Cho, Ha Nhi La Mi, Ha Nhi Den	Lai Chau, Lao Cai
33	Xinh Mun	11 000	Puoc, Pua, Xa	Za, Nghet	Son La, Lai Chau
34	Churu	11 000	Chru, Kru, Moi		Lam Dong, Ninh Thuan, Binh Thuan
35	Lao	10 000	Lao Boc, Lao Noi		Son La, Lai Chau
36	Lachi	8 000	Tho Den, Cu Té, Xa, Lail, Man Chi		Ha Giang
37	Phu La	6 500		Bo Kho Pa (Xa Pho), Mun Di Pa, Phu La Den, Phu La Hoa, Phu La Blanc, Phu La Han, Chu La Phu La	Lao Cai, Lai Chau, Son La, Ha Giang

38	La Hu	4 000		Khu Sung (Co Sung), Kha Quy (Xa Quy), Xa Toong Luong (Xa La Vang), Xa Puoi	Lai Chau
39	Khang	4 000	Xa Khao, Xa Don, Xa Tu Lang	Khang Xua, Khang Don, Khang Zong, Khang Hoc, Khang Ai, Khang Bung, Khang Quang Lam	Lai Chau, Son La
40	Lu	3 700	Lu, Zuon, Nhuon		Lai Chau
41	Pa Then	3 700	Pa Hung, Man Pa Teng, Tong	Tong, Meo Lai	Ha Giang, Tuyen Quang
42	Lo Lo	3 200	Mun Zi, O Man, Lu Loc Man, Zi Qua La, La La, Ma Zi	Lo Lo Den, Lo Lo Hoa	Ha Giang, Cao Bang, Lao Cai
43	Chut	2 400	Xa La Vang, Cha Cui, (Tac Cui), Tu Vang, Pa Leng	Sach, May, Ruc, Ma Lieng, Arem, Slang, Umo	Quang Binh
44	Mang	2 300	Mang U, Xa La Vang, Nieng O, Xa Mang, Xa Cang Lai	Mang He, Mang Gung	Lai Chau
45	Klao	1 500		Klao Blanc, Klao Bleu, Klao Rouge	Ha Giang
46	Bo Y	1 450	Chung Cha, Trung Gia, Pau Y, Pu Zi	Bo Y, Tu Zi	Ha Giang, Lao Cai
47	La Ha	1 400	Xa Khao, Xa Cha, Xa La Nga	Khla Phlao, La Ha Ung	Yen Bai, Son La
48	Cong	1 300		Xam khoong, Xa Xeng, Xa, Xa Coong	Lai Chau
49	Ngai	1 200	San Ngai	Xin, Le, Dan, Khanh Gia, Hac Ca (Xec)	Quang Ninh, Ho Chi Minh Ville, Hai Phong
50	Si La	600	Cu De Xu		Lai Chau
51	Pu Peo	400	Ka Beo, Pen Ti Lo Lo, La Qua, Man		Ha Giang
52	Brau	250	Brau		Kong Tum
53	Rmam	250			Kong Tum
54	Oedu	100	Tay Hat		Nghe An

2) Freedom of Religion

a) How does Decree 92 (*Specific provisions and measures for the implementation of the Ordinance on Belief and Religion, 1 January 2013*) affect the right to freedom of religion in practice?

The U.S. Department of State provided the following summary in its annual freedom of religion report covering 2015:

The 2004 Ordinance on Religion and Belief and the revised Implementation Decree (Decree 92), issued in 2012, serve as the primary documents governing religious practice. Both the ordinance and Decree 92 reiterate citizens' rights to freedom of belief and religion while also stipulating that individuals may not use the right of belief and religious freedom to undermine peace, national independence, and unification; incite violence or propagate wars; conduct propagation in contravention of the state's laws and policies; divide people, nationalities, or religions; cause public disorder, infringe upon the life, health, dignity, honor and/or property of others, or impede the exercise of civic rights and performance of civic obligations; or conduct superstitious activities or otherwise violate the law [...]

The government stated it continued to monitor the activities of certain religious groups because of their political activism and invoked national security and solidarity provisions in the constitution and penal code to override laws and regulations providing for religious freedom. This included impeding some religious gatherings and blocking attempts by religious groups to proselytize to certain ethnic groups in border regions deemed to be sensitive, including the Central Highlands [...].⁵

⁵U.S. Department of State, [International Religious Freedom Report for 2015: Vietnam](#), 10 August 2016, Section II. Status of Government Respect For Religious Freedom, Legal Framework

A Vietnam Committee on Human Rights (VCHR) report published in February 2016 provided the following useful background information with regards to Decree 92:

The Ordinance imposes strict controls, including a system of registration for religious organizations and congregations. Religious groups whose applications for registration are denied or who do not meet the Ordinance's vague standards are technically illegal and can be harassed or disbanded without warning. The registration process is cumbersome and in many cases prohibitive. Religious activities deemed to "violate national security... negatively affect the unity of the people or the nation's fine cultural traditions" are banned (art. 15).

Under the Ordinance, religious education is subordinated to the "patriotic" dictates of the Communist Party; worship may only be carried out in approved religious establishments; it is forbidden to "abuse" religious freedom to contravene prevailing Communist Party policies (article 8§2). Religious activities deemed to "violate national security... negatively affect the unity of the people or the nation's fine cultural traditions" are banned (art. 15). Article 30 guarantees the harmonization of laws: "in case an international treaty signed or acceded to by the Socialist Republic of Vietnam contains a provision different from that of this Ordinance, the provision of the international treaty shall prevail". In practice, however, this is not respected, and religious followers are frequently arrested and detained under domestic laws which grossly violate the ICCPR and other international treaties to which Vietnam is State party.

Particularly disturbing is the Ordinance's definition of "religion" - "an organization of people who follow rites and tenets that do not go against the nation's fine customs and traditions... and national interests" (emphasis added). Under these provisions, religions can only exist if they comply with state interests. It is thus the communist state that decides which religions are "legitimate" and which should be banned.⁶

The same source further noted that the Decree sparked strong protests from UBCV Buddhists, Protestants and many religious leaders in Vietnam as they considered that the decree was "a 'significant step back for religions', because it gave the government more legal tools to control religions, and imposed a cumbersome registration process. One expert estimated that it would take at least 23 years for a religious group to obtain full recognition under Decree 92. This long and arduous process of registration has obliged many religious groups, notably Protestant house-churches, to operate illegally whilst waiting for permission to be granted [...] In both cases, followers practicing religion outside State-recognised structures are exposed to harassments, prison or house arrest."⁷

In practice, the U.S. Department of State provided the following overview in its annual freedom of religion report covering 2015 regarding the legal framework:

Regulations governing religion permit restrictions on religious freedom in the stated interest of national security and social unity. Government authorities continued to limit the activities of unregistered religious groups, particularly those the government believed to be engaged in political activity, while members of registered groups were able to practice their beliefs with less interference, according to reports. The government continued to restrict the activities of all religious groups in education and health and required authorization for many other activities. Some members of unregistered groups reported various forms of governmental harassment, including, but not limited to, physical assault, short term detention, prosecutions, monitoring, restrictions on travel, and denials of registration and/or other permissions. Government treatment of religious groups varied widely from region to region and among the central, provincial, and local levels. Religious followers reported local or provincial authorities, rather than central authorities, committed the majority of harassment incidents. Some local and provincial authorities systematically and openly used the local and national regulatory systems to slow, delegitimize, and suppress religious activities of groups that resisted close

⁶Vietnam Committee on Human Rights, [Freedom of Religion or Belief in Vietnam: State management of religions](#), 4 February 2016, *Religious Legislation*, p. 14

⁷Vietnam Committee on Human Rights, [Freedom of Religion or Belief in Vietnam: State management of religions](#), 4 February 2016, *Religious Legislation*, p. 14

governmental management of their leadership structures, training programs, assemblies, and other activities. There were numerous reports of physical assaults, detention, and property destruction in rural provinces, particularly in the Central and Northwest Highlands.⁸

The same source noted also that throughout 2015:

The constitutional right to religious belief and practice continued to be subject to uneven interpretation and inconsistent protection, especially involving ethnic minorities in some provinces of the Central and Northwest Highlands. Government authorities, particularly at the local level, continued to limit the activities of unregistered religious groups, and members of these and other groups reported physical assaults, excessive use of force, detentions, monitoring, hindering of movement, denials of registrations and other permissions, and other harassment. Victims often reported they suspected the perpetrators of assaults and surveillance were plainclothes police officers (referred to as “plainclothes individuals” below). Nevertheless, in some areas, local authorities tacitly approved activities of unregistered groups, including certain social welfare activities.⁹

Minority Rights Group International reported in its annual report covering 2015/early 2016 that:

Vietnam’s minority and indigenous communities continue to suffer persecution by state authorities [...]

When it is not actively persecuting its minority communities, the Vietnam government still tends to view its minority and indigenous populations from a paternalistic standpoint as ‘primitive’ and in need of more civilized practices. As a result, while the state has provided some services such as bilingual education and access to health care, these programmes are not always implemented in a culturally appropriate manner [...]

Further, Vietnam’s growing tourism industry has posed problems for the cultural rights of its minority and indigenous communities, including government control and interference in practices to maintain the interest of tourists. In her report to the UN HRC that was released in January of this year [2016], the former Special Rapporteur in the field of cultural rights, Farida Shaheed, focused extensively on the tourism industry’s impact on minorities. She notes how communities are asked ‘to perform, rather than live their own cultures, either by artificially retaining specific aspects of cultural practices or modifying those practices to satisfy tourist demand, such as altering food or accommodation patterns, or foreshortening their customs’. Vietnam’s country report to the UN Committee on Economic, Social and Cultural Rights demonstrates its lack of respect for the cultural rights of minorities and indigenous peoples. Rather than allowing communities to maintain and develop their practices the way they see fit, the government details how its policies aim to ‘preserve selectively’ and ‘phase out the obsolete’, including ‘superstition, tradition of votive papers and social evils’ [...]

The physical heritage of Vietnam’s minorities and indigenous people is also under threat, religious buildings in particular.¹⁰

The U.S. Department of State’s annual human rights report covering 2016 noted that “Local officials in some provinces, notably in the highlands, acted in contravention of national laws and discriminated against members of ethnic and religious minority groups [...]”.¹¹

In its annual report covering 2016 the Vietnam Human Rights Network reported that:

⁸U.S. Department of State, [International Religious Freedom Report for 2015: Vietnam](#), 10 August 2016, *Executive Summary*

⁹U.S. Department of State, [International Religious Freedom Report for 2015: Vietnam](#), 10 August 2016, Section II. *Status of Government Respect for Religious Freedom, Government Practices*

¹⁰Minority Rights Group International, [State of the World's Minorities and Indigenous Peoples 2016: Asia and Oceania](#), 12 July 2016, *Vietnam*, p. 154

¹¹U.S. Department of State, [Country Reports on Human Rights Practices for 2016](#), 3 March 2017, *section 6. Discrimination, Societal Abuses, and Trafficking in Persons*

to limit the activities and influence of religious organizations, the government resorted to the 2003 Land Law, amended several times, to permanently take away church properties, including schools, infirmaries, and social service offices. After taking complete control of South Vietnam, the Communist Government confiscated all land properties, educational, social and healthcare facilities, and some of the religious monasteries. So far, a number of the appropriated establishments still operate in their previous capacities; however, a large number of them are being exploited by the government for profit. They have been turned into discos, hotels, or condominiums for state officials. The expropriation of religious institutions as means of limiting religious activities continues.¹²

The same source further noted that “Together with sophisticated measures of prevention, restriction, and control, the Vietnamese Communist Government has always been ready to resort to armed violence to suppress religious organizations when necessary; violence often serves as a measure of threat, or is used when an event escapes government control. In 2016, while lessening its use of criminalization of religious rights activists, the government relied more on violent suppression by security forces”.¹³

With regards to discriminatory practices against religious and ethnic minorities, the Vietnam Human Rights Network reported that throughout 2016:

Although Article 5 of the Law on Belief and Religion adopted by the National Assembly on November 18, 2016 explicitly forbids “discrimination, stigmatization against Beliefs and Religion,” discrimination and stigmatization of religious people remains unchanged in 2016. In fact, the Communist Government still regards religions as a threat to the existence of the regime. Religious followers are therefore often treated as second-class citizens in all social areas, especially in the areas of public services and education. [...]

The policy prohibiting discrimination and divisive acts between the races is stipulated in Article 5 of the 2013 Constitution: “All ethnicities are equal and shall unite, respect and assist one another for mutual development; all acts of discrimination and division of ethnicities are prohibited.” In actuality, however, racial discrimination is still a grave concern for ethnic minorities. Discrimination against ethnic minorities is particularly prominent in the areas of the economy, education, and politics.¹⁴

The World Watch List, an annual report published by Open Doors, an “international ministry serving persecuted Christians and churches worldwide”¹⁵, ranked Vietnam at number 17 out of 50 countries where it is most difficult to profess and practice the Christian faith and found that:

Three Christians are known to have been killed and scores abducted in 2016, and 35 churches were attacked. Violence against Christians is increasing in Vietnam, yet the church is growing among ethnic minorities. [...]

Christian ethnic minorities, such as the Montagnards, also face fierce opposition. All Christian groups are monitored by the government, registering churches is difficult, and a new law on religion and belief limits religious groups by controlling meetings.¹⁶

In October 2016 Human Rights Watch asked that “Vietnam’s National Assembly should reform the criminal law to respect basic rights to freedom of expression, association, assembly, and religion”

¹²Vietnam Human Rights Network, [Report on Human Rights in Vietnam 2016 – 2017](#), 21 May 2017, V. *The right to freedom of religion and worship*, p. 45

¹³Vietnam Human Rights Network, [Report on Human Rights in Vietnam 2016 – 2017](#), 21 May 2017, V. *The right to freedom of religion and worship*, p. 49

¹⁴Vietnam Human Rights Network, [Report on Human Rights in Vietnam 2016 – 2017](#), 21 May 2017, VII. *The right to equal treatment without discrimination*, p. 62/63

¹⁵For more information see Open Doors UK, [Home](#), Undated [Last accessed: 3 May 2017]

¹⁶World Watch Monitor, [Vietnam](#), Undated [Last accessed: 3 May 2017]

whose “articles related to national security [...] are vaguely defined and often used arbitrarily to punish critics, activists, and bloggers”.¹⁷

The U.S. Commission on International Religious Freedom has publicly maintained its position in early 2017 that since Vietnam’s removal from the ‘country of particular concern’ (CPC) list in 2006, religious freedom conditions in Vietnam “warrant another CPC designation”.¹⁸ In its annual report covering 2016 and early 2017 the U.S. Commission on International Religious Freedom reported that “severe religious freedom violations continued, especially against ethnic minority communities in rural areas of some provinces” and further noted that “the Vietnamese government either directs or allows harassment and discrimination against unregistered, independent religious organizations, particularly those that also advocate for human rights and/or religious freedom. There is a disconnect between the central government’s overtures to improve religious freedom conditions and the ongoing actions taken by local officials, public security, and organized thugs to threaten and physically harm religious followers and their houses of worship or other religious property”.¹⁹ The same source also found that “The Vietnamese government regularly targets certain individuals and groups because of their faith, ethnicity, advocacy for democracy, human rights, or religious freedom, historic ties to the West, or desire to remain independent of Communist government control. These include [...] Montagnards; Hmong”.²⁰

The report also found that “While the number of prosecutions has declined in recent years, many religious communities report increased harassment by local police, public security, and hired thugs, particularly in remote, rural areas. At times, the government has refused to acknowledge it has incarcerated prisoners of conscience, instead referring to these individuals as ‘lawbreakers’”.²¹

In its latest publication in March 2017 Christian Solidarity Worldwide noted that “Buddhists, Catholics, Cao Daists, Hoa Hao Buddhists, Protestants and Muslims are experiencing severe violations of the right to freedom of religion or belief (FoRB), ranging from harassment, intimidation and intrusive monitoring to arrest, imprisonment, torture and extra-judicial killing. The most serious violations tend to be against individuals who are both ethnic and religious minorities, particularly those in remote areas. However, the harassment and intimidation of established religious communities in urban areas is not unheard of, and religious leaders, lawyers and activists who defend the right to FoRB are especially targeted by the authorities”.²²

b) Latest information with regards to the November 2016 ‘Law on Belief and Religion’

On 18th November 2016 the Vietnamese National Assembly adopted the ‘Law on Belief and Religion’²³, which will be effective as of 1st January 2018 and which, according to the U.S.

¹⁷Human Rights Watch, [Vietnam: Reform Criminal Law to Respect Rights](#), 17 October 2017

¹⁸U.S. Commission on International Religious Freedom, [Religious Freedom in Vietnam: Assessing the Country of Particular Concern Designation 10 Years After its Removal](#), 3 February 2017, *USCIRF’s approach to Vietnam*, p. 5. See also U.S. Commission on International Religious Freedom, [Annual Report 2017: Vietnam: Tier 1: USCIRF-Recommended Countries of Particular Concern \(CPC\)](#), 26 April 2017, *Key Findings*

¹⁹U.S. Commission on International Religious Freedom, [Annual Report 2017: Vietnam: Tier 1: USCIRF-Recommended Countries of Particular Concern \(CPC\)](#), 26 April 2017, *Key Findings and Background*

²⁰U.S. Commission on International Religious Freedom, [Annual Report 2017: Vietnam: Tier 1: USCIRF-Recommended Countries of Particular Concern \(CPC\)](#), 26 April 2017, *Religious Freedom Conditions 2016-2017*

²¹U.S. Commission on International Religious Freedom, [Annual Report 2017: Vietnam: Tier 1: USCIRF-Recommended Countries of Particular Concern \(CPC\)](#), 26 April 2017, *Religious Freedom Conditions 2016-2017*

²²Christian Solidarity Worldwide, [Interfaith Council raises cases of concern](#), 24 March 2017

²³An English translation of the 5th draft law can be found in Annex 4 of the Vietnam Committee on Human Rights report [Freedom of Religion or Belief in Vietnam: State management of religions](#), 4 February 2016, *Annex 4*, p. 34.

Commission on International Religious Freedom, contains “some positive language, and as of this writing, the Vietnamese government was disseminating the law nationwide. The new law will: extend legal personality to some religious organizations; reduce the time that religious organizations must wait for government registration; encourage the establishment of religious schools or other educational facilities; and transition some government approvals to notifications, for example, regarding clergy and certain religious activities”.²⁴ However, according to the same source “many religious organizations and international observers view the law as fundamentally flawed because it will increase the government’s control over religious life and make activities it deems ‘illegal’ subject to the force of law. The law also will limit freedom of religion or belief through vaguely worded and broadly interpreted national security provisions”.²⁵

Similarly, the International Federation for Human Rights together with ten other human rights organisations published a joint open letter to the President of the National Assembly stating that the latest draft version of the “9-chapter draft law contains some improvements, but also continues to place unacceptable restrictions on the right to freedom of religion or belief and other human rights. Specifically, basic guarantees of the right to freedom of religion or belief continue to be undermined by onerous registration requirements and excessive state interference in religious organizations’ internal affairs. Indeed, this and the previous versions of the law inherit from previous rules and regulations this emphasis on government control and management of religious life which is contrary to the spirit and principle of the right to freedom of religion or belief”.²⁶

In its annual report covering 2016 the Vietnam Human Rights Network noted:

From the government’s standpoint, the Law on Belief and Religion was promulgated to overcome the inadequacies of existing laws and to be in line with the Party’s position and the 2013 Constitution regarding belief and religion.¹ Compared with the current regulations, the 2016 Law on Belief and Religion has some changes that are considered positive; most notably, the State’s recognition of the legal person of State-recognized religious organizations (Article 30), detainees’ rights to use religious books and to express their religious faiths (Article 6), and the rights of religious organizations to participate in education, vocational training, healthcare and social services in accordance with the relevant regulations (Article 55). However, fundamentally the Law on Beliefs and Religion 2016 has nothing new regarding state-religion relationships when compared with current regulations. First, religious organizations need the State’s recognition (Article 2.12 and Chapter V, Section 1); next, their religious activities must be registered - that means they may be rejected (Chapter IV); and finally the government continues to have the right to interfere in the internal affairs of religions (Chapter V, Sections 2 and 3).²⁷

The Unrepresented Nations and Peoples Organization (UNPO) raised its concern back in December 2016 about the new law and stated that “the Law on Belief and Religion is feared to create an additional legal basis for persecutory measures based on religious adherence. Systematic surveillance and harassment of religious people of all creeds is likely to increase, as the new law deliberately uses vague language, while penalising actions which the Vietnamese government deems an “abuse” of religious freedom or a threat to national unity or social morale”.²⁸

²⁴U.S. Commission on International Religious Freedom, [Religious Freedom in Vietnam: Assessing the Country of Particular Concern Designation 10 Years After its Removal](#), 3 February 2017, *Introduction*, p. 1

²⁵U.S. Commission on International Religious Freedom, [Religious Freedom in Vietnam: Assessing the Country of Particular Concern Designation 10 Years After its Removal](#), 3 February 2017, *Introduction*, p. 1

²⁶International Federation for Human Rights et al, [Open Letter to the National Assembly President on the draft Law on Belief and Religion](#), 6 October 2016

²⁷Vietnam Human Rights Network, [Report on Human Rights in Vietnam 2016 – 2017](#), 21 May 2017, V. *The right to freedom of religion and worship*, p. 44/45

²⁸Unrepresented Nations and Peoples Organization (UNPO), [Khmer Krom: Recently Passed ‘Religion Law’ Thwarts Religious Freedom in Vietnam](#), 6 December 2016

The U.S. Commission on International Religious Freedom summarised these latest developments as follows: "This contrast characterizes religious freedom in Vietnam today: modest improvements paired with repressive government control"²⁹ and warned that "While the impact of the law may not be discernible for some time, in the interim, followers of many faiths suffer. The law could bring relief in both small and big ways, but it also has the potential to entrench existing harmful policies and practices"³⁰.

Joshua Kurlantzick, Senior Fellow for Southeast Asia with the Council of Foreign Relations (CFR), stated in his interview with ARC in June 2017 that it is "still unclear how the government will utilise it [November 2016 'Law on Religion and Belief'] but could be used aggressively" against religious minority groups providing the government with a lot of power to for example use the registration process as a means to identify and repress religious groups.³¹

Similarly, Asia News reported in June 2017 that:

The new Law on Beliefs and Religions will come in effect on 1st January 2018. Its ambiguities and contradictions will fuel the "system of asking and granting". The law interferes with the internal affairs of religious communities and establishes tight controls over their activities. The government's views about religion are inadequate. [...]

"The government's Law on Beliefs and Religions has some innovative and positive points. However, there are many aspects that worry us and alarm us," say Vietnam's Catholic bishops in a statement that raises doubts about legislation set to come into effect on 1st January 2018. [...]

The members of five Catholic religious institutes also criticised the new law, which "creates muddled procedures, stifling rules, and a series of constraints that make religious activity impossible."

In its letter on 1st June, the Bishops' Conference underlines certain positive aspects of the law, such as the recognition of the right to religion of inmates in prisons and reform schools (Article 6), foreigners (Articles 8 and 47), and foreigners studying at Vietnamese religious institutions (Article 49). The law also recognises religious organisations approved by the appropriate state agency as non-commercial entities (Article 30).

However, the government's interference with religious organisations active in education and health raises doubts and concerns. [...]

According to the prelates, the ambiguities and contradictions in the law fuel the "system of asking and granting" through which the government can "approve or disapprove of religious organisations". This legitimises interference in internal affairs of religious communities and establishes tight controls over their activities.³²

c) What restrictions or limitations are imposed by the authorities on Hmongs' and Montagnards' right to practice their faith?

In its written submission to ARC in May 2017, Christian Solidarity Worldwide (CSW) stated that:

The most common violations against the right to freedom of religion or belief targeting Hmong and Montagnard Christians are (in no particular order):

²⁹U.S. Commission on International Religious Freedom, [Religious Freedom in Vietnam: Assessing the Country of Particular Concern Designation 10 Years After its Removal](#), 3 February 2017, *Introduction*, p. 1

³⁰U.S. Commission on International Religious Freedom, [Religious Freedom in Vietnam: Assessing the Country of Particular Concern Designation 10 Years After its Removal](#), 3 February 2017, *Conclusion*, p. 5

³¹Telephone interview conducted with Joshua Kurlantzick on 20th June by an ARC consultant. More information can be found in [Annex A](#).

³²AsiaNews, [Vietnamese bishops alarmed by the new religious law](#), 8 June 2017

- Pressure to recant, usually involving forcing victims to sign a document stating that they will not follow the Christian faith;
- Forced eviction from home or village: some villages also have “village rules” which state that no-one in the village may convert to Christianity and that converts will be evicted, in contradiction with domestic and international law;
- Denial of access to public services and grants: ethnic minorities and indigenous peoples in Vietnam are sometimes eligible for government support in the form of housing grants, rice, and small grants for “protecting the forest”. Families who have converted to Christianity report having the documentation making them eligible for this assistance confiscated, on the grounds of their conversion;
- Arbitrary detention, sometimes followed by a trial and imprisonment;
- Beatings and torture, most often in police custody, sometimes leading to deaths in police custody: methods of torture include beating of the face, head, legs and shoulders; being forced to adopt a stress position; and sexual torture and abuse;
- Harassment, including threats and intimidation;
- Disruption of religious services;
- Being physically prevented from attending religious services, either by physical force or because meetings are forced to take place a long way from members’ homes;
- Confiscation of religious materials including Bibles;
- Denial of access to education for Christian children if their parents are Christians, sometimes due to forced eviction, at others times due to discrimination;
- Damage to properties used for religious services (including the homes of religious leaders).³³

Joshua Kurlantzick, Senior Fellow for Southeast Asia with the Council of Foreign Relations (CFR), stated in his interview with ARC in June 2017 that religious minorities are not *per se* singled out specifically but that a combination of factors are contribution to a “series of ongoing repression” especially in the Central Highlands against religious and ethnic groups’ activities. These factors include the government’s concern that “religion could be a factor to work against the government”. He specifically mentioned the closing down of small churches and the detention of pastors of small churches as examples of this repression.³⁴

Rong Nay, Executive Director of the Montagnard Human Rights Organization (MHRO), stated in his written submission to ARC in June 2017 that:

The government of Vietnam has a long memory about the Vietnam War and considers the Montagnard Indigenous Peoples as a long-term historical enemy. The government of Vietnam hated the Montagnard because:

1. We fought alongside the French and American during the French Indochina and the Vietnam War against the North Vietnam Communist.
2. We are Christians (Protestant)
3. We are the rightful and owner the land in the Central Highlands of Vietnam.³⁵

The written submission by the MHRO further noted that:

Since 1975 up to now 42 years under Vietnam Communist regime the Montagnard indigenous Peoples live under fear, police securities everywhere in the villages. The local governments of Vietnam trained thousand Vietnamese police read, write and speak the Montagnard languages and deployed all the Montagnard villages for ready to pretend themselves as Montagnard people.

³³See [Annex B](#) for the full written statement submitted by Christian Solidarity Worldwide.

³⁴Telephone interview conducted with Joshua Kurlantzick on 20th June by an ARC consultant. More information can be found in [Annex A](#).

³⁵See [Annex C](#) for the full written statement submitted by Rong Nay, Executive Director of the Montagnard Human Rights Organization (MHRO)

These police controlled and represent the Montagnard in villages, they have right to receive, greeting: Delegations, tourists, travelers from outside world and can speak about the life, living, cultures, situations and everything about the Montagnard and everything is OK, no problems at all. This is the Vietnamese secret police speak not the Montagnard speak. If real Montagnard these persons was well trained by the Party and government it is hard for the foreigners can meet the real Montagnard and get the true information. This is what happens today for the Montagnard in the Central Highlands of Vietnam. The world doesn't know or ignored this brutally policy of the Hanoi government for isolate the Montagnard indigenous peoples from the world [...]

Today the government of Vietnam is continues to deploy thousand of secret police to the Montagnard village's for control the Montagnard people that the world never know.³⁶

i) Reports of forced conversion (from Protestantism to animism)

Within the source consulted in the research period provided, no information on the forced conversion of Hmongs and Montagnards from Protestantism to animism was found. However, below are reported instances of pressuring groups of individuals to disavow a fellow religious group, to dismantle religious buildings and forcibly renounce ones faith.

Hmongs

However, the U.S. Department of State reported in its annual freedom of religion report covering 2015 that "Local and central authorities continued to call on the H'mong people in the Northwest Highlands, including Tuyen Quang, Cao Bang, Bac Can, and Thai Nguyen Provinces, to disavow the Duong Van Minh religious group, whose followers advocate for a simplified version of traditional H'mong funeral ceremonies, and to dismantle all nha don, public buildings used for funeral rites".³⁷

The same source further reported on an instance whereby the local authorities forced Hmongs to renounce their religion:

In February [2016] ethnic H'mong members of Protestant churches in Dien Bien Dong District, Dien Bien Province reported that local authorities forced congregants to renounce their faith. They stated local authorities, accompanied by non Protestant family members, shredded Bibles, seized and destroyed followers' property, and physically assaulted followers. Local authorities reportedly expelled some Christians from their villages. By year's end, there had been no official investigation of the local authorities' actions.³⁸

Montagnards

In its annual report covering 2016 and early 2017 the U.S. Commission on International Religious Freedom reported that "Ethnic minority Montagnards from the Central Highlands, many of whom are Protestant, face numerous government restrictions: [...] many are summoned to meet with local authorities and pressured to cease practicing their faith [...] In 2016, USCIRF received a report that in one incident, authorities arrested at least seven Montagnard Christians from the Central Highlands after police reportedly instructed the individuals to stop believing in God [...] Lastly, USCIRF continues to receive reports of forced renunciations of faith. For example, authorities reportedly

³⁶See [Annex C](#) for the full written statement submitted by Rong Nay, Executive Director of the Montagnard Human Rights Organization (MHRO)

³⁷U.S. Department of State, [International Religious Freedom Report for 2015: Vietnam](#), 10 August 2016, *Section II. Status of Government Respect For Religious Freedom, Government Practices*

³⁸U.S. Department of State, [International Religious Freedom Report for 2015: Vietnam](#), 10 August 2016, *Section II. Status of Government Respect For Religious Freedom, Government Practices*

harassed followers of Montagnard Pastor Xiem Ksor, who died on January 14, 2016, after public security physically assaulted him on Christmas Eve 2015”.³⁹

Rong Nay, Executive Director of the Montagnard Human Rights Organization (MHRO), stated in his written submission to ARC in June 2017 that:

The Montagnard Indigenous Christians in the Central Highlands some 500,000, are large Christian group in Vietnam. They had been considered illegal religion since 1975; they are suffering a wave of oppression and persecution. The government denied association with the Evangelical Church of Vietnam, ECVN that been recognized by the government on April 2001 and continue method of attacking Christians is to try to force them to give up their faith, and a ceremony called “Repenting Following Christianity” This happen for decades in Pleiku and Daklak provinces.⁴⁰

ii) Treatment by the police for religious reasons, including harassment, intimidation, monitoring, arrest and imprisonment

A Vietnam Committee on Human Rights (VCHR) report published in February 2016 provided the following useful background information with regards to the administration of religious affairs:

Religions [sic] in Vietnam are administrated by four powerful state organs - the Government Committee for Religious Affairs, the Vietnam Fatherland Front, the Communist Party’s Department of Mobilization and Propaganda and the Ministry of the Interior (formerly the Ministry of Public Security, now a separate ministry). The dominance of the security apparatus in Vietnam’s religious policies suggests that their purpose is to manage and control religious activities rather than promote religious freedom.

The Government Committee for Religious Affairs (GCRA - Ban Tôn Giáo Chính phủ), headquartered in Hanoi, has offices at provincial, municipal, district and village levels and is manned by “religious cadres” who are members of the Communist Party [...]

In 2008, a “Training School on Religious Affairs” (Trường nghiệp vụ công tác tôn giáo) was founded to give religious cadres political training in CPV policies and practices, how to monitor, control and if necessary infiltrate religious groups, and suppress activities perceived to threaten the one-party state [...]

The role of the CPV’s Department of Mobilization and Propaganda (Ban Dân Vận) is to mastermind ideological and political strategies to control the population’s religious activities and beliefs. The Ministry of the Interior is mandated to enforce them. Security Police or công an exercise a ruthless control over the population, and even have extra-judicial powers to arrest and detain religious or political dissidents suspected of breaching “national security”. A special “Religious Police” force (công an tôn giáo - A 41) has been created to monitor religious groups, and a Special Task Force of Mobile Intervention Police (Unit PA43) is deployed in the Central Highlands to help arrest and interrogate perceived “extremist elements” amongst the ethnic Christian Montagnards.⁴¹

The U.S. Department of State’s annual human rights report covering 2016 provided the following background information relating to the treatment of ethnic and religious minorities from the Northwest Region and the Central Highlands:

International human rights organizations continued to allege authorities harassed and intimidated members of certain ethnic minority groups, including highlanders collectively described as “Montagnards” and ethnic minority Christians, in the Central Highlands. There were multiple reports that members of these ethnic minority groups fled to Cambodia and Thailand, seeking refugee status and claiming to be the

³⁹U.S. Commission on International Religious Freedom, [Annual Report 2017: Vietnam: Tier 1: USCIRF-Recommended Countries of Particular Concern \(CPC\)](#), 26 April 2017, *Religious Freedom Conditions 2016-2017*

⁴⁰See [Annex C](#) for the full written statement submitted by Rong Nay, Executive Director of the Montagnard Human Rights Organization (MHRO)

⁴¹Vietnam Committee on Human Rights, [Freedom of Religion or Belief in Vietnam: State management of religions](#), 4 February 2016, *Administration of Religious Affairs*, p. 8-9

victims of religious persecution. The government claimed these individuals were illegal migrants who left Vietnam in pursuit of economic opportunities. Human rights groups alleged the government pressured Cambodia and Thailand to refuse to grant these individuals refugee or temporary asylum-seeker status and to return them to Vietnam.

The government implemented policies in regions with significant ethnic minority populations through three interagency committees, the steering committees for the Northwest Region, the Central Highlands, and the Southwest Region. The government also continued to monitor certain highland minorities closely, particularly several ethnic groups in the Central and Northwest Highlands.

Authorities continued to imprison, using national security provisions of the penal code and with lengthy prison sentences, multiple ethnic minority individuals allegedly connected to overseas organizations the government claimed espoused separatist aims. In addition, activists often reported an increased presence of Ministry of Public Security agents during sensitive occasions and holidays throughout the region.⁴²

Hmongs

Amongst the sources consulted within the set time-frame for research no specific information on the Hmongs could be found.

Montagnards

In a report on torture and ill-treatment of prisoners of conscience in Vietnam published in July 2016, Amnesty International interviewed 18 former prisoners of conscience all of whom were released in the last five years.⁴³ Amongst those interviewed were Montagnards who in 2001, 2004 and 2008 were arrested following demonstrations calling for freedom of religion and an end to confiscation of land owned by Montagnard groups and about whom Amnesty International noted: "The fallout from these events continues in 2016 with Montagnards regularly leaving the country fearing arrest and persecution to seek asylum in Cambodia, Thailand and elsewhere".⁴⁴ Those Montagnards interviewed by Amnesty International experienced beatings, daily torture sessions and solitary confinement following their arrest and Amnesty International further reported that there were "two instances of enforced disappearances involving ethnic minority Montagnard former prisoners of conscience which lasted for periods of three and four months respectively. In both cases, the men were brought to trial without legal representation and without their families being notified".⁴⁵

In its annual report covering 2015 Amnesty International noted that:

Scores of Montagnard asylum-seekers from the Central Highlands fled to Cambodia and Thailand between October 2014 and December 2015, mostly alleging religious persecution and harassment. Dozens were forcibly returned to Viet Nam from Cambodia, with others voluntarily returning after the Cambodian authorities refused to register them and process their asylum claims. Their fate on return was not known.⁴⁶

⁴² U.S. Department of State, [Country Reports on Human Rights Practices for 2016](#), 3 March 2017, section 6. *Discrimination, Societal Abuses, and Trafficking in Persons*

⁴³ Amnesty International, [Prisons within prisons: Torture and ill-treatment of prisoners of conscience in Viet Nam](#), 12 July 2017

⁴⁴ Amnesty International, [Prisons within prisons: Torture and ill-treatment of prisoners of conscience in Viet Nam](#), 12 July 2017, 2. *Prisoners of conscience and the Ministry of Public Security*, p. 20

⁴⁵ Amnesty International, [Prisons within prisons: Torture and ill-treatment of prisoners of conscience in Viet Nam](#), 12 July 2017, 3. "Only the dead cannot eat the food we bring" - *Incommunicado detention and enforced disappearances*, p. 29

⁴⁶ Amnesty International, [Amnesty International Report 2015/16 - The State of the World's Human Rights](#), 24 February 2016, *Vietnam*, p. 398

Human Rights Watch reported in its annual report covering 2015 that "authorities interfered with the religious activities of unrecognized branches of [...] independent Protestant and Catholic house churches in the central highlands [...] Members of ethnic minorities in the Central Highlands continue to be accused of religious "evil ways" and politically "autonomous thoughts" and subjected to intimidation, forced renunciation of faith, arbitrary arrests, and mistreatment in custody".⁴⁷

The U.S. Department of State stated in its annual freedom of religion report covering 2015 that:

Montagnards in the Central Highlands stated the government continued to monitor, interrogate, and discriminate against them, in part due to suspicions they were affiliated with Protestant organizations tied to separatist political organizations. In March, April, and May [2015] state owned media published a series of articles discouraging citizens from affiliating with Degar Protestantism, a Montagnard Protestant group [...]

In some cases, Montagnards stated that ongoing social and religious persecution drove them to flee to Cambodia. Because religion and ethnicity were often closely linked, it was difficult to categorize many incidents as being solely based on religious identity.⁴⁸

Minority Rights Group International reported in its annual report covering 2015/early 2016 that:

Hundreds of indigenous people from the Central Highlands, collectively known as Montagnards, fled Vietnam during the year to seek asylum in Cambodia. Systematic religious and political persecution of this mostly Christian community is well documented by human rights groups, but denied by both the Vietnam and Cambodian governments. HRW released a report in 2015, drawing on interviews with Montagnard asylum seekers in Cambodia and Thailand to document official surveillance, harassment and abuse of community members for practising religious 'evil ways' and having politically 'autonomous thoughts'. Dozens were forcibly returned to Vietnam, with reports that some have subsequently gone missing from their villages.⁴⁹

In its annual report covering 2016 and early 2017 the U.S. Commission on International Religious Freedom reported that "Ethnic minority Montagnards from the Central Highlands, many of whom are Protestant, face numerous government restrictions: [...] pastors are harassed or punished".⁵⁰ In one particular incident the same source reported that "in August 2016, officials targeted two individuals from the Montagnard Evangelical Church of Christ who attended a regional religious freedom conference in Timor-Leste. Public security in Kon Tum Province arrested Pastor A Dao after he returned to Vietnam from the conference, confiscating documents and his electronic devices; officials similarly interrogated and searched the home of Y Bet, confiscating her personal belongings. Public security also harassed and threatened two other individuals in connection with Pastor A Dao and Ms. Y Bet's participation in the conference".⁵¹

In its annual report covering 2016 the Vietnam Human Rights Network reported that "According to the Montagnard Foundation, an organization for the protection of the Central Highland

⁴⁷Human Rights Watch, [World Report 2016 - Vietnam](#), 27 January 2016, *Freedom of Religion*

⁴⁸U.S. Department of State, [International Religious Freedom Report for 2015: Vietnam](#), 10 August 2016, *Section II. Status of Government Respect For Religious Freedom, Government Practices*

⁴⁹Minority Rights Group International, [State of the World's Minorities and Indigenous Peoples 2016: Asia and Oceania](#), 12 July 2016, *Vietnam*, p. 154

⁵⁰U.S. Commission on International Religious Freedom, [Annual Report 2017: Vietnam: Tier 1: USCIRF-Recommended Countries of Particular Concern \(CPC\)](#), 26 April 2017, *Religious Freedom Conditions 2016-2017*

⁵¹U.S. Commission on International Religious Freedom, [Annual Report 2017: Vietnam: Tier 1: USCIRF-Recommended Countries of Particular Concern \(CPC\)](#), 26 April 2017, *Religious Freedom Conditions 2016-2017*

Montagnards, over 300 Highlanders were imprisoned in 2016. These people had been hunted and arrested because of their demands for the freedom to worship and land for cultivation.⁵²

Radio Free Asia reported in April 2017 that Cambodia was planning to repatriate 26 Montagnard asylum seekers to Vietnam and quoted a Montagnard representative based in Thailand as stating that they were “not happy about returning to Vietnam and are concerned that the Vietnamese government will imprison them or restrict their religious, freedom and political rights”.⁵³ Earlier that same month the same source, Radio Free Asia, reported that “Some 50 Montagnard asylum seekers have fled Cambodia to Thailand in recent weeks amid fears of forced repatriation to Vietnam, where they complain of discrimination and persecution at the hands of local authorities” a NGO, Montagnards Assistance Project, claimed.⁵⁴

Rong Nay, Executive Director of the Montagnard Human Rights Organization (MHRO), stated in his written submission to ARC in June 2017 that:

The Montagnard Churches in the Central Highlands today were divided two groups:

1. One group were registration under the government control, some Montagnard Pastors became employee of the government and travel every country have Montagnard refugee and mostly in United States for propaganda religious freedom policy of Vietnam. If everyone follows the government religion, there will be no problems in the future and free go back to visit relatives. The government of Vietnam also spies Pastors and Congregations for watching and spy each others in the Churches, the local government have nothing to worry about securities. This is what the government of Vietnam wants, use the pastors and Congregations as a tool to control and restrict religious freedom. Registration is regulations give legitimacy to government security forces to monitor, interrogate, arrest and imprison suspected Montagnard Church activities. This is not freedom of religious.

2. Other is independent or unregistered group; the government of Vietnam continues to persecute members of unregistered Christian groups and independent religious groups who practice their faith outside of State-sanctioned institution and not approved by the government and always accused them spy and want to overthrow the government. These groups still secret worship in their villages and the government of Vietnam continues hunting and pressuring members to sign pledges renouncing their religion or pledging loyalty to the government-authorized church.

This two groups of the Montagnard Churches they do not like each other; this is what the government of Vietnam play the game for Montagnards to destroy their own religion and people.⁵⁵

The written submission by the MHRO further noted that:

The government of Vietnam always said there was freedom of religion in Vietnam, but in reality, it is not true. The freedom of religion of the Vietnamese government is to only to allow worship in government control churches in the city, not in house churches. Montagnard preachers in villages continue to be arrested and persecuted [...] Those who are arrested often end up in the living hell of Vietnam’s prisons and secret jails. Reports from Montagnard prisoners tell a story of pain, loneliness, torture, forced labor, and isolation.

In the Montagnard villages far away from city pastors are forced to renounce their faith, they are beaten, and many put in prison to suffer long and terrible years in prison without enough food, medicine or even family visits [...] They discriminate against the Montagnard prisoners not allowing them to have clean water, family visits or enough food to eat. [...]

⁵²Vietnam Human Rights Network, [Report on Human Rights in Vietnam 2016 – 2017](#), 21 May 2017, 4. Discrimination against Ethnic Minorities, p. 66

⁵³Radio Free Asia, [Cambodia to Repatriate Montagnard Asylum Seekers to Vietnam](#), 18 April 2017

⁵⁴Radio Free Asia, [Dozens of Montagnards Flee Cambodia For Thailand Amid Fears of Repatriation to Vietnam](#), 3 April 2017

⁵⁵See [Annex C](#) for the full written statement submitted by Rong Nay, Executive Director of the Montagnard Human Rights Organization (MHRO)

The Vietnam government continues to arrest, torture and jail Montagnard Christians. There are currently Montagnard Christians still in prison for their religious or political beliefs up to 16 years. Many suffer solitary confinement and torture.⁵⁶

iii) Reports of obstructing religious ceremonies (e.g. in house churches) or damaging religious property

The U.S. Department of State provided the following summary in its annual freedom of religion report covering 2015:

The 2005 prime minister's Directive on Some Tasks Regarding Protestantism calls on authorities to facilitate the requests of recognized Protestant denominations to construct churches and to train and appoint pastors. The directive instructs authorities to help unrecognized denominations register their congregations so they can worship openly and move toward fulfilling the criteria for full recognition. The directive instructs authorities in the Central and Northwest Highlands to help groups of Protestants register their religious activities and practice in homes or "suitable locations," even if they do not meet the criteria to establish an official congregation. The directive also instructs local officials to allow unregistered "house churches" to operate as long as they are "committed to follow regulations" and are not affiliated with separatist political movements.⁵⁷

Hmong

The U.S. Department of State stated in its annual freedom of religion report covering 2015 that that:

Local and central authorities continued to call on the H'mong people in the Northwest Highlands, including Tuyen Quang, Cao Bang, Bac Can, and Thai Nguyen Provinces, to disavow the Duong Van Minh religious group, whose followers advocate for a simplified version of traditional H'mong funeral ceremonies, and to dismantle all nha don, public buildings used for funeral rites. On February 6 [2015], uniformed police and plainclothes individuals were reported to have destroyed a small nha don at Khuoi Vin village in Cao Bang Province and burned all the funeral items inside. Reports state seven villagers were assaulted while trying to prevent or film officials' actions. Members of the Duong Van Minh group stated this was the fifth time local authorities had destroyed a nha don in this particular village.⁵⁸

Minority Rights Group International reported in its annual report covering 2015/early 2016 that "ethnic Hmong were recently sentenced to two years for practising reformed funeral practices that, though less costly, were condemned by authorities as an 'evil practice'".⁵⁹

Montagnards

In its annual report covering 2016 and early 2017 the U.S. Commission on International Religious Freedom reported that "Ethnic minority Montagnards from the Central Highlands, many of whom

⁵⁶See [Annex C](#) for the full written statement submitted by Rong Nay, Executive Director of the Montagnard Human Rights Organization (MHRO)

⁵⁷U.S. Department of State, [International Religious Freedom Report for 2015: Vietnam](#), 10 August 2016, *Section II. Status of Government Respect For Religious Freedom, Legal Framework*

⁵⁸U.S. Department of State, [International Religious Freedom Report for 2015: Vietnam](#), 10 August 2016, *Section II. Status of Government Respect For Religious Freedom, Government Practices*

⁵⁹Minority Rights Group International, [State of the World's Minorities and Indigenous Peoples 2016: Asia and Oceania](#), 12 July 2016, *Vietnam, p. 154*

are Protestant, face numerous government restrictions” amongst others “some are prevented from holding religious ceremonies”.⁶⁰

3) Confiscation of land of Hmongs and Montagnards

a. Information on the practices related to legal expropriation and illegal confiscation of land in Vietnam, including in relation to industrial development projects in the geographical areas where Hmong/Montagnards are living

The U.S. Department of State’s annual human rights report covering 2016 provided the following background information relating to ‘land confiscation’:

During the year [2016] there were numerous reports of clashes between local residents and authorities at land expropriation sites. Disputes over land expropriation for socioeconomic development projects remained a significant problem, causing public grievances. Many villagers whose land the government forcibly seized protested at government offices for failure to address their complaints. Some coercive land seizures resulted in violence and injuries to both state officials and villagers. There were also reports of suspected plainclothes officers or “thugs” hired by development companies intimidating and threatening villagers or breaking into activists’ homes. Authorities arrested and convicted multiple land rights protesters on charges of “resisting persons on duty” or “causing public disorder.” [...]

The number of complaints filed over land disputes increased dramatically in the last decade, constituting 70 to 90 percent of all petitions and complaints, according to government figures.⁶¹

Amnesty International similarly reported in its annual report covering 2016 that:

In July [2016], a demonstration of around 400 ethnic minority Ede villagers in Buôn Ma Thuột, Đắk Lắk province protesting against the sale of 100 hectares of the community’s ancestral land to a private company was violently repressed by security forces; at least seven demonstrators were arrested and held in incommunicado detention.

In August [2016], land activist Cấn Thị Thêu was convicted under Article 245 of “causing public disorder” by a court in the capital Ha Noi and sentenced to 20 months’ imprisonment. She was accused of inciting protests against reclamation of land in Hà Đông district, Ha Noi, by posting photographs online.⁶²

In its written submission to ARC in May 2017, Christian Solidarity Worldwide (CSW) stated that:

In general, members of ethnic minorities and indigenous peoples (i.e. not Kinh/Vietnamese majority ethnic group) are more likely to be negatively impacted by land grabs and are less likely to be adequately compensated. This does not mean that Kinh ethnic majority individuals cannot be victims of land grabs, however. In general, members of ethnic minorities and indigenous peoples have fewer socio-economic resources and suffer various forms of discrimination on the basis of their ethnicity.

In addition, Catholic clergy and lay people have been particularly involved in advocating for land rights. This started with their own cases: many churches and Catholic charities and social projects had land taken away when the Communist Party came to power. However, Catholic clergy and lay people have also been involved in advocating for the rights of victims of land grabs whose homes and farmland has been confiscated by the authorities and sold to developers.

There is an intersection between the right to freedom of religion or belief and land rights cases in Vietnam. For example, Catholic villages whose land has been “grabbed” by developers working with

⁶⁰U.S. Commission on International Religious Freedom, [Annual Report 2017: Vietnam: Tier 1: USCIRF-Recommended Countries of Particular Concern \(CPC\)](#), 26 April 2017, *Religious Freedom Conditions 2016-2017*

⁶¹U.S. Department of State, [Country Reports on Human Rights Practices for 2016](#), 3 March 2017, *section 1.e. Denial of Fair Public Trial*

⁶²Amnesty International, [Viet Nam 2016/2017](#), 22 February 2017, *Land disputes*

the local government have also lost cemeteries and religious structures when the land was taken. In addition, Catholics who have gathered to peacefully pray for the return of their land have been arbitrarily detained by police.⁶³

Human Rights Watch similarly reported attacks against Nguyen Trung Tin, a Protestant pastor and a blogger earlier in 2017 whose “writing focuses on the lack of religious freedom in Vietnam and other rights issues” including writing about local land confiscation and corruption that has driven many peasants into landlessness.⁶⁴

Joshua Kurlantzick, Senior Fellow for Southeast Asia with the Council of Foreign Relations (CFR), stated in his interview with ARC in June 2017 that “land grabbing is so widespread and a huge problem in Vietnam”. It is tied in with “a number of issues including problems with local authorities confiscating land without proper notice; general land tenure problems; graft; domestic foreign investment; a one-party state and lack of accountability”. According to Joshua Kurlantzick, land tenure is a huge problem affecting the marginalised more as they have less recourse to justice, but he pointed out that “I don’t know that you can say they are being targeted specifically for being ethnic or religious minorities”.⁶⁵

Hmong

Amongst the sources consulted within the set time-frame for research no specific information on the Hmongs could be found.

Montagnards

Al Jazeera provided the following background:

For the Montagnards, recognition of land rights is done orally among clans and families. But according to historian Oscar Salemink in his book, *The Ethnography of Vietnam's Central Highlanders*, the Vietnamese communist regime sees the land as “res nullius”, or “unclaimed by anyone”.

In this context, Vietnam’s 1993 Land Law, which has been amended several times, most recently in 2003, stipulates that a person using the land must be compensated and told why the land is to be recuperated by the state.

The Montagnards interviewed by Al Jazeera say that their ancestral lands were confiscated without notice, explanation or compensation in every case.⁶⁶

The U.S. Department of State stated in its annual freedom of religion report covering 2015 that “Some Montagnards also reported throughout the year that local authorities seized their land and withheld social services in part due to their religious beliefs”.⁶⁷

In its annual report covering 2016 the Vietnam Human Rights Network reported that “Victims of the rich-poor disparity can be found in all regions of the country. However, the most disadvantaged segments of the population were the ethnic minorities in the Highlands’ remote villages and the

⁶³See [Annex B](#) for the full written statement submitted by Christian Solidarity Worldwide.

⁶⁴Human Rights Watch, [No Country for Human Rights Activists](#), 18 June 2017, *II. Beating of Bloggers and Activists*

⁶⁵Telephone interview conducted with Joshua Kurlantzick on 20th June by an ARC consultant. More information can be found in [Annex A](#).

⁶⁶Al Jazeera, [Montagnards: Escaping Vietnam, stateless in Thailand](#), 24 March 2017

⁶⁷U.S. Department of State, [International Religious Freedom Report for 2015: Vietnam](#), 10 August 2016, *Section II. Status of Government Respect For Religious Freedom, Government Practices*

peasants living in the countryside, especially those whose farms have been confiscated to make room for state economic development projects. The disparity was not only evident in income, but also in terms of lack of necessities, such as access to electricity, water, medical care, educational opportunities, and especially opportunities for career advancement”.⁶⁸

Amnesty International in its annual report covering 2016 noted that:

In July [2016], a demonstration of around 400 ethnic minority Ede villagers in Buôn Ma Thuột, Đắk Lắk province protesting against the sale of 100 hectares of the community’s ancestral land to a private company was violently repressed by security forces; at least seven demonstrators were arrested and held in incommunicado detention.⁶⁹

Amnesty International further highlighted that “Ede are an ethnic and religious minority group in Viet Nam who practice Christianity. They live mostly in the Central Highlands of the country, in the provinces of Đắk Lắk and Gia Lai. Ethnic and religious minority groups in the Central Highlands are persecuted by the Vietnamese authorities. Large scale land grabbing is reported but difficult to confirm due to tight restrictions on freedom of movement and freedom of expression in affected areas. Minority religious practices are closely monitored and tightly controlled. Ethnic minority groups often encounter difficulties in getting registration and permission for religious activities, even if they belong to officially recognised denominations”.⁷⁰

In June 2017 The Cambodian Daily reported that sixteen Montagnards were “handed over to Vietnamese officials” after claiming asylum in Cambodia on the basis of “oppression, including rampant land grabbing, in Vietnam’s Central highlands for reasons that include practicing a form of Christianity not sanctioned by Hanoi. The group’s fears of reprisals was amplified by the experiences of other Montagnards who said they were subjected to widespread surveillance upon return, and two who said they were forced to make TV confessions apologizing for their escape”.⁷¹

Rong Nay, Executive Director of the Montagnard Human Rights Organization (MHRO), stated in his written submission to ARC in June 2017 that:

The Montagnard indigenous peoples are crying out to keep our ancestral land, our language and our culture [...] Many of our ancestral lands have been seized by the government of Vietnam for rubber or coffee plantations. The government of Vietnam strongly supports and allows emigrants from the North Vietnamese settle in the Central Highlands and free occupied the Montagnard people lands. These Vietnamese new comers they hate the Montagnard people and called us “Moi or savages” backward people and way of living is behind the times. When they saw the Montagnard people walk cross their house or yard, they chased them away “Go away dirty”. The Vietnamese view the Montagnard as a people without original history came and lived in Vietnam territories.⁷²

⁶⁸Vietnam Human Rights Network, [Report on Human Rights in Vietnam 2016 – 2017](#), 21 May 2017, 1. *Social Security for a Few*, p. 70

⁶⁹Amnesty International, [Amnesty International Report 2016/17: The State of the World’s Human Rights](#), 22 February 2017, *Vietnam, Land disputes*

⁷⁰Amnesty International, [Urgent Action: Minority group’s protect met with violence](#), 22 July 2016

⁷¹The Cambodian Daily, [Montagnards Handed Back to Vietnamese Officials](#), 9 June 2017

⁷²See [Annex C](#) for the full written statement submitted by Rong Nay, Executive Director of the Montagnard Human Rights Organization (MHRO)

4) Freedom of Movement of Hmongs and Montagnards:

- a) **Are the legal provisions of Art 274 of the Penal Code (Illegally leaving or entering the country: illegally staying abroad or in Vietnam) and Art 91 of the Penal Code (Fleeing abroad or defecting to stay overseas with a view to opposing the people's administrations) enforced in practice by the Vietnamese immigration authorities?**

The U.S. Department of State's annual human rights report covering 2016 provided the following background information relating to traveling abroad:

Authorities routinely physically prevented political activists and family members of political prisoners from meeting with foreign diplomats or traveling abroad. Tactics included setting up barriers or guards outside activists' residences and summoning individuals to local police stations [...]

The Ministry of Public Security continued to use foreign travel prohibitions against certain activists and religious leaders. Authorities banned and prevented dozens of individuals from traveling overseas or entering the country, withheld their passports on vague charges, or refused to issue passports to certain activists or religious leaders without clear explanation [...]

Activists and religious leaders reported multiple instances where security authorities had issued passports and allowed foreign travel after refusing to do so for many years. In these instances, however, police required that travelers [sic] report on their activities abroad upon their return to Vietnam.⁷³

It further noted that "The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government imposed some limits on the movement of certain individuals, especially those convicted under national security or related charges or those outspoken in their criticism of the government".⁷⁴

Amnesty International in its annual report covering 2016 noted that:

In April and May [2016], in two separate cases, eight asylum-seekers among groups intercepted en route to Australia and forcibly returned to Viet Nam were sentenced to between two and four years' imprisonment under Article 275 of the Penal Code for "organizing and/or coercing other persons to flee abroad or to stay abroad illegally".⁷⁵

Regarding the May 2016 incident, Reuters reported that a court in Vietnam has jailed four individuals for terms ranging from 24 to 30 months for "organising others to flee abroad illegally" after Australia sent back a group of 46 asylum seekers.⁷⁶ The four were crossing the border illegally for the first time in July 2015 and their 42 companions were relatives and acquaintances, the lawyer of the defendants told Reuters.⁷⁷ According to Human Rights Watch and the lawyer Don as quoted in the same source, "Some of the returnees said that on their arrival in Vietnam, an official assured the group in front of the Australian consulate's representatives that they would not be arrested or detained".⁷⁸

The U.S. Department of State noted with regards to those who emigrated:

⁷³U.S. Department of State, [Country Reports on Human Rights Practices for 2016](#), 3 March 2017, section 1.f. *Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence and section 2.d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons*

⁷⁴U.S. Department of State, [Country Reports on Human Rights Practices for 2016](#), 3 March 2017, section 2.d. *Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons*

⁷⁵Amnesty International, [Amnesty International Report 2016/17: The State of the World's Human Rights](#), 22 February 2017, *Vietnam, Refugees and asylum-seekers*

⁷⁶Reuters, [Vietnam jails four asylum seekers returned by Australia](#), 26 May 2016

⁷⁷Reuters, [Vietnam jails four asylum seekers returned by Australia](#), 26 May 2016

⁷⁸Reuters, [Vietnam jails four asylum seekers returned by Australia](#), 26 May 2016

The government generally permitted citizens who emigrated to return to visit, but police denied entry visas to and sometimes deported some foreign-based political activists. Ministry of Public Security officials made clear that prisoners of conscience who received temporary suspended sentences to allow for their relocation abroad could have their sentences reimposed if they attempted to return to Vietnam.⁷⁹

Joshua Kurlantzick, Senior Fellow for Southeast Asia with the Council of Foreign Relations (CFR), stated in his interview with ARC in June 2017 that these laws are used to stop people, e.g. activists, to travel to hold or attend a protest, to meet foreign officials or go to a perceived controversial conference. The laws provide the authorities with the measures to confiscate their passports or put them under house-arrest, but these laws “are not used against students or migrant workers” even those with a “problematic background”.⁸⁰

b) Is there any evidence of these legal provisions being used by Vietnamese immigration authorities in a discriminatory manner against certain ethnic groups?

The U.S. Department of State’s annual human rights report covering 2016 provided the following information regarding citizens living in Central and Northern Highlands districts and noted that: “Local police required citizens to register when staying overnight in any location outside of their own homes; the government appeared to enforce these requirements more strictly in some Central and Northern Highlands districts”.⁸¹

The same source noted with regards to those fleeing abroad:

Some members of ethnic minority groups who fled the Central Highlands for Cambodia or Thailand, some reportedly due to religious persecution, asserted that upon their return, Vietnamese authorities detained and questioned them, sometimes for up to several days. Family members also reported police closely monitored both those who had fled to Cambodia and Thailand, and their relatives.⁸²

In March 2017 Al Jazeera published an article describing the experience of Rmah Aloh, a Montagnard who claims to have escaped religious persecution in February 2014 and fled to Thailand.⁸³ In July 2015 he claims that Vietnamese police got hold of his phone number and promised him and his family that nothing would happen to him if he agreed to return.⁸⁴ After agreeing to this he was “met by Vietnamese policemen in the middle of the night at his home in Bangkok and put on a train heading to Laos” where he was “handcuffed, repeatedly beaten, and starved for a few days” and “made to sign a prepared statement saying that he came to Thailand in search of prosperity and a better life”.⁸⁵ Once back in his home village in Vietnam, he told Al Jazeera that “his life was marked by constant harassment, threats and daily arrests. Pictures obtained from his mobile phone show him being interrogated, questioned and photographed by the Vietnamese police [...] When he received a summons from the government to appear in court, he went into hiding at his sister’s

⁷⁹U.S. Department of State, [Country Reports on Human Rights Practices for 2016](#), 3 March 2017, section 2.d. *Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons*

⁸⁰Telephone interview conducted with Joshua Kurlantzick on 20th June by an ARC consultant. More information can be found in [Annex A](#).

⁸¹U.S. Department of State, [Country Reports on Human Rights Practices for 2016](#), 3 March 2017, section 2.d. *Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons*

⁸²U.S. Department of State, [Country Reports on Human Rights Practices for 2016](#), 3 March 2017, section 2.d. *Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons*

⁸³Al Jazeera, [Montagnards: Escaping Vietnam, stateless in Thailand](#), 24 March 2017

⁸⁴Al Jazeera, [Montagnards: Escaping Vietnam, stateless in Thailand](#), 24 March 2017

⁸⁵Al Jazeera, [Montagnards: Escaping Vietnam, stateless in Thailand](#), 24 March 2017

home and borrowed some money to escape. As retribution for leaving once again, he learned through a phone call from his family that his wife had been raped by police”.⁸⁶

In its written submission to ARC in May 2017, Christian Solidarity Worldwide (CSW) stated that:

[It is] more familiar with restrictions on the freedom of movement against religious minorities; however, many of these individuals are also ethnic minorities.

[In their experience] religious and ethnic minority leaders in particular have been prevented from leaving the country to attend meetings with civil society groups or to receive training. In some cases their passports have been confiscated. In other cases, they have been detained after returning to Vietnam.

In addition, religious leaders are sometimes prevented from travelling from one area to another to lead religious services or to encourage or assist members of their religious community. Most often, there is no official written order or warrant: the police or local public security agents stop them en route and force them to return to their homes, or escort them to a police station for interrogation.

Finally, asylum seekers residing in Thailand, who fled Vietnam because of fear of religious persecution, have reported that their family members in Vietnam have been told by police that they have committed an illegal act by leaving the country without permission.⁸⁷

Joshua Kurlantzick, Senior Fellow for Southeast Asia with the Council of Foreign Relations (CFR), stated in his interview with ARC in June 2017 that these laws are very broad and used against anyone, not just against ethnic and/or religious minorities: “they are not specifically targeted”.⁸⁸

Rong Nay, Executive Director of the Montagnard Human Rights Organization (MHRO), stated in his written submission to ARC in June 2017 that:

The Montagnard family members who are eligible to emigrate legally to the U.S. still face obstruction in obtaining Vietnam documents necessary in the U.S. immigration process and they have to pay a bribe unless he or she accept work as a spies for the government and monthly report about the Montagnard community in US. There is also the issue of family visits. Family members, on returning to the Central Highlands, many of whom who are U.S. citizens, are always interrogated by the local police. These American citizens are often called back three and four times to the local police office to face harassment and inappropriate questions about the Montagnard community in the U.S.

On November 2011, one Montagnard American couple traveled to Vietnam from NC spending thousands of dollars in air fare and 22 hours fly to Ho Chi Minh City with the plan to visit their family in the Central Highlands. At the airport in HCM, the police stopped the Montagnard American family and would not even allow them to talk with their family who had driven for hours from the Central Highlands to the airport to pick up the visiting family. The police then forced the Montagnard American citizens back to the US and said it was an order from Party and government, regardless that the Vietnam Embassy had already approved the visa.

Some Montagnard families before they come to US have experienced the police making them sign a paper saying that the American Montagnard visitor would not say anything bad about the Vietnamese government after leaving Vietnam.⁸⁹

⁸⁶ Al Jazeera, [Montagnards: Escaping Vietnam, stateless in Thailand](#), 24 March 2017

⁸⁷ See [Annex B](#) for the full written statement submitted by Christian Solidarity Worldwide.

⁸⁸ Telephone interview conducted with Joshua Kurlantzick on 20th June by an ARC consultant. More information can be found in [Annex A](#).

⁸⁹ See [Annex C](#) for the full written statement submitted by Rong Nay, Executive Director of the Montagnard Human Rights Organization (MHRO)

5) Societal treatment of ethnic groups, in particular of Hmongs and Montagnards

Extremely limited information was found on this issue amongst the sources consulted within the allocated timeframe for research.

The U.S. Department of State's annual human rights report covering 2016 provided the following background information relating to the treatment of ethnic minorities:

The law prohibits discrimination against ethnic minorities, but societal discrimination against ethnic minorities was longstanding and persistent.⁹⁰

In its written submission to ARC in May 2017, Christian Solidarity Worldwide (CSW) stated that:

[M]embers of ethnic minorities and indigenous peoples, and religious minorities, have fewer socio-economic resources and suffer various forms of discrimination on the basis of their ethnicity. This includes discrimination in access to education and access to employment. Discrimination often becomes more severe when a member of an ethnic minority converts to Christianity, particularly if they are from the Hmong ethnic group.⁹¹

Joshua Kurlantzick, Senior Fellow for Southeast Asia with the Council of Foreign Relations (CFR), stated in his interview with ARC in June 2017 that "ethnic minorities have for decades faced unofficial and historical societal discrimination and marginalisation" which spans back to colonialism and the French and US-Vietnam wars. He further noted that the societal discrimination exists despite the authoritarian regime and it continues to exist as the authorities are not intervening and allowing it to happen.⁹²

Hmongs

With regards to the Hmongs, the U.S. Department of State stated in its annual freedom of religion report covering 2015 that "There were some reports of tensions within the H'mong ethnic group concerning religious observance"⁹³ and "In February [2015] ethnic H'mong members of Protestant churches in Dien Bien Dong District, Dien Bien Province stated that local authorities, accompanied by non Protestant family members, shredded Bibles, seized and destroyed followers' property, and physically assaulted followers".⁹⁴

In its written submission to ARC in May 2017, Christian Solidarity Worldwide (CSW) stated that:

Discrimination often becomes more severe when a member of an ethnic minority converts to Christianity, particularly if they are from the Hmong ethnic group. This is due to an historical connection between Hmong Christians and US forces during the US-Vietnam war. Local authorities continue to accuse Hmong Christians of working with the US or the CIA, and sometimes even refer to Christianity as an American or "CIA religion".⁹⁵

⁹⁰U.S. Department of State, [Country Reports on Human Rights Practices for 2016](#), 3 March 2017, *section Section 6. Discrimination, Societal Abuses, and Trafficking in Persons*

⁹¹See Annex I for the full written statement submitted by Christian Solidarity Worldwide.

⁹²Telephone interview conducted with Joshua Kurlantzick on 20th June by an ARC consultant. More information can be found in [Annex A](#).

⁹³U.S. Department of State, [International Religious Freedom Report for 2015: Vietnam](#), 10 August 2016, *Executive Summary*

⁹⁴U.S. Department of State, [International Religious Freedom Report for 2015: Vietnam](#), 10 August 2016, *Section III. Status of Societal Respect for Religious Freedom*

⁹⁵See [Annex B](#) for the full written statement submitted by Christian Solidarity Worldwide.

Montagnards

Amongst the sources consulted within the set time-frame for research no specific information on the Montagnards could be found.

Annex A: Details of country experts consulted

To supplement the publicly available information included, country experts on Myanmar were contacted through email correspondence in May 2017 by Asylum Research Consultancy (ARC), asking to provide their expertise on the following questions:

Specifically we are looking for information covering 2016/2017 on:

- 1) Freedom of religion
 - a. What restrictions or limitations are imposed by the authorities on Hmongs' and Montagnards' right to practice their faith (e.g. forced conversion, treatment by the police, obstructing religious ceremonies, damaging religious property, restricting construction of churches?)
- 2) Confiscation of land
 - a. Are certain ethnic groups disproportionately impacted by "land-grabs" and therefore particular targets?
 - b. Are some ethnic groups compensated less (or not), and if so, for what reasons?
- 3) Freedom of Movement
 - a. Are the legal provisions of Art 274 of the Penal Code (Illegally leaving or entering the country: illegally staying abroad or in Vietnam) and Art 91 of the Penal Code (Fleeing abroad or defecting to stay overseas with a view to opposing the people's administrations) being used by Vietnamese immigration authorities in a discriminatory manner against certain ethnic groups?
- 4) Societal treatment of ethnic groups, in particular of Hmongs and Montagnards

The following country experts provided their expertise:

- ❖ May 2017, written response by [Christian Solidarity Worldwide](#): Christian Solidarity Worldwide (CSW) is a Christian organisation working for religious freedom through advocacy and human rights, in the pursuit of justice. CSW works in over 20 countries across Asia, Africa, the Middle East and Latin America, defending the right to freedom of religion or belief for all.
- ❖ 20th June 2017, telephone interview with [Joshua Kurlantzick](#), Senior Fellow for Southeast Asia, Council on Foreign Relations.
- ❖ June 2017, written response by Rong Nay, Executive Director of the [Montagnard Human Rights Organization \(MHRO\)](#): "The Montagnard Human Rights Organization (MHRO) is a non-profit organization established in Raleigh, North Carolina, USA, in 1998 [...] MHRO is a membership organization which was founded in 1998 by the former leaders of the historical Montagnard Resistance Force and Independence Movement, with the purpose to improve the human rights and life for the Montagnards in the Central Highlands of Vietnam, and to advocate for Montagnard self-determination in Vietnam".⁹⁶

⁹⁶Montagnard Human Rights Organization (MHRO), [About MHRO](#), Undated [Date accessed: 4th July 2017]

Annex B: Written submission by Christian Solidarity Worldwide (CSW) (May 2017)

1) Freedom of religion

1. What restrictions or limitations are imposed by the authorities on Hmongs' and Montagnards' right to practice their faith (e.g. forced conversion, treatment by the police, obstructing religious ceremonies, damaging religious property, restricting construction of churches?)

The most common violations against the right to freedom of religion or belief targeting Hmong and Montagnard Christians are (in no particular order):

Pressure to recant, usually involving forcing victims to sign a document stating that they will not follow the Christian faith;

Forced eviction from home or village: some villages also have "village rules" which state that no-one in the village may convert to Christianity and that converts will be evicted, in contradiction with domestic and international law;

Denial of access to public services and grants: ethnic minorities and indigenous peoples in Vietnam are sometimes eligible for government support in the form of housing grants, rice, and small grants for "protecting the forest". Families who have converted to Christianity report having the documentation making them eligible for this assistance confiscated, on the grounds of their conversion;

Arbitrary detention, sometimes followed by a trial and imprisonment;

Beatings and torture, most often in police custody, sometimes leading to deaths in police custody: methods of torture include beating of the face, head, legs and shoulders; being forced to adopt a stress position; and sexual torture and abuse;

Harassment, including threats and intimidation;

Disruption of religious services;

Being physically prevented from attending religious services, either by physical force or because meetings are forced to take place a long way from members' homes;

Confiscation of religious materials including Bibles;

Denial of access to education for Christian children if their parents are Christians, sometimes due to forced eviction, at others times due to discrimination;

Damage to properties used for religious services (including the homes of religious leaders).

2) Confiscation of land

1. Are certain ethnic groups disproportionately impacted by "land-grabs" and therefore particular targets?
2. Are some ethnic groups compensated less (or not), and if so, for what reasons?

In general, members of ethnic minorities and indigenous peoples (i.e. not Kinh/Vietnamese majority ethnic group) are more likely to be negatively impacted by land grabs and are less likely to be adequately compensated. This does not mean that Kinh ethnic majority individuals cannot be victims of land grabs, however. In general, members of ethnic minorities and indigenous peoples have fewer socio-economic resources and suffer various forms of discrimination on the basis of their ethnicity.

In addition, Catholic clergy and lay people have been particularly involved in advocating for land rights. This started with their own cases: many churches and Catholic charities and social projects had land taken away when the Communist Party came to power. However, Catholic clergy and lay people have also been involved in advocating for the rights of victims of land grabs whose homes and farmland has been confiscated by the authorities and sold to developers.

There is an intersection between the right to freedom of religion or belief and land rights cases in Vietnam. For example, Catholic villages whose land has been “grabbed” by developers working with the local government have also lost cemeteries and religious structures when the land was taken. In addition, Catholics who have gathered to peacefully pray for the return of their land have been arbitrarily detained by police.

3) Freedom of Movement

1. Are the legal provisions of Art 274 of the Penal Code (Illegally leaving or entering the country: illegally staying abroad or in Vietnam) and Art 91 of the Penal Code (Fleeing abroad or defecting to stay overseas with a view to opposing the people’s administrations) being used by Vietnamese immigration authorities in a discriminatory manner against certain ethnic groups?

I am more familiar with restrictions on the freedom of movement against religious minorities; however, many of these individuals are also ethnic minorities.

In my experience, religious and ethnic minority leaders in particular have been prevented from leaving the country to attend meetings with civil society groups or to receive training. In some cases their passports have been confiscated. In other cases, they have been detained after returning to Vietnam.

In addition, religious leaders are sometimes prevented from travelling from one area to another to lead religious services or to encourage or assist members of their religious community. Most often, there is no official written order or warrant: the police or local public security agents stop them en route and force them to return to their homes, or escort them to a police station for interrogation.

Finally, asylum seekers residing in Thailand, who fled Vietnam because of fear of religious persecution, have reported that their family members in Vietnam have been told by police that they have committed an illegal act by leaving the country without permission.

4) Societal treatment of ethnic groups, in particular of Hmongs and Montagnards

As mentioned above, members of ethnic minorities and indigenous peoples, and religious minorities, have fewer socio-economic resources and suffer various forms of discrimination on the basis of their ethnicity. This includes discrimination in access to education and access to employment. Discrimination often becomes more severe when a member of an ethnic minority converts to Christianity, particularly if they are from the Hmong ethnic group. This is due to an historical connection between Hmong Christians and US forces during the US-Vietnam war. Local authorities

continue to accuse Hmong Christians of working with the US or the CIA, and sometimes even refer to Christianity as an American or “CIA religion”.

Annex C: Written submission by the Montagnard Human Rights Organization (MHRO) **(June 2017)**

Short summary

Montagnard indigenous Peoples situation

Background: “Montagnard” is a French term that is often used to describe our indigenous tribal people who the first occupied and rightful owner the Central Highlands, land which was claimed by the Vietnam nation on March 11, 1955. **Prior to 1800**, the Central Highlands tribal peoples lived isolated in a highlands existence under a feudal system of government living peacefully with our customs, culture and traditions in a village-centered society.

The Montagnard people lived in harmony with nature, freely, peacefully and completely independent in our homelands of Highland villages. We were free to farm, hunt and travel among in our villages, free to believe and worship as we wish. Our weapons were crossbows and spears for hunting. For our transportation, we used horses and elephants

There are over 28 tribal groups with the five major tribes being: Bahnar, Jarai, Rhade, Koho and Mngong. We were separated from lowland cultures .Each tribal group has their own King or Leaders and always mindful of resource need of subsequent generation. Our spiritual life was rooted in our relationship with the land; the rivers, lakes, and forests. We were free to live and free to die in peace until outsiders came to our homeland and destroyed us.

We do not consider ourselves “ethnic minorities” since our ancient “Anak Cu Chiang” Montagnard peoples are not ethnically or linguistically connected to the majority Vietnamese population, a majority population that now has occupied all of our ancestors’ lands and view us as minority who live in Vietnam territory.

The government of Vietnam has a long memory about the Vietnam War and considers the Montagnard Indigenous Peoples as a long-term historical enemy. The government of Vietnam hated the Montagnard because:

1. We fought alongside the French and American during the French Indochina and the Vietnam War against the North Vietnam Communist.
2. We are Christians (Protestant)
3. We are the rightful and owner the land in the Central Highlands of Vietnam.

The government of Vietnam continues accused the Montagnard Protestant Church is worship American, not God and spy for American CIA. For these reason, the Montagnard Indigenous Peoples in the Central Highlands cannot and will not avoid long-term be destroy by the government of Vietnam and Vietnamese people.

Since 1975 up to now 42 years under Vietnam Communist regime the Montagnard indigenous Peoples live under fear, police securities everywhere in the villages. The local governments of Vietnam trained thousand Vietnamese police read, write and speak the Montagnard languages and deployed all the Montagnard villages for ready to pretend themselves as Montagnard people.

These police controlled and represent the Montagnard in villages, they have right to receive, greeting: Delegations, tourists, travelers from outside world and can speak about the life, living, cultures, situations and everything about the Montagnard and everything is OK, no problems at all. This is the Vietnamese secret police speak not the Montagnard speak. If real Montagnard these

persons was well trained by the Party and government it is hard for the foreigners can meet the real Montagnard and get the true information. This is what happens today for the Montagnard in the Central Highlands of Vietnam. The world doesn't know or ignored this brutally policy of the Hanoi government for isolate the Montagnard indigenous peoples from the world.

The report that Religious Freedom and human rights abuse towards the Montagnard in the Central Highlands of Vietnam have gotten much worse regardless United Nations law. And Montagnard continues cross the Cambodia border for protection and Cambodia government is continues deported over hundred of them back to Vietnam; what happen to them? The Vietnam government forced them TV confessions for propaganda and punished them but no actions from United Nations. The Cambodia and Vietnam government do whatever they want towards the Montagnard indigenous Peoples in Vietnam.

Communist Party of Vietnam is ruling political party of the Vietnam country and centralized control over the state, military, society and media, the operation of all other political parties being outlawed; this is the main problem in terms of religious freedom and political freedom in Vietnam.

Article 70 of the Vietnam 1992 Constitution states that: "Citizens have to freedom of belief and religion, and may practice or not practice any religion. All religions are equal before the law. Public places of religious worship are protected by law. No one has the right to infringe on the freedom of belief and religion or to take advantage of the latter to violate State laws and policies."

In fact since 1975 there were no freedoms of religious in Vietnam and they violent on article 70 on their own Constitution.

Montagnard freedom of religion in Vietnam

After took over of South Vietnam 1975, the government of Vietnam has carried out a policy of punishment and discrimination against the Montagnard Indigenous Christians in the Central Highlands and accused the Montagnard Protestant Church is spy for American CIA and worship American religion. These prime cause of thousand Monagnard leaders and Christians were imprisonment up to 12 years and they were terrible sacrifice and painful were overrun in their live. Many Montagnard Indigenous Peoples who lived in the city before 1975 had been pushed out to economy zone or other areas far away from city and reserve place for new comer Vietnamese from the North Vietnam.

In 2001 and 004, over 30,000 Montagnard Indigenous peoples stage peaceful in Pleiku and Daklak provinces protest against the government of Vietnam. They demanded the return of their lands, the right to live and the right to freedom of Religious. The government of Vietnam responded by sending huge of police and strong military forces into the Central Highlands and expelled all foreigners and news media. They used tanks and helicopters to crush the Montagnard people protest. As a result, hundreds of Montagnard was killed, over 2,000 were missing without returns and over 500 were arrested and jailed up to 16 years. The rest of thousands were cross Cambodia border to UNHCR for protection and later were resettled in the United States. Today the government of Vietnam is continues to deploy thousand of secret police to the Montagnard village's for control the Montagnard people that the world never know.

The Montagnard Indigenous Christians in the Central Highlands some 500,000, are large Christian group in Vietnam. They had been considered illegal religion since 1975; they are suffering a wave of oppression and persecution. The government denied association with the Evangelical Church of Vietnam, ECVN that been recognized by the government on April 2001 and continue method of

attacking Christians is to try to force them to give up their faith, and a ceremony called “**Repenting Following Christianity**” This happen for decades in Pleiku and Daklak provinces. Since then the Religion and Human Rights issues in Vietnam have long been a matter of much controversy between the government of Vietnam and international human rights organization and Western government, particularly that of the United States.

In 2004, because of pressure from US government, the government of Vietnam has released some religious dissidents and loudly reported including some prisoners from the central Highlands. After months later the government of Vietnam issued new directives on religion that expedite church registration requirement and continue strictly forbid official coercion to convert as well as forced recantations of faith. There are more change and more the same.

The Montagnard Churches in the Central Highlands today were divided two groups:

1. One group were registration under the government control, some Montagnard Pastors became employee of the government and travel every country have Montagnard refugee and mostly in United States for propaganda religious freedom policy of Vietnam. If everyone follows the government religion, there will be no problems in the future and free go back to visit relatives. The government of Vietnam also spies Pastors and Congregations for watching and spy each others in the Churches, the local government have nothing to worry about securities. This is what the government of Vietnam wants, use the pastors and Congregations as a tool to control and restrict religious freedom. Registration is regulations give legitimacy to government security forces to monitor, interrogate, arrest and imprison suspected Montagnard Church activities. This is not freedom of religious.

2. Other is independent or unregistered group; the government of Vietnam continues to persecute members of unregistered Christian groups and independent religious groups who practice their faith outside of State-sanctioned institution and not approved by the government and always accused them spy and want to overthrow the government. These groups still secret worship in their villages and the government of Vietnam continues hunting and pressuring members to sign pledges renouncing their religion or pledging loyalty to the government-authorized church.

This two groups of the Montagnard Churches they do not like each other; this is what the government of Vietnam play the game for Montagnards to destroy their own religion and people. This situation is the same during the North and South Vietnam War, the Montagnard were used as tools of the war. After the war end, North and South unite under communist country, the Montagnard were continue suffering and destroy by the government of Vietnam.

The government of Vietnam always said there was freedom of religion in Vietnam, **but in reality, it is not true.** The freedom of religion of the Vietnamese government is to only to allow worship in government control churches in the city, not in house churches. Montagnard preachers in villages continue to be arrested and persecuted. **Human RightsWatch** has published a detailed report in 2011 through 2016 and 2017 on the continuing religious persecution of Montagnards in the Central Highlands. Those who are arrested often end up in the living hell of Vietnam’s prisons and secret jails. Reports from Montagnard prisoners tell a story of pain, loneliness, torture, forced labor, and isolation.

In the Montagnard villages far away from city pastors are forced to renounce their faith, they are beaten, and many put in prison to suffer long and terrible years in prison without enough food, medicine or even family visits. **The Vietnam government is directly responsible for the cruel and terrible treatment of Montagnard Christians and other political prisoners. They discriminate against the Montagnard prisoners not allowing them to have clean water, family visits or enough**

food to eat. We believe the government of Vietnam must be held responsible for this inhumane treatment. The United Nations and the international community have an urgent responsibility to take action to stop the suffering of these prisoners and urge the government of Vietnam to have these individuals pardoned and released.

The Vietnam government continues to arrest, torture and jail Montagnard Christians. There are currently Montagnard Christians still in prison for their religious or political beliefs up to 16 years. Many suffer solitary confinement and torture. We are urging the United Nations and the international community to intervene on behalf of these Montagnard prisoners who were wrongly put in prison for their Christian faith and for those who were arrested trying to escape persecution or those who expressed peaceful dissent.

About the Montagnard Refugee Protection

The UNHCR and the U.S. government need to provide protection for those Montagnard asylum seekers seeking protection in Vietnam, Cambodia, Thailand or other countries.

Since the UNHCR site in Phnom Penh, Cambodia closed in Feb. 2011. **Montagnard asylum seekers have no place to find sanctuary.** Last year over 190 Montagnards fled to Cambodia for protection but the government of Cambodia had been deported them back to Vietnam without UNHCR intervene or ignored. Some of them escaped and living illegal in Thailand, they do not want to go back to Vietnam and some have been arrested and put into Immigration detention Center Bangkok. We respectfully request that the UN for help to bring them to the US or third country.

Land and Assimilation Policies

The Montagnard indigenous peoples are crying out to keep our ancestral land, our language and our culture. We ask for help from the United Nations and the world community to help us. Many of our ancestral lands have been seized by the government of Vietnam **for rubber or coffee plantations.** The government of Vietnam strongly supports and allows emigrants from the North Vietnamese settle in the Central Highlands and free occupied the Montagnard people lands.

These Vietnamese new comers they hate the Montagnard people and called us “Moi or savages” backward people and way of living is behind the times. When they saw the Montagnard people walk cross their house or yard, they chased them away “Go away dirty”. The Vietnamese view the Montagnard as a people without original history came and lived in Vietnam territories.

After protested on Feb. 2, 2001 and April 10-11, 2004, the government of Vietnam state that **“We win the French and American during the Indochina and Vietnam War, we are the owner of this land, not the Montagnard, if Montagnard people want to own the land they can go to the mountain where their came from and they can own how much they want”** Any complain or opposed from the Montagnard people, the government of Vietnam will ready use forces to solve the problems and always accuses our Montagnard people of causing trouble.

Our languages are being lost and our children shamed into believing they are no good. Even Montagnard prisoners in Hanoi’s prisons are not allowed to write letters in Montagnard language. The Montagnard names of our rivers, forests, mountains, and provinces have been altered into Vietnamese names. We believe this is a policy of quiet genocide and ethnic cleansing targeting our Montagnard people. Why? The Vietnamese Communist government wants our precious land of the Central Highlands and their goal is complete assimilation.

The land conflicts between Montagnard and Vietnamese are life and death issues will never end because the land is the heart of the Montagnard for survival, if someone took their land is took their heart and they will die. Our Montagnard people feel our hearts are broken because our land is being stolen and our Montagnard culture and way of life is being destroyed. For us, this is a terrible human rights violation and **against the United Nations Declaration on the rights of Indigenous Peoples passed on September 13, 2007.**

Need for Development Assistance

The United Nations, the European Union, and the U.S. State Department have all acknowledged that the rate of poverty for the Montagnard indigenous peoples is much higher than the majority Kinh or Vietnamese populations in Vietnam; the government is continues ignored and careless.

Since 1975, the government of Vietnam has been propaganda that the Montagnard people as backward people and cannot qualify anything but in fact that the Hanoi policies have been carefully constructed to prevent educational opportunities abroad for Montagnard students.

Montagnards do not have the same opportunities in education and development as Vietnamese people. For example, today over 20,000 Vietnamese students have been sent to the US for education, but not a single Montagnard college graduate is allowed to have a scholarship to the U.S or others countries. The Vietnam policies have restricted NGOs from working in the Central Highlands for years.

Abuse of Free Emigration

The Montagnard family members who are eligible to emigrate legally to the U.S. still face obstruction in obtaining Vietnam documents necessary in the U.S. immigration process and they have to pay a bribe unless he or she accept work as a spies for the government and monthly report about the Montagnard community in US. There is also the issue of family visits. Family members, on returning to the Central Highlands, many of whom who are U.S. citizens, are always interrogated by the local police. These American citizens are often called back three and four times to the local police office to face harassment and inappropriate questions about the Montagnard community in the U.S.

On November 2011, one Montagnard American couple traveled to Vietnam from NC spending thousands of dollars in air fare and 22 hours fly to Ho Chi Minh City with the plan to visit their family in the Central Highlands. At the airport in HCM, the police stopped the Montagnard American family and would not even allow them to talk with their family who had driven for hours from the Central Highlands to the airport to pick up the visiting family. The police then forced the Montagnard American citizens back to the US and said it was an order from Party and government, regardless that the Vietnam Embassy had already approved the visa.

Some Montagnard families before they come to US have experienced the police making them sign a paper saying that the American Montagnard visitor would not say anything bad about the Vietnamese government after leaving Vietnam. Vietnam continues to break its agreement with about free emigration and freedom of movement in the country.

The Montagnard religious freedom and human rights is continues abuse that the Montagnard Indigenous Peoples are facing right now in Vietnam's Central Highlands. The government of Vietnam to control over religion activities and this is not freedom of religion and also violent article 70 of Vietnam constitution 1992.

We Montagnards are treated like enemies in our own homeland and we have lost more than any other group in Vietnam. We have lost the right to live, the right to own our ancestral lands, our language, the right to have home churches, the right to access international scholarships for education and travel, and the right to operate traditional courts. The Montagnard prisoners are suffering terrible abuse and isolation, and other Montagnard men, women and children quietly suffer in their villages under constant fear and police surveillance.

We are in danger of losing our entire culture. Traditional ways of life have been systematically abolished. Development assistance, education, and humanitarian aid continue to be blocked and international observers are restricted from the Montagnard villages in the Central Highlands and our religious freedom and political prisoners were continues abused and persecution. The Central Highlands has become a kind of prison for the Montagnard people with the Communist system of internal security and secret police. The Hanoi government considers the “Anak Cu Chiang” Montagnard indigenous peoples as a long term historical enemy. A campaign of Vietnamization, assimilation and “ethnic-cleansing” has continued.

We ask the power of the United Nations and United States government, to intervene and immediately take action, to stop Vietnamese Communist from destroying the Montagnards. **The fear of the Montagnards is that if no help is provided for them, their entire population will soon be eradicated.**

This short summary and plus you study from the report 2016-2017 I hope that will help you understand more what happen to the Montagnard indigenous Peoples in Vietnam today. If you have any questions or want to make sure situations in Vietnam, please let me know and I will happy to provide you with the best I can. Thank you very much for the opportunity to share the plight of our Montagnard people in the Central Highlands of Vietnam, I hope that you will help the world more aware the brutally of the government of Vietnam towards the Montagnard people and the world will hear our prayer and plea for help..

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