

**Report on the Implementation of the
International Convention on the Elimination of
Racial Discrimination (ICERD)**

**Violations of the Rights of
Ethnic Minorities
in the Northern and Central Highlands
of Vietnam**



Report compiled by
Vietnam Committee on Human Rights
Affiliate Organisation of the
International Federation of Human Rights Leagues (FIDH)
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48 rue Parmentier, 94450 Limeil Brévannes (France)

☎ (33 1) 45 98 30 85 - Fax : (33 1) 45 98 32 61

E-mail : queme@compuserve.com

The **Vietnam Committee on Human Rights (VCHR)** is the international organ of **Quê Me : Action for Democracy in Vietnam**, a non-profit organization founded in Paris in October 1975. Its aims are to increase international awareness of the human rights situation, mobilize support for victims of human rights abuses and promote efforts for democracy in Vietnam. It has published *Quê Me* (Homeland), a Vietnamese-language magazine since February 1976. The magazine is circulated underground in Vietnam and amongst the Vietnamese diaspora. It promotes democratic ideas, human rights education and culture, and provides a podium for all those working for the development of individual liberties and human rights in Vietnam. Vo Van Ai is the VCHR President, Penelope Faulkner is Vice-President and Vo Tran Nhat is Executive Secretary. The VCHR's board of Advisers include : Marc Blondel (*Force Ouvriere Labour Union, France*), Vladimir Boukowsky (*Russia*), Bill Bradley (*former Senator, USA*), Larry Diamond (*Hoover Institution, USA*), Paul Goma (*Roumania*), Charles D. Gray (*former Head, International Dept., AFL-CIO, USA*), Senator Orrin G. Hatch (*USA*), David Kilgour (*MP, former Deputy Speaker of the Canadian Parliament*), Stephen Nedzynski (*Poland*), Douglas Pike (*Vietnam Center, University of Texas, USA*), Leonid Plyush (*Ukraine*), Jean-Francois Revel (*France*). Other founder members are : Milovan Djilas (*Writer, former Yugoslavia*), Eugene Ionesco (*Playwright, Member of French Academy*), Lane Kirkland (*Former President, AFL-CIO, USA*). As an affiliate of the Paris-based **International Federation of Human Rights Leagues** (FIDH) founded in 1922, the VCHR has consultative status at the UNO, UNESCO and the Council of Europe. Vo Van Ai is Vice-President of the FIDH.

Violations of the Rights of Ethnic Minorities in the Northern and Central Highlands of Vietnam

The Vietnam Committee on Human Rights (hereafter «Vietnam Committee») welcomes the Report submitted by the Socialist Republic of Vietnam on its implementation of the International Convention on the Elimination of Racial Discrimination (ICERD). The organisation nevertheless regrets that, whereas States Parties have an obligation to submit periodic reports to the Committee every two years (following an initial report filed one year after the ICERD's entry into force), this is only the third report submitted by the Socialist Republic of Vietnam since it acceded to the ICERD on June 9th 1982. Indeed, Vietnam has failed to comply with UN reporting mechanisms to a number of treaty bodies, with initial reports submitted several years late and second reports long overdue.¹

Background

Vietnam's 77-million-strong population is made up of over 50 ethnic communities. Most Vietnamese (over 85%) are ethnic Viets, or Kinh people, who traditionally live in the lowlands. The minority ethnic communities live mainly in the mountainous and highland regions of Central and Northern Vietnam. Because of their remote geographical situation, these regions are traditionally amongst the poorest areas of Vietnam. 60% of children in mountainous areas suffer from malnutrition², and the majority of the population lives under the poverty line.

The Vietnamese Government admits that poverty in these areas is due not only to lack of resources and infrastructure, but also to official corruption and mismanagement, as well as the forced implementation of unsuitable development policies in the highland regions which have undermined the ethnic peoples' confidence in the Communist Party and State.

«In the areas of minority peoples, the socio-economic life of the people is full of hardships and we have fallen short in our efforts to solve this problem. (...) A situation of hardship and shortages, and a life of hunger and want have created a great void of trust and belief. The activities of the [Fatherland] Front and other mass organisations are not responsive to the needs of the lives of the people. The voice of the Party and the good feeling of the people about the Party is long lost and buried. In not a few places, the people believe that « the heart of the cadres no longer cares for the people.»³

¹The Socialist Republic of Vietnam is state party to a number of treaties, e.g. the ICCPR (accession 1982) : 1st report submitted in 1990, 2nd report overdue since 1991, presented this year ; the ICSECR (accession 1982) : 1st report submitted in 1993, 2nd report overdue since 1995 ; the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW : 1982) : 1st report submitted in 1986, 2nd report overdue since 1987, presented this year ; the Convention on the Rights of the Child (1990) : 1st report submitted in 1992, 2nd report overdue since 1997.

² «Vietnam» in *Human Rights in Developing Countries Yearbook 1997*, Nordic Rights Publications.

³ Top Secret Document, Steering Committee 184, Hanoi, May 3, 1999, « *Developing the Economy and Culture, Normalising Society and Building Political Infrastructure in the Mountainous Regions where the Minority Peoples are Christian believers* ».

This lack of trust does not stem only from the enforcement of socio-economic policies. The Vietnam Committee is concerned that ethnic communities in Vietnam are suffering from a deliberate and systematic policy of discrimination which includes expropriation from ancestral lands, population displacement, State-sponsored migration of Vietnamese into minority regions, religious persecution, arbitrary arrest, disappearances, and the forced sterilisation of women. This policy, which in 2001 led to the most serious outbreak of popular unrest ever known in unified Viet Nam, is a grave violation of Article 1 of the ICERD, which prohibits *«any discrimination based on race, colour, descent or national or ethnic origin which has the effect or purpose of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and other fundamental freedoms in the political, economic, social, cultural or any other field of life»*.

2001 : Unrest in the Central Highlands

In February-March 2001, thousands of ethnic tribespeople (known as «Montagnards») staged an unprecedented 6-week-long protest in the Central Highland provinces of Gia Lai, Daklak and Kontum. The protests were triggered off by the arrest of two Montagnard tribespeople, **Rahlan Pon** and **Rahlan Djan** on January 29th. The two men were detained in a prison in Gia Lai Province, allegedly because they had “*illegally*” converted to Christianity. Several hundred ethnic Christians marched to the Gia Lai Communist Party’s headquarters to demand their release. The protest spread throughout the rural areas and into the towns of Pleiku and Ban Ma Thuot, culminating in massive demonstrations throughout the three provinces.

The authorities reacted by deploying troops, helicopters and riot police to brutally quell the protests. Telephone communications to the Central Highlands were cut. A media black-out was imposed, and all foreign diplomats, international organisations, foreign visitors and even non-resident Vietnamese were banned from visiting the region. The Vietnamese Government only allowed a strictly controlled government-sponsored press tour of Gia Lai and Dak Lak provinces on 16 and 17 March 2001⁴. Access to the Central Highlands remains restricted. After five months of refusals, US Ambassador to Vietnam, Mr Pete Peterson was recently granted permission to tour the region from July 5-9. However, he stated that the authorities in Gia Lai province *« were not prepared to provide us with free access either to officials or to ordinary people. In fact, officials there aggressively sought to control our time and movements. Public security personnel directly prevented us from talking to people as we visited small businesses and village markets»*.⁵

Since February, the Vietnamese Government has sent thousands of soldiers and militia to the Central Highlands. A total of 13 regiments have been sent, and 20,000 households are now occupied, predominantly in Dak Lak province. ⁶ Martial law remains current policy in the Central Highlands and the situation has deteriorated to such an extent that Montagnards are now fleeing across the border into Cambodia. In April 2001, at least 38 Montagnards were granted refugee status by the United Nations High Commission for Refugees (UNHCR) and

⁴ Human Rights Watch, *Cambodia : Refugee Effort Commended*, 19 April 2001.

⁵ Agence France Presse, *Vietnam reviews development policies for restive highlands*, July 14 2001.

⁶ Agence France Presse, *Vietnam settling soldiers, militiamen in restive central highlands*, 27 April 2001.

subsequently accepted by the United States for resettlement ⁷. Between 200-300 Montagnards remain under UN protection in Cambodia. ⁸

Hundreds of Montagnards were beaten by Police and many arrested in the wake of these demonstrations. Protestant church sources estimated that up to 60 Montagnard pastors and church elders had been detained ⁹. According to Human Rights Watch, Vietnamese police and military arrested at least 20 Montagnard leaders. ¹⁰ A list of 12 Montagnards detained in Ban Ma Thuot Prison for participating in the demonstrations was published by the Montagnard Foundation (MFI) ¹¹. One of the detainees, Y-Jan Eban, is reportedly paralysed as a result of being tortured with electric cattle prods.

History of Discrimination against the Montagnards

Political origins : State repression of the Montagnards began after 1975, but its origins date back to the 1960s when 40,000 Montagnards were recruited by the United States for military service during the Vietnam War. The Montagnards had formed a resistance movement named FULRO (*Forces Unies pour la Liberation des Races Opprimées*), which continued to militarily resist the Communist authorities until 1992, when FULRO's last 400 members surrendered to the United Nations in Cambodia. Between 1975 and 1979, some 8,000 Montagnards were killed or captured by the Vietnamese military ¹². The government of the Socialist Republic of Vietnam continues to perceive the Montagnards as a potential threat to internal security, and uses force, arbitrary arrest and political repression to control their community and suppress the peaceful exercise of their legitimate freedoms and rights.

Religious origins : Many Montagnards and members of ethnic minorities converted to Protestantism during the Vietnam War, and despite a current Government ban on conversion, the number of ethnic Christians, especially among the Hmong tribespeople, has considerably increased. «*Since the time of renovation (doi moi) [i.e the late 1980s], the Evangelical religion has literally «exploded» in the Western Highland Provinces», and «illegal preaching of religion in the mountainous provinces of the north has attracted some 70,000 to 80,000 people».*¹³ The Government perceives Christianity as part of the «*peaceful evolution*» - a strategy devised by «*reactionary forces*» to overthrow the Communist regime by undermining it from within – and implements a widespread policy of religious persecution to stem the rise of Protestantism in the ethnic communities :

*« Protestantism in North America is the root source of support for Protestantism in Vietnam. Therefore, since we have widened our relationships of international exchange and cooperation, especially normalising our relationship with the United States, Protestantism in our country has been influenced directly by a scheme of exploiting religion to oppose and undermine Vietnam by «peaceful evolution» - both by the United States and other international reactionary forces».*¹⁴

⁷ Associated Press, *More hilltribes people flee into Cambodia*, 5 May 2001.

⁸ Agence France Presse, *Vietnam PM orders land distribution to restive highlands minorities*, July 15 2001.

⁹ Reuters, *After Unrest, Vietnam reads the Riot Act*, 29 March 2001.

¹⁰ Human Rights Watch, *Cambodia : Refugee Effort Commended*, 19 April 2001.

¹¹ *Recent Violations of the Human Rights of the Montagnard Peoples of the Central Highlands of Vietnam*, Montagnard Alliance, June 2001.

¹² Carlyle Thayer, *The Forgotten Army*, Far Eastern Economic Review, 10.9.1992.

¹³ See note 3.

¹⁴ Steering Committee 184, Top Secret, *Programme 184A – Development of Policy on Protestantism in some Provinces and Cities* », Hanoi, March 5 1999.

The Legal Framework

The 1992 Constitution of the Socialist Republic of Vietnam guarantees «*equality, solidarity and mutual assistance among all nationalities, and forbids all acts of national discrimination and division*» (Article 5). However, the SRV Constitution contains a number of articles which curtail the rights of ethnic minorities and condone the practice of racial discrimination.

Article 4 stipulates that «*the Communist Party, (...) acting upon the Marxist-Leninist doctrine and Ho Chi Minh thought, is the force leading the State and society*». The political mastery of the VCP is routinely evoked by the State to justify the suppression of all opinions and thinking at odds with Communist Party doctrine. As such, it is the principle tool of repression against political or religious dissent. Since the traditional culture and thinking of the Montagnards is alien to Marxist-Leninist doctrine, these provisions inhibit the freedom and rights of ethnic tribespeople. Moreover, in the light of Article 4, constitutional guarantees regarding freedom of expression, religion and belief are severely curtailed. The UN Special Rapporteur on Religious Intolerance, Mr Abdelfattah Amor, expressed concern about this in his comment on Article 70 which guarantees religious freedom, but states that «*no-one can misuse freedom of belief and religion to contravene the law and State policies*» :

“The Special Rapporteur has some queries about this provision, which establishes the principle of the priority of the policies of the State, a vague and extendable concept that could be potentially restrictive of religious freedom and its manifestations. This concern proves to be quite legitimate when, in connection with the policy of the State and its impact on freedom of religion, reference is made to article 4 of the Constitution, which states that “The Communist Party of Viet Nam ... following Marxism-Leninism and the thought of Ho Chi Minh, is the guiding force of the State and of society”. (...) State Policies are therefore those of the Communist party, which has its own ideology with regard to religion, initially perceiving religion to be the opium of the people and therefore to be combated (...Par. 103). These two articles, by their wording and their association, are likely to impede freedom of religion or even reduce it to very little indeed.”¹⁵

Article 30 of the Constitution, on the promotion of Vietnamese culture, imposes similar restrictions which are inconsistent with international human rights standards on freedom of expression. Pledging to promote «*the thought, morality and lifestyle of Ho Chi Minh, the quintessence of human culture*», it stipulates that «*the State undertakes the overall administration of cultural activities. The propagation of all reactionary and depraved thought and culture is forbidden; superstition and harmful customs are to be eliminated*». Since it is the one-Party state which decides which customs are «*reactionary*» or «*harmful*», this Article imposes inadmissible restrictions on the cultural practices of the ethnic minorities and authorises State-enforced discriminative policies. Moreover, Mr Amor noted in his Report (op. cit) that the State makes no attempt to define the concept of «*superstition*».

Chapter 1 of the Vietnamese Criminal Code on «*national security*» provides heavy penalties (life imprisonment, the death penalty) for vaguely worded offences such as «*activities aimed at overturning the power of the people*» (Article 73) ; Espionage – provision of information and documents bearing no relation to State secrets (Article 74) ; Attempting to undermine national unity, sowing divisions between religious believers and non-believers (Article 81) ; Abusing democratic freedoms and rights to undermine the interests of the State and social

¹⁵Report to the 55th Session of the UN Commission on Human Rights (Doc. E/CN.4/1999/58/Add.2).

organisations ; misuse of freedom of speech, the press and religion or wrongful use of the rights of assembly, association and other democratic rights (Article 205a).

This «*catch-all*» concept of national security (cf. Mr Amor's Report) is used to sanction acts of peaceful dissent, and thus impairs and nullifies the freedoms and rights of ethnic minorities. Mr Amor endorsed the recommendation made by Mr Louis Joinet, Chairman of the Working Group on Arbitrary Detention in 1995 after his *in situ* visit to Vietnam, i.e. that Vietnam should amend national security legislation, particularly Article 73 of the Criminal Code, which makes no distinction between acts of violence - such as terrorism - and peaceful acts of expression or association. Mr Joinet stressed the ambiguities of Article 73 and the prejudice they bear on the legitimate exercise of the right to freedom of expression, thought and belief.¹⁶

Another restrictive law is the 1997 Government Decree 31/CP on « administrative detention ». This decree empowers Security police at a local level to arrest and detain all citizens suspected of national security offences (or the intention thereof) for a period of 6 months to two years without a Court order. Mr Amor expressed concern at «*the extraordinary powers conferred on the security services with regards to citizens, who can be deprived of their freedom for offences which give rise to serious reservations as to wording and content*», and added that the Decree «*raise[d] serious problems of compatibility with international law*» .

Alongside national legislation, there are numerous Communist Party regulations, «Decisions», «Directives» and «Plans» issued by the local authorities and Party organs which impose a tight network of control on the activities of the ethnic minorities. Many recent regulations are aimed at stemming the rise of Protestantism in minority areas. Examples : Lao Cai Province Bureau of Minority and Religious Affairs, Secret Document on «*The Problem of the Enemy Exploiting Religion*» (24.12.1998), gives directives to step up efforts to «*oppose the enemy's exploitation of religion*» and «*develop atheism*» in the minority areas ; «Decision 296-QD/TU of 27.7.1999 of the Lao Cai Province Communist Party Executive Committee orders the establishment of a steering committee to monitor and control religious activities in the province ; Lao Cai Communist Party «*Plan for extending the policy of enforcement toward the illegal propagation of Protestant Christianity in Lao Cai Province* » (stamped «Secret», ref. 04 KH/BCD, 15.9.1999) to «*stop all new appearances of religion*» and «*deal strictly with people who promote religion illegally*»; Hau Giang Province Communist Party «*Pamphlet on Propagandising and Mobilising Citizens not to follow religion illegally*» (November 1998); Communist Party Central Committee, Hanoi «*Instructions concerning our activities towards religion in the new situation*» (7.2.1998).

Implementation of the International Convention on the Elimination of Racial Discrimination

Article 2 : Eliminating racial discrimination

1.(a) - States Parties to ICERD undertake to refrain from all acts or practice of racial discrimination, and ensure that local authorities conform with this obligation. However, internal Vietnamese Communist Party (VCP) reports indicate that, both on a national and local

¹⁶ Report to the 51st Session of the UN Commission on Human Rights, (Doc E/CN.4/1955/31/21 Dec. 1994).

level, the VCP implements a policy of force and legal constraints against ethnic minorities, notably against ethnic Christian converts. « *As for our leaders, cadres, Party members, they (...) us[e] methods of «fighting» the contagion of Christianity in the minority areas (such as – using force to make people renounce their religion, fining people, arresting and confining missionaries to prevent their activities)... »*¹⁷.

2.(c) – States parties undertake to review legislation and amend, rescind or nullify laws and regulations which perpetuate racial discrimination. Despite recommendations by the UN Special Rapporteur on Religious Intolerance, the Chairman of the Working Group on Arbitrary Detention, the government of the Socialist Republic of Vietnam has not only made no moves to rescind restrictive legislation, but continues to adopt new legislation and issue directives which are grossly inconsistent with international human rights standards and norms (see above paragraph on the «Legal Framework»).

Article 5 : Protection of the right to equality before the law and enjoyment of human rights:

Subparagraph (a) Equal treatment before the tribunals and other judiciary organs :

The Courts are not independent in the Socialist Republic of Vietnam, and trials are routinely unfair. Under the provisions of the 1992 Constitution, justice is administered through the People's Courts, the People's Office of Supervision and Control, and by Military Tribunals. Their role is to « *safeguard socialist legality, the socialist regime and the people's mastery* » (Article 126). Trials are presided over by Judges and People's assessors. Although nominally independent « *during trials* » (article 129), Judges and assessors at all levels are elected under a system closely supervised by the Vietnamese Communist Party, the National Assembly and the Fatherland Front. Prisoners do not have access to defence counsel of their own choice. Trials are often held *in camera*, without access to the public and press. In several cases, diplomatic observers have asked to attend trials, but have been refused. Ethnic minorities thus do not enjoy equal treatment before the law.

The International Commission of Jurists (Australian Section) reports that hundreds of Montagnards from the Central Highlands were arrested after the demonstrations in February 2001¹⁸. The SRV official weekly «*Phap Luat*» (Law)¹⁹ reported that 41 Montagnards would be tried at the end of June 2001 for participating in the demonstrations, 7 charged with «*threatening national security*», 14 with «*disturbing public order*» and 20 with «*obstructing officials in the course of their duty*». However, no reports of the trial have yet been published in the official press. The Montagnard Alliance has published the names of 6 Montagnards arrested in 1981-1996 who have not been brought to trial²⁰. Since the time limit for pre-trial detention is 4 months (Article 71, Criminal Procedures Code), this suggests that many Montagnards remain in custody in violation of their rights.

¹⁷ (see note 3).

¹⁸ International Commission of Jurists, Australian Section, *Report on the Violations of the Human Rights of the Montagnard Peoples of the Central Highlands of Vietnam*, February 2001.

¹⁹ *Phap Luat*, Law, 16 June 2001.

²⁰ Montagnard Alliance, Australia, *Recent Violations of the Human Rights of the Montagnard Peoples of the Central Highlands of Vietnam*, June 2001.

Subparagraph (b) - the right to security of person :

Ethnic minorities, particularly Montagnards in the Central Highlands, have been beaten, harassed and reportedly tortured by the Police, local authorities and the militia. Montagnards who peacefully resist assimilation policies, practice the Protestant religion or peacefully advocate political and civil rights for their community are routinely subjected to arrest and detention.

The Montagnard Foundation (MFI) cites the following cases of torture and beatings of Montagnards in the Central Highlands in 2000-2001 ²¹ :

- On 12.11.2000 six Montagnards were tortured and arrested by Vietnamese authorities : R'mah Cot, beaten and shocked with electric current ; R'mah Hoc, beaten and shocked by Nguyen Dinh Su, the police chief of Al Ba village ; Siu U, beaten and subjected to electric shocks by Siu Heh, a soldier at Al Ba village ; Siu H'Kep and Siu H'Pep, Montagnard women, beaten and sexually harassed by soldiers at Al Ba village ;
- On 2.12.2000, Vietnamese police in the Central Highlands arrested Siu Seo, Siu Ai and Nay Glel, Montagnard Christians from the village of Plei Joning in Gia Lai province. They were taken to Phu Thien where they were beaten ;
- In November 2000, eleven Montagnards, 1) Rahlan Nglo, 2) Rahlan Dijn, 3) Rahlan Bor, 4) R'com Har, 5) Siu Hueh, 6) Siu Jong, 7) Siu Suenh, 8) Kpa Thi, 9) Kpa Do, 10) Kpa Jung and 11) Kpa Hling were summoned repeatedly to their local police station in Gia Lai province and threatened with torture unless they stop practicing Christianity ;
- On 6 April 2000 a group of five Montagnards named 1) Ra Ong, 2) Yplier, 3) Ykuh, 4) Ynuh and 5) Htuer were arrested, beaten and imprisoned by Vietnamese authorities for allegedly farming on government lands. These victims included a 12-year-old boy and pregnant women. While imprisoned, authorities force fed these victims "soap water", beat them and denied them food. These victims were later released without explanation ;
- On 3.2.2001, at the village of Buon Kdun, the authorities arrested and detained 1) Y-Jan Eban, 2) Y-Tlui Mlo, 3) Y-Dhin Eban, 4) Y-Ruih Eban, 5) H'Nie Enuol (woman) and 6) H'Buan Eban (woman) ;
- Montagnards subjected to beatings by soldiers after the demonstration on February 2, 2001, include : 1) Ksor Bai, village chief at Buon Cuor Knia, province of Daklak and six of his villagers 2) Y-Hiam Buon Krong, 3) Y-Yum Buon Krong, 4) Y-Yue Knul, 5) Y-Suen Eban and 6) Y-Ko Eban ; 7) H'Don (woman) from the village of Buon Ale, province of Daklak, 8) Y-Su Nie, from the village of Buon Mbhao, province of Daklak, 9) Y-Nuen Kbuor, from the village of Buon Sup, province of Daklak.
- **Disappearances :** on 19 October 2000, Y-Hong Nie from Buon Cu Po hamlet in the village of Cu Ewi in Dak Lak province was arrested at his farm after refusing to give over his traditional farmlands to Vietnamese. His family has never seen him since ;

²¹ Montagnard Foundation Report 2001, *Report on the Situation of Human Rights concerning the Montagnards or Degar Peoples of Vietnam's Central Highlands*, USA, 2001.

- **Chemical weapons** : Montagnard exiles in the United States reported the use of poison gas being sprayed on their villages by Vietnamese military helicopters and water sources being poisoned with chemicals by authorities during the 1980's. These atrocities resulted in the deaths and sickness of numerous Montagnards. The Vietnamese government had long been using such chemical weapons in Laos against the hill tribe Hmong people ²². Since February 2001, poisonings have also been reported in schools in Dak Lak province²³.

Since the demonstrations in February, the Government has sent hundreds of soldiers to live with Montagnards as part of a plan of winning the Montagnards over to government policies.²⁴ The Montagnards are reportedly forced to house and feed the Vietnamese soldiers who regularly abuse them, steal their food and prevent them tending their crops. A Montagnard woman in the village of Ban Don, Dak Lak province told foreign journalists during a government-organised tour that, “*We are all very frightened of the security force presence and just want to be left alone*”.²⁵

Subparagraph (d) : Other civil rights

d.i) the right to freedom of movement and residence : The government implements a policy of population transfer specifically targeting the ethnic minorities. Montagnards and hilltribes people have been forced to leave their ancestral lands for New Economic Zones, often in the lowlands, to which they are traditionally unsuited. Population transfer is regulated by the 1995 Labour Code, under which the State management of labour includes «*work[ing] out national programs on development, population migration for the development of new economic zones, dispatch[ing] guest workers to foreign countries and organis[ing] the implementation thereof* » (Article 180/3).

In the past, population displacement to new economic zones (NEZs) has been used as a means of political discrimination or for reasons of national defence. Tens of thousands of Vietnamese were sent to form human buffers in NEZs along the Sino-Vietnamese and Cambodian borders during periods of conflict, and 900,000 indigenous Montagnard tribespeople were deported from strategic military regions in the Central highlands in a move to disband autonomous independence movements such as the FULRO ²⁶ and punish ethnic minorities who opposed the government ²⁷. In the 1980-90s, the government reportedly displaced a total of 6 million people to NEZs ²⁸, and planned to send two million ethnic Vietnamese into NEZs in the Central highlands before 2010 in a plan to marginalise ethnic tribespeople.

Fixed Field – Fixed Residence: Vietnam has enacted the widespread policy of “Fixed Field/ Fixed Residence”, with Five-Year plans resulting in the forced displacement of thousands of Montagnard Peoples of the Central Highlands ²⁹. Under this policy, which is administered by

²² *Forgotten Domino: Yellow Rain in Laos*, 19 June 1990 Wall Street Journal, Claudia Rosette.

²³ BBC World Service, *School poisoning in Vietnam*, 6 April 2001.

²⁴ BBC News Online, *Vietnamese army woos hilltribes*, 29 March 2001.

²⁵ Agence France Presse, *Model village showcases depth of tension in the Vietnam highlands*, 15 March 2001.

²⁶ *Nhan Dan*, The People, Hanoi 6.2.1986 and *Quan Doi Nhan Nhan*, The People's Army, Hanoi, 2.4.1986.

²⁷ Wain, *Vietnam keeps its people on the move*, Asian Wall Street Journal, 20.7.1009.

²⁸ *Dai Doan Ket*, Great Solidarity, No 61, Hanoi 29 July 1996.

²⁹ Lundberg, *Vietnam*, in Stokke, Suhrke, Tostensen, *Human Rights in Developing Countries Yearbook 1997*, Nordic Rights Publications The Hague/London/Boston at 370-371.

the Committee for Mountainous Regions and Ethnic Affairs, montagnards are not allowed to practice their traditional 'swidden' (or slash and burn) farming, and forced to leave their traditional «long houses» to live in the Government-fixed development areas. In 1991 the Deputy Director of the Department for Fixed Cultivations and Settlement of the Ministry of Forestry reported that 70% of the Montagnard population have been resettled under this 'Fixed Field/Fixed Residence' policy³⁰. The UNDP reported in 1997 that 20,000 ethnic minorities had been further relocated under Decree 327, and observed that : the "Fixed Field/Fixed Residence" policy has "*not always been favorable for the ethnic people mainly because of the limits on land allocations and land use but also because the planners have ignored the realities of the ethnic minority household economy and the great variety of its farming systems. The resettlement of ethnic people often disrupted their social organization and their traditional farming systems*"³¹.

More generally, Montagnards are restricted in their movements, particularly in the Central Highlands since the instauration of martial law. Some local authorities in the Central Highlands reportedly "*required members of ethnic minority groups to obtain permission to travel outside certain highland areas*"³².

dii). the right to leave, and return to one's country : Following the violent repression of the February 2001 demonstrations, many Montagnards fled the Central Highlands to seek refuge in Cambodia. At least 38 Montagnards were granted refugee status by the UNHCR, but NGO sources report that Cambodia forcibly returned at least 89 Montagnards to Vietnam³³.

Several NGO sources report that Vietnamese security forces are using threats of torture and punishment in attempts to prevent refugees from fleeing the Central Highlands³⁴, and that they are also operating inside Cambodia offering rewards, i.e. «bounties» to those who capture Montagnard refugees. The BBC World Service reported that the United Nations was forced to move a group of Montagnards from at least 2 Cambodian jungle locations to the provincial capital of Mondulkiri, Xenmonorom, after reports that the SRV Government had offered «bounties» for the return of the Montagnards to Vietnam. Cambodian police were reportedly escorting their Vietnamese counterparts to Mondulkiri to locate the Montagnards³⁵.

The Vietnam Committee is concerned that Montagnards who are forcibly repatriated to Vietnam are subjected to harsh reprisals by the Vietnamese authorities. The Montagnard Foundation (MFI) named 19 Montagnards repatriated to Vietnam on May 17th who are now imprisoned under extremely harsh conditions in Dak Lak province. One of the group has reportedly disappeared, and his family have no news of his current whereabouts. MFI also reports that a woman named H' Boc Eban was tortured with electric cattle prods in June 2001 after being deported by the Cambodian authorities and turned over to Vietnamese security forces. She is reportedly unable to speak as a result of repeated electric shocks³⁶.

³⁰ Salemink, *Research Report: Vietnam's Central Highlands*, March – June 1991, WOTRO Doss. No. W52-456 Cooperation Program VH 26 at 3.

³¹ UNDP, Highland Peoples Program, Management Team-Regional Workshop, "Country Comparisons on Highland Peoples Development Issues – Vietnam," *Inter-Ministerial Committee for Highland Peoples Development in the North East of Cambodia, UNDP 1997 at section Migration, settlement and resettlement*].

³² 1999 Country Reports on Human Rights Practices, Released by the Bureau of Democracy, Human Rights and Labor, U.S. Department of State, 25 February 2000

³³ Human Rights Watch, 20 May 2001, Report 2001 *Cambodia: Deportation of Montagnard Refugees to Vietnam*

³⁴ Amnesty International, 10 May 2001, *Urgent Action : Fear of Forced Repatriation* ; Refugees International, 25.5.2001, *Open Letter to HE Samdech Hun Sen*, Human Rights Watch (see note 32).

³⁵ BBC World Service, "*UN protects Vietnam hill tribe*", 12 May 2001

³⁶ see note 20.

d.v-vi). the right to own property and the right to inherit : The government's policies of forced resettlement, State-appropriation of land, expropriation and population displacement have effectively deprived the ethnic minorities of the right to own and inherit ancestral homelands. This widespread policy, coupled with the spontaneous and State-sponsored migration of ethnic Vietnamese into highland areas, is undermining the traditional culture and social organisation of ethnic tribespeople. The State confiscation of ancestral Montagnard lands to plant cash crops such as coffee is also a discriminative policy, since the profits from these crops enrich ethnic Vietnamese rather than the Montagnards.

d.vii). the right to freedom of thought, conscience and religion : Although Article 70 of the SRV Constitution guarantees freedom of religion, it also states that "*no-one can misuse belief and religion to contravene the law and State policies*". The State officially recognises only six religious organisations, all of which operate under the strict control of the Communist Party and the State. All religious activities by people and organisations not affiliated to these State-sponsored bodies are strictly prohibited.

Whilst the SRV tolerates restricted, State-sponsored religious activities for the ethnic Vietnamese population, however, it imposes prohibitive restrictions on the religious freedom of ethnic minorities, particularly the ethnic Christians, segregating them from officially-recognised Evangelical organisations.

«It is not yet our policy to allow evangelical church organisations in tribal and mountainous areas to be related with evangelical denominations in provinces and cities in the lowland plains areas»³⁷.

Government policy to suppress religious activities in the highlands includes *«using force to make people renounce their religion, fining people, arresting and confining missionaries to prevent their activities »³⁸*. In the Central and Northern Highlands, the Communist Party has established local «Steering Committees for Religion» (regulated at a national level by the VCP Central Committee's «Steering Committee 184») to monitor and control the religious practices of the ethnic minorities and prevent them from converting to Protestantism. In Lao Cai Province, for example, pilot projects have been set up in the districts of Bao Thang, Bao Yen, Bac Ha, Bat Xat and Than Uyen³⁹. Hmong Christians have been harassed, threatened and coerced into signing a «Pledge» promising that *“Every member of my family will not listen to and not believe and follow those elements who propagandise and exploit religious beliefs, and who gather people in meetings which disturb peace and social security”* and pledging to denounce anyone attempting to spread religion⁴⁰. This policy is inconsistent with Article 5 of the ICERD and Article 18 of the ICCPR which guarantees that *“no-one shall be subjected to coercion which would impair his freedom to have a religion or belief of his own choice”*.

On 10 March 2001, Vietnamese police tore down a Protestant church in Plei Lao, a hamlet near Pleiku, Gia Lai province. At least 3 men were arrested for trying to stop police from doing so and members of the Jarai Montagnard tribe were wounded in the clash⁴¹. Also, a commune chief told foreign journalists on a government-organised visit to a Montagnard village in Gia

³⁷ see note 14.

³⁸ see note 3.

³⁹ Lao Cai Communist Part, Steering Committee for Religion, «Plan for extending the policy of enforcement toward the illegal propagation of Protestant Christianity in Lao Cai Province » («Secret», ref. 04 KH/BCD, 15.9.1999)

⁴⁰ «Pledge not to listen, not to believe anything of the ideas of the bad elements who incite people to assemble to disturb stability, peace, the political situation and social order in local areas», Nong Luong Commune Local authorities, Dien Bien District, 6 June 2000).

⁴¹ BBC News Online, «Fury at Vietnam church destruction», 28 March 2001

Lai province that local Vietnamese authorities opposed the conversion of Montagnards to Protestantism because the villagers then “*have to abandon all their cultural values*”. He said that all Montagnard Protestants belong to illegal underground house churches because the Vietnamese Government has not given approval to build these churches⁴².

Government regulations on religion also impose restrictions on freedom of opinion, expression, assembly and movement which are grossly inconsistent with the provisions of the International Covenant on Civil and Political Rights (ICCPR), to which Vietnam acceded in 1982. Example : the following Directions issued by the Lao Cai Provincial Committee for Minorities and Religion :

- *It is forbidden to listen to the radio station of the enemy and to bad individuals who preach religion illegally ;*
- *Forbidden to use illegally smuggled religious material ;*
- *Forbidden to gather many (multi-family) people to study religion ;*
- *Forbidden to collect money or rice to establish an illegal fund ;*
- *People must immediately inform government officials if a stranger arrives to preach religion, or if someone in your hamlet goes off somewhere else (our emphasis);*
- *Be vigilant for those who would exploit religion and exploit their relatives by engaging in illegal activities ;*
- *Keep careful track of foreigners who use guerilla tactics to promote religion*⁴³.

d.viii) the right to freedom of opinion and expression : The guarantees of freedom of opinion and expression enshrined in the SRV Constitution are severely restricted by provisions in the Criminal Code relative to «*national security*» (see above section on the Legal Framework). These restrictions are imposed on the ethnic communities in order to stifle the peaceful expression of grievances and criticisms of State discrimination policies. In many cases, Montagnards and other minorities are sanctioned for allegedly «*threatening national security*» simply for the possession of legitimate State documents :

*«Recently we have in several places confiscated materials which have been distributed by the Head Office of the Evangelicals at 2 Ngo Tram Street and the church at 4 Tong Duy Tan in Hanoi. It is noteworthy that these materials include Government documents, including our Constitution, the criminal code, and regulation 137 along with sample forms. All these prove that religion is shifting its strategy to fight strongly all levels of our government and officials. (...) They write petitions to all levels of the government, demanding freedom of religion, and trying to stop us to stop outlawing religion (...)»*⁴⁴.

The government prohibition on listening to «*the radio station of the enemy*» (see above) is aimed in particular at the Philippine-based Vatican radio station «*Veritas*» which broadcasts to Vietnam in several minority languages. It is also an allusion to the various overseas Vietnamese-language broadcasting stations such as Radio Free Asia, which is routinely jammed by the Vietnamese authorities, VOA etc... Prohibiting the right to listen to foreign radio stations and read «*smuggled religious materials*» is inconsistent with Article 5 of the ICERD and Article 19 of the ICCPR which guarantees the right to «*seek, receive and impart*

⁴² BBC News Online, “*Religion blamed for Vietnam Unrest*”, 17 March 2001

⁴³ Lao Cai Province, Committee for Minorities and Religion, No. HD.DTTG, «*Confidential-Secret* », *Directions* : «*Some specific recommendations for the work of stopping the illegal propagation of religion and for propagandising the people who have been influenced by religion*», 30.1.1999.

⁴⁴ Idem..

information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print.. ».

Moreover, human rights information and literature is not available to the general public in Vietnam, and citizens found in possession of Vietnamese translations of UN instruments have been accused of « *possessing anti-socialist documents* »⁴⁵. In its Report to the CERD, Vietnam asserts that key UN human rights instruments have been translated into Vietnamese and even into minority languages « *for distribution* » (Page 6, Paragraph 18, SRV Report to the CERD). However, the Vietnam Committee can find no evidence that such documents are available to ordinary citizens in the large cities, not to mention in the remote rural and mountainous areas of Vietnam. In 1998, on the 50th Anniversary of the UN Universal Declaration of Human Rights, a bilingual Vietnamese/English compilation of « *Fundamental Human Rights Documents* » was published by the Hanoi Institute of Social Science Information with a print-run of only 700 copies for a population of 77 million people. This book was available in overseas libraries and book-shops, but no copies could be found in book shops in Hanoi, Ho Chi Minh City or other major towns.

Freedom of opinion and expression is further inhibited by the lack of press freedom in Vietnam. All of the 500 and more newspapers and periodicals published in Vietnam are under the tight control of the VCP, and no privately-owned publications are authorised. Under Vietnam's 1990 Press law, the press « *constitutes the voice of the Party, of State and social organisations* ». The 1993 Law on Publications stresses that publication aims to « *oppose all schemes and acts harmful to the national interests, destroying human dignity, morality and fair mode of life of the Vietnamese people* »... « *The State integrates the management of publication for the entire country* ». The ethnic minorities have no independent press organ through which they can express their opinions, grievances and concerns.

d.ix) the right to peaceful assembly: As with other civil rights, guarantees of the right to « *assemble, form associations and hold demonstrations* » enshrined in Article 69 of the SRV Constitution is restricted by the Catch-22 provision – « *in accordance with the provisions of the law* ». Under Vietnam's vaguely worded and broadly interpreted « *national security* » laws, peaceful assembly and association may be perceived as a breach of national security, punishable by administrative detention without trial (Decree 31/CP), or by imprisonment (Chapter 1 of the SRV Criminal Code). As observed above, the local Communist Party in Lao Cai Province prohibits ethnic Christians from « *gather[ing] many (multi-family) people to study religion* ». This is a violation of the right to peaceful assembly. In February 2001, Police and armed forces suppressed the peaceful demonstrations of ethnic Christians in the Central Highlands who gathered in front of the Gia Lai Communist Party's headquarters to demand the release of two Montagnards arbitrarily detained for « *illegally practicing religion* ».

e) Economic, social and cultural rights :

(e.i) - the right to work, free choice of employment, equal pay : the enforcement of ill-suited Government development policies in the Central Highlands and mountainous regions has plunged the ethnic communities into increasing poverty. Government development policies have focused almost exclusively on large-scale clearance of forests to grow plantation crops,

⁴⁵ FIDH and Vietnam Committee on Human Rights, *Violations of the Right to Freedom of Conscience in the Socialist Republic of Vietnam*, Paris, 1993 - the case of Buddhist monk Thich Hai Tang.

particularly coffee, rubber and pepper. The world-wide slump in commodity prices has forced many farmers to sell their crops at a loss, and provincial authorities in these regions are now resigned to ripping down many of the plantations painstakingly opened up over the past decade. As observed above, the policy of developing the highlands for cash crop agriculture has also accelerated the influx of ethnic Vietnamese settlers⁴⁶. As a result, the indigenous minorities are socially, economically, culturally and politically marginalised, and they are deprived of their right to just and favourable conditions of work and favourable remuneration. Moreover, they do not have free choice of employment, being forced to work wherever the State requires, either in NEZs or in Fixed Field-Fixed Residence programmes.

In a gesture to solve ethnic protests and unrest, SRV Prime Minister Phan Van Khai recently instructed local authorities to distribute lands to poor ethnic families. However, he stated that the Government would not change its policies to develop the highlands for cash-crops, in spite of the disastrous effects of this policy on the ethnic communities.⁴⁷

(e.ii) - the right to form and join trade unions : There are no independent trade unions in Vietnam. All unions must come under the umbrella of the "Vietnam General Confederation of Labour" (VGCL) which functions under the control of the Communist Party. Free trade unions outside VGCL structures are prohibited. The 1995 Labour Code gives workers a restricted right to strike, principally in foreign-owned factories. But strikes are prohibited in sectors considered by the Government to be of "public service" or important to the national economy or defence, and the Prime Minister can "terminate" any strike perceived as *"detrimental to the national economy or public safety"*. The Labour Code fixes minimum wages, although in practice its decision is influenced by pressure from foreign investors. In 1995, for example, the minimum wage for workers in foreign-invested joint ventures was US \$35 per month in Ho Chi Minh City and \$30 per month elsewhere, lower than the level advocated by the VGCL⁴⁸.

Members of ethnic communities living in the Central and Northern Highlands are mostly farmers and peasants working under State-sponsored development plans. Since they have no form of independent representation, they have no mechanisms to protect them against exploitation or mismanagement by the State.

(e.iii) - the right to housing : Montagnards traditionally live in «Long houses», with extended families living under one roof. In recent years, the authorities have officially discouraged these houses and rebuilt villages with single family/Vietnamese style dwellings. Villages which have not been relocated have also been subject to having long houses destroyed or forcibly rebuilt into single family houses.⁴⁹

(e.iv, v) the right to public health, medical care, social services and education : The policy of renovation (doi moi) – i.e. economic liberalisation under a *«market-based but socialist-driven economy»* – has seriously restricted the access of poor people – especially the ethnic minorities - to basic social services such as health and education in Vietnam. According to the World Bank's 1997 Report on "Poverty, Social Services and Safety Networks in Vietnam" : "A

⁴⁶ Agence France Press, *Vietnam reviews development policies for restive highlands*, July 14 2001.

⁴⁷ Agence France Presse, *Vietnam PM orders land distribution to restive highlands*, July 15 2001.

⁴⁸ "Foreign Investors must pay minimum wage", Reuters World Service, 18 January 1995.

⁴⁹ Evans "Central Highlanders of Vietnam", in Barnes, Gray and Kingsbury, *Indigenous Peoples of Asia* (1995) Association of Asian Studies.

nation-wide system of official tuition fees for public schools was introduced in September 1989. Parents are also expected to pay contributions to parent teacher associations and to bear the cost of textbooks, clothing and food". As a result, "only 19% of the poorest children are enrolled in lower secondary schools" and "no youths aged 18-24 in the poorest quintile are enrolled in any kind of post secondary education". As for health, the introduction of "user fees" in 1989 has had "a far-reaching effect, transforming the provision of health care into a largely private market. (...) This means that the poor face lower quality and higher prices for basic health care". Since the Central and Northern Highlands are amongst the poorest areas in Vietnam, ethnic minorities are especially penalised.

In its Report to the CERD (Paragraph 32, Page 10), Vietnam acknowledges the high poverty rate of the ethnic minorities and their difficulties in accessing medical care. As a solution, the Government is *«providing the inhabitants in highland communes with a health insurance card entitling them to a 20% discount rate on medical fees in any local health centres»*. For most poor Montagnards, the remaining 80% fee is far more than they can possibly afford. A similar situation exists in regards to education, where the Government *«allows a reduction in tuition fees»*. Even primary education must be paid for in Vietnam, which is inconsistent with Article 13.1a of the International Covenant on Economic, Social and Cultural Rights.

Forced Sterilization of Montagnard Women

The Vietnam Committee is deeply disturbed by recent reports that sterilization policies are being enacted against Montagnard women in the Central Highlands. The Montagnard Foundation (MFI) has compiled a list of 1,000 Montagnard women who have been surgically sterilized, many of them without consent, and quotes reports by Montagnard men and women on the use of coercion and bribery by the local authorities to force women to be surgically sterilized. Women who refuse sterilization have allegedly been fined, and a number are said to have died after surgery as a result of poor medical care.

Vietnam's draconian family planning programme, which dictates mandatory contraception and prescribes *«punitive measures for compliance failures»* is applied indiscriminately to all women in Vietnam. It has succeeded in reducing the birth rate, but has also given Vietnam the sad record of the world's highest abortion rate, with half of all pregnancies ending in abortion⁵⁰. But whereas abortions seem most widespread amongst ethnic Vietnamese, the policy of forced sterilizations appears to be particularly directed against indigenous women, especially the Montagnards. This suggests that Vietnam may be using forced sterilization as a means of racial discrimination, in the aim of reducing the population of the Montagnards.

Human Rights Monitoring

The Vietnam Committee on Human Rights regrets that the preparation of this report was significantly hampered by the lack of direct access to information. The SRV Government does not allow NGOs to monitor the situation in the Central Highlands, and the UN Special Rapporteur, Mr Abdelfattah Amor was not able to visit this region during his visit to Vietnam in 1998. Moreover, foreign diplomats, visitors and the media have been granted extremely limited access to the Central Highlands since the demonstrations in February 2001. This lack of

⁵⁰ Allan Guttmacher Institute, New York, 2000.

transparency is inconsistent with Vietnam's pledge to respect Article 7 of the ICERD to adopt effective measures in the field of information to combat prejudices and promote understanding and tolerance among nations and ethnic groups. The Vietnam Committee urges the Government of the Socialist Republic of Vietnam to lift the «off-limits» order on the Central Highlands and grant access to United Nations observers, international NGOs and the media to monitor the situation of indigenous peoples in these areas.

Conclusion

The Vietnam Committee on Human Rights is deeply concerned by the serious and widespread violations of the rights of ethnic minorities in the Socialist Republic of Vietnam. The organisation urges the SRV Government to make real efforts to improve this situation by eliminating all forms of racial discrimination, and calls on the United Nations to examine the conditions of ethnic communities in Vietnam as a matter of high priority.



EUROPA-PARLAMENTET
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EUROPEAN PARLIAMENT RESOLUTION ON RELIGIOUS FREEDOM IN VIETNAM

(Ref. RC/444952, 4.7.2001)

The European Parliament,

- A. having regard to its previous resolutions on the situation in Vietnam of 19 January 1995, 15 May 1997, 16 March 1998 and 16 November 2000,
- B. whereas Vietnam as a state party to the International Covenant on Civil and Political Rights (ICCPR) has to uphold freedom of religious belief and worship as enshrined in its Article 18,
- C. whereas Article 70 of Vietnam's constitution guarantees freedom of faith and religion,
- D. concerned at the further increase in tension between the government and the religious communities in Vietnam as well as the many instances of persecution of religious leaders, following the ninth Congress of the Vietnamese Communist Party from 19 to 22 April 2001,
- E. concerned at the criticism expressed in March 1999 on religious persecution in Vietnam by the United Nations Special Rapporteur on Religious Intolerance, Mr Abdelfattah Amor,
- F. having regard to the persecution of leaders of the Unified Buddhist Church of Vietnam, including its Patriarch, the Very Venerable Thich Huyen Quang, detained without charge or trial for 20 years, set free in 1997, but still not allowed to leave his place of detention, and the Venerable Thich Quang Do, amnestied in 1998 after 20 years of detention, but again put under a two-year sentence of administrative detention after he tried to arrange for medical attention for the ailing Patriarch,
- G. having regard to the persecution suffered by Catholics, in particular the imprisonment of Father Nguyen Van Ly on 17 May for having practised his religion following a ban issued by the Vietnamese authorities,
- H. having regard to the persecution of all followers of so-called non-recognised churches, notably the Cao Dai Church, the Hoa Hao Church and Protestant Churches,
- I. having regard to the violent State repression in February 2001 of a massive protest by ethnic minorities of the high plains of central Vietnam, who were protesting against the confiscation of their ancestral lands, religious persecution and the ban on their conversion to Protestantism,
- J. whereas respect for human rights and democratic principles is an essential element in the 1995 cooperation agreement between the European Union and Vietnam,
- 1. Calls on the Government of Vietnam to implement the recommendations of the UN Special Rapporteur on Religious Intolerance, Abdelfattah Amor, and in particular to guarantee the right of

all people in Vietnam to practise the religion of their choice, including the right to freedom of worship and the right of assembly;

2. Calls for the release of all prisoners of conscience, especially the Very Venerable Thich Huyen Quang, the Venerable Thich Quang Do and Father Nguyen Van Ly, and for them to be granted freedom of movement;
3. Calls on the Vietnamese authorities to respect the religious freedoms of Buddhists, Catholics, Protestants as well as all other so-called non-recognised churches and to stop all anti-religious campaigns throughout the country;
4. Calls on the Vietnamese Government to ensure the "safe, dignified and voluntary" return of those who fled from the high plains of central Vietnam to Cambodia, as agreed with the UNHCR, while guaranteeing freedom of faith and worship;
5. Calls on the ambassadors to Vietnam of the Member States and the European Union to follow developments in this connection with the closest attention and to report to it in the framework of relations between the Council, Commission and Parliament;
6. Asks its Delegation for relations with the Member States of Asean, South-East Asia and the Republic of Korea to plan a visit to Vietnam to meet religious leaders of all confessions, especially those who have been imprisoned;
7. Instructs its President to forward this resolution to the Council, the Commission, the Government of the Socialist Republic of Vietnam and the representatives of the Vietnamese Unified Buddhist Church, the Cao Dai Church, the Hoa Hao Church, the Catholic Church and the Protestant Churches.

Annexe 2

107th CONGRESS
1st Session



H. CON. RES. 178

Concerning persecution of Montagnard peoples in Vietnam.

IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2001

Mr. BALLENGER (for himself and Mr. BURR of North Carolina) submitted the following concurrent resolution; which was referred to the Committee on International Relations

CONCURRENT RESOLUTION

Concerning persecution of Montagnard peoples in Vietnam.

Whereas the Montagnards are indigenous peoples of the Central Highlands of Vietnam who have long suffered discrimination and mistreatment at the hands of successive Vietnamese governments;

Whereas during the 1960's and 1970's Montagnard freedom fighters were the first line in the defense of South Vietnam against invasion from the North, fighting courageously beside members of the Special Forces of the United States Army, suffering disproportionately heavy casualties, and saving the lives of many of their American and Vietnamese comrades in arms;

Whereas since 1975 the Montagnard peoples have been singled out for particularly harsh treatment by the communist government of the Socialist Republic of Vietnam, in part because of their past association with the United States and in part because their strong commitment to their traditional way of life and to their Christian religion is regarded as inconsistent with the absolute loyalty and control demanded by the communist system;

Whereas many Montagnards belong to independent evangelical Protestant churches which the Vietnamese Government regards as illegal and which the Government has persecuted by measures including closing and destruction of church buildings, harassment and discrimination against believers, and in some cases imprisonment and physical abuse;

Whereas the Vietnamese Government has long pursued a systematic policy of encouraging migration by ethnic Vietnamese to the Central Highlands, resulting in encroachments on and confiscation of Montagnard communal lands;

Whereas in recent years more and more Montagnard lands have been confiscated as a result of Government programs aimed at the cultivation of coffee and other products for export;

Whereas the Montagnards have far higher rates of poverty and disease than other residents of Vietnam, including one of the highest rates of Hansen's disease (leprosy) in the world, in part due to

Government policies and practices that prevent nongovernmental organizations from working directly with Montagnards and divert in-kind humanitarian assistance provided by international and nongovernmental organizations;

Whereas many thousands of Montagnards were eligible for the Orderly Departure Program and other United States in-country refugee programs on account of their wartime associations with the United States, postwar persecution on account of these associations, and other persecution on account of race, religion, and political opinion;

Whereas only a handful of eligible Montagnards have ever been able to gain access to these United States refugee programs, in part because few Montagnards could afford to pay bribes demanded by communist officials in exchange for permitting such access, and in part because of unreasonably restrictive policies imposed at times by United States officials charged with administering these refugee programs;

Whereas in February 2001 several thousand Montagnards participated in a series of peaceful demonstrations throughout the Central Highlands, demanding religious freedom and restoration of their confiscated lands;

Whereas the Government responded to these peaceful demonstrations by closing off the Central Highlands and sending in military forces, tanks, and helicopter gunships;

Whereas for the last 4 months the Government has refused to allow any meaningful access to the Central Highlands by diplomats, journalists, or other observers, so that it is impossible to be certain of the extent of the current repression;

Whereas credible reports by refugees who have escaped from the Central Highlands indicate that the Government has executed some participants in the demonstrations and has subjected others to imprisonment, torture, and other forms of physical abuse;

Whereas since February several hundred Montagnard refugees, and perhaps more, have succeeded in escaping from Vietnam into Cambodia;

Whereas approximately 250 of these refugees are under the care and protection of the United Nations High Commissioner for Refugees (UNHCR) at sites in the northeastern Cambodian provinces of Monduliri and Ratanakiri, and another 38 have been resettled in the United States;

Whereas the Royal Government of Cambodia has announced that Montagnards found in Cambodia who express a fear of return to Vietnam will be placed under the protection of UNHCR rather than forcibly repatriated to Vietnam;

Whereas despite this announcement by the central government, local and provincial police and military officials in Monduliri province, and perhaps some officials of the central government, appear to be pursuing a policy of systematic forcible repatriation of Montagnard asylum seekers to Vietnam;

Whereas, according to international observers Cambodian military and police officials have yet to deliver a single Montagnard into the care of UNHCR and have forcibly repatriated at least 100 to 200 Montagnards to Vietnam;

Whereas there are credible reports that Vietnamese security forces are operating openly in Monduliri and Ratanakiri provinces, harassing and intimidating local residents who have been helpful to Montagnard asylum seekers and offering bounties for the surrender of asylum seekers, including one instance in which Vietnamese security forces paid \$3,200 in gold to local Cambodian officials in exchange for 33 asylum seekers who were then repatriated to Vietnam;

Whereas there are credible reports that the Governments of Cambodia and Vietnam have taken extraordinary measures to secure the border against further escapes into Cambodia by Montagnard asylum seekers; and

Whereas although the information blackout imposed by the Vietnamese Government makes it impossible to predict with certainty the fate of Montagnards who are refused entry into Cambodia or forcibly repatriated to Vietnam, there is reason to believe that those who participated in the February demonstrations or who actively profess Christianity may be subjected to severe persecution: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) urges the Government of Vietnam to allow freedom of religious belief and practice to all Montagnards including those who are evangelical Christians belonging to denominations not recognized by the Government; to return all traditional Montagnard lands that have been confiscated or encroached upon; to allow nongovernmental and international humanitarian organizations to deliver humanitarian assistance directly to Montagnards in their villages, without interference or involvement by Government officials; to open up all parts of the Central Highlands to foreign and domestic journalists, human rights organizations, diplomats, and other observers; and to withdraw its security forces from Cambodia and stop hunting down refugees;

(2) commends the Royal Cambodian Government for its official policy of guaranteeing temporary asylum for Montagnards fleeing Vietnam;

(3) urges the Royal Cambodian Government to take all necessary measures to ensure that all officials and employees of the local, provincial, and central governments fully obey the policy of providing temporary asylum; to make clear that such protection will be extended not only to Montagnards found within Cambodia but also to those apprehended at the border; to insist that the Government of Vietnam withdraw its officials and employees from Cambodian territory and discontinue its efforts to secure forcible repatriation of Montagnards; and to provide security at sites where refugees are sheltered;

(4) commends the officials and employees in Cambodia of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Human Rights Center for their assistance to and advocacy on behalf of Montagnard asylum seekers and refugees, and urges them to continue and intensify these efforts;

(5) commends the Department of State for the assistance to and advocacy of Montagnard asylum seekers that have been provided by officials and employees of the United States Embassy in Phnom Penh and urges that such efforts be continued and intensified; and

(6) urges the Department of State to make clear to the Government of Vietnam that continued mistreatment of Montagnards and efforts to seek forcible repatriation of refugees and asylum seekers from Cambodia represent a grave threat to the process of normalization of relations between the Governments of the United States and Vietnam and, in particular, a serious obstacle to any prospects for the future provision of United States assistance to the Government of Vietnam and to United States support of such assistance by international financial institutions.

We need your support !
Financial contributions will be gratefully received.
Please make checks out to :
Vietnam Committee on Human Rights
48 rue Parmentier, 94450 Limeil Brévannes (France)
☎ (33 1) 45 98 30 85 - Fax : (33 1) 45 98 32 61
E-mail : queme@compuserve.com