

**Alternative Report on Vietnam's Implementation of the
United Nations Convention on the Rights of the Child**

**Prepared by the Degar-Montagnard Youth Group (DMYG) in
affiliation with the Montagnard Foundation (MFI) and the
Unrepresented Nations and Peoples Organization (UNPO)**

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Introduction to the Report and Mechanisms of report

Vietnam's ratification to the Convention on the Rights of the Child (CRC) in February 1990 marked a promising move for the country in its sponsorship for children's rights and protection. However, Vietnam's commitments to safeguard such rights through new and reformed legislation, strategies, policies, programs and services are questionable and the evidence indicates much more work needs to be done. Upon entering its third decade in 2010 as a state member to the CRC treaty, Vietnam's reported implementations with the last CRC committee recommendations are not compatible with recent findings. Ethnic communities such as the Montagnards do not share in the same pool of rights and opportunities as claimed in the state report for the 2002-2007 period and there appears to be pattern of resistance by Vietnam to fully comply with several of the CRC committee's recommendations. The evidence indicates that there continue to be widespread disparities between the accessibility and gains for children's rights claimed by Vietnam in its state report and the reality experienced by ethnic minority children in Vietnam.

Montagnard children of Vietnam's Central Highlands continue to face discrimination and marginalization in the education and healthcare sectors. They also endure restrictions in religious practices and opportunities for preservation and advancement of their own ethnicity and cultural development. Over the last decade implications of human rights violations and oppressive acts against the Montagnards have been widely reported by numerous government and non-governmental organizations; these violations have negatively impacted upon ethnic indigenous Montagnard children.

This is a shadow report, compiled by the Degar-Montagnard youth Group in conjunction with the Unrepresented Nations and Peoples Organization (UNPO) and the Montagnard Foundation, Inc (MFI). It is a response to the third and fourth Country Report on Vietnam's Implementation of the UN Convention on the Rights of the Children in the 2002-2007 Period, which Vietnam submitted in 2010. This document provides supplementary information about the conditions faced by the Montagnard children in relation to education, healthcare services and the right to practice religion and culture. The report includes personal stories as given by the Montagnard children residing in the Central Highlands in addition to supporting evidence from Montagnard émigré communities. The names of the interviewees are not reported in this document for purposes of safety for the families and relatives living in Central Highlands, Vietnam. All transcripts of the interviewing pieces are at MFI. The report focuses on Vietnam's compliance with and implementation of the provisions contained in the CRC, followed by questions and recommendations to be addressed with Vietnam at its next country review.

Part 1 (b) Introduction to MFI and UNPO

The Montagnard Foundation, Inc (MFI) is a nonprofit human rights organization based in the United States whose members are comprised from the various Degar Montagnard ethnic groups (Jarai, Ede, Bahnar, Mnong, etc) living as exiles in the United States, Canada, and those groups living throughout the Central Highlands of Vietnam. MFI aims to preserve the lives and the culture of the Montagnard people worldwide and has extensive contact with the population

inside Vietnam. The main objective of MFI is to preserve the human rights of the Degar Montagnard people guaranteed by internationally accepted instruments of human rights law, including UN treaties such as the Convention on the Rights of the Child.

Since 2003, MFI has held membership with the Unrepresented Nations and Peoples Organization (UNPO), based in The Hague, the Netherlands. UNPO members include over sixty organizations of indigenous people, minorities, and unrecognized or occupied territories. UNPO Members hold a range of aspirations, but all seek to conserve and protect their backgrounds and secure their human and cultural rights. UNPO works alongside each member to promote awareness about issues and conflicts that affect and threaten members' human rights and preservation of their ethnic or indigenous existence. UNPO members share a common characteristic in that their ability to engage in advocacy work through international channels is limited. As a result, UNPO helps bridge the disparity and support each member as they navigate the international system and mechanisms, thus, enhancing their opportunity to work towards their individual causes and goals.

Introduction to Degar-Montagnards

The Montagnards are indigenous inhabitants of the Central Highlands in Vietnam¹. Over the preceding decades, Montagnards have faced policies of religious persecution and repression concerning issues involving ancestral land rights, cultural, language, and freedom of religion. The U.S Commission for International Religious Freedom (USCIRF) noted in its annual 2009 report that “Vietnam’s overall human rights record remains poor” and “the government has moved decisively to repress any perceived challenges to its authority, tightening controls on the freedom of expression, association, and assembly².”

Similarly, Human Rights Watch reported in March 2011 numerous cases of human rights violations stating that, “during the last decade, the Vietnamese government has launched a series of crackdowns on Montagnards in the Central Highlands, often in response to mass public protests calling for the return of confiscated land and greater religious freedom”³.

Montagnard children are directly and indirectly affected by the Vietnamese government’s policies. For many minority children, merely being affiliated with an independent church organization or having relations with those associated with peaceful protests is enough to be met with troubling retaliation by the government authorities. Public demonstrations in 2001 and 2004 resulted in the imprisonment of over 350 Montagnard individuals for taking part in calls for human rights and land rights, in turn often leaving family members and vulnerable children behind. Montagnard children already endure a socio-economic disadvantage compared with the majority of the population, and this disadvantage is amplified when children are raised in a

¹ Montagnards (“Ana Cu”) from French designation “mountaineers” remains a widely used term and will be used throughout this report

² USCIRF 2009 Annual Report <last accessed 3/12/11

<http://www.uscifr.gov/images/AR2009/final%20ar2009%20with%20cover.pdf>

³ Human Rights Watch, Montagnard Christians in Vietnam: A Case Study in Religious Repression, March 30, 2011 <<http://www.hrw.org/en/reports/2011/03/30/montagnard-christians-vietnam-0>> (accessed last May 9,2011)

single-parent environment. Many children are left to fend for themselves, without access to basic necessities of life. These children have limited choices but to revert fully to menial labor or agriculture duties that limit their ability to fully enjoy in the provisions of Vietnam's own legislation and rights enshrined in the CRC.

Article 2: No Discrimination

A main principle of the CRC is that of non discrimination against children on the basis of race, biographic up-bringing, cultural practices, preferences of religion, gender, etc. Vietnam domestic laws contain stipulations to ensure equality for children. The Vietnamese Constitution (1992) prohibits discriminatory acts against children⁴as does the Law on Child Protection, Care, and Education (2004)⁵. Although, such provisions exist, in reality implementation and subsequent monitoring of these laws have been inadequate. Not only there exist disparities in the formal education, but Montagnards students are openly mistreated and even endure violence in schools.

The US State Department has reported in the past of societal and official discrimination being directed against the Montagnard population⁶. Such practices continue in many regions of Central Highlands as reported by Montagnard children and adults interviewed. Many children report being asked by teachers and local authorities to publicly report what religion they or their parents belong to. Montagnard students who report that they belong to house churches or whose parents have been suspected to be affiliated with political causes or in connection with the demonstrations of 2001 and 2004 are deliberately dropped from school or forced to repeat a grade without academic causes. Interviews with Montagnard families from multiple villages revealed that many Montagnard students expelled from schools are given vague and unwarranted explanations⁷. An example includes that of a 16 year Montagnard boy in the 9th grade being told to change his identity completely with a new birth registration or otherwise he cannot advance to the next level. In another case, a Montagnard graduate was barred from boarding school because her family refused to sign a document renouncing their affiliation with an unregistered house-church and to then join a state sanctioned church organization. When such incidences relating to this practice, including violence or discrimination are reported to the Vietnamese authorities, the

⁴ Vietnam Constitution (1992) article 5 states "The State carries out a policy of equality, solidarity and mutual assistance among all nationalities, and forbids all acts of national discrimination and division". <

http://coombs.anu.edu.au/~vern/van_kien/constit.html, last accessed May 2011>

⁵ Law on Child Protection, Care, and Education (2004): **Article 4.** - Non-discrimination against children. According to the 2002-2007 State Report "Despite his or her ethnic, religious or social background or position, their parent's or care givers' political opinion, are all protected, cared for and educated, and are entitled to rights according to the legislation" (pg 37, paragraph 82)

⁶ US State Department, *Vietnam: Country Report on Human Rights Practices* – 2001 Release by Bureau of Democracy, Human Rights and Labor, March 4, 2002 at Section 5

⁷ Interviewing with families who have children as current and/or former students from primary and secondary education, from February 28, 2011 to May 9, 2011, as well as current and former students. Additionally, conducted face to face interviews across North Carolina of households with children who were former or are current students in Vietnam. Former students were interviewed in North Carolina and also have provided their own written testimonies. All transcripts retain at MFI.

claims are dismissed or not followed up appropriately⁸. The following statements below are written by former Montagnard students.

When I was in Vietnam I had friend her name is Thoa. We used to play together, went someplace together, even go to school. We were at the same grade. I used to help her out very time she needed, I even practiced her with her writing or reading because school was a challenger to her. Somehow we couldn't make it together to the next level. I was in third grade, from there on we were rarely meet each other. In 2003 I was in forth grade and she was in third grade. Teachers were violent to student at that time. They whip us when they lose their temper or we didn't do our homework. Also, they would call you stupid or dumb as a cow, or cow's brain if we don't get it. Once, Thoa was hit by her teacher in the head which made her head swollen for several days. And of course she couldn't come to school for the next day⁹.

Another former Montagnard student recalls:

In 2003, I was in 3rd grades. And my teacher telling us to go out because we practiced religion as Christian. She said, everyone of us have to go out and take off our cloth. She also ask why are we wearing Kinh clothes instead wearing our own tradition cloth? However, we do not listen to her, because we have the right to wear whatever we want and the right to practice what we beliefs. Many of us cries because of her threatening. She force us to stay outside of school for 1 hour. Then after 1hour she let us in¹⁰.

A more recent case, a Montagnard student, born November 11, 1998, was in the fifth grade, forcibly expelled from school on April 2011 because of her father's membership with an unrecognized religious group and having traveled to Saigon¹¹.

Strict monitoring of religious and cultural activities, another form of discrimination on basis of belief and religion

Beyond the school environment, Montagnard children are limited in the rights to practice their faith according to their culture and religious aspiration. Montagnard children belonging to unrecognized churches or having parents that belong to such churches have been told, even forced to sign pledges renouncing their membership with independent house churches. Often, children are physically assaulted for their practices. There have been documented cases of security forces repressing public worship and practices with an unregistered church. A recent occurrence took place on March 28, 2011 where security forces held a public meeting with

⁸ Interviews with Montagnard households in Central Highlands, in addition to households across North Carolina who were immigrated since 2003

⁹ Ethnic Jrai, former student, age 17 now, written on February 28, 2011, Greensboro, NC resident,

¹⁰ Former student, age 15 now, written on March 12 2011,, Charlotte, NC resident

¹¹ Interview with family via telephone on April 2011; also interview with relatives of the student and neighboring villagers.

Montagnard children, ages 12 to 16 at the village of Buon Kuk Dak, commune of An-Thanh, district of Dak Bo in Plei Ku city at Gia Lai province. Security forces publicly announced that the children renounce participation with an unregistered house-church and then presented with papers for them to sign. When the children did not comply, security forces beat each child¹².

The year 2010 saw heightened repression in religious practices in public settings. Security forces monitored villages during the holiday celebrations and imposed many limitations upon freedom of movement. Christmas decorations were destroyed and security forces guarded many villages. Adults and children were told to remain in their homes for the two day December Christmas celebrations. In several villages, security forces monitored sermons. Public congregations were dispersed, often violently as in the case of November 11, 2010 at the village of Ploi Kret Krot village, Hra commune, Mang Yang district, at PleiKu city of Gia Lai province. Here over 100 Montagnards (many with children under the age of 18) were at a prayer vigil when security forces attacked them with batons and electric prods. Two minors, A Wung (age 17) and A Yim (age 16) were beaten with batons. Both suffered direct blows as they attempted to flee attacking security forces¹³.

Marginalized and discriminated in Education and Healthcare Services

“Moreover, not all of Viet Nam’s nearly 30 million children – more than 30 per cent of the population – are benefiting equally from the country’s new prosperity. The gap between the rich and the poor and between ethnic Kinh Vietnamese and the country’s many minority populations (some 13 per cent of the population) is increasing”¹⁴

The extract above claims that despite Vietnam’s policies the disparity in education, healthcare, and expansion of social services to ethnic minorities of remote regions is increasing. Similarly, Vietnam’s state report claims that it provides and promotes equal opportunities for children of Vietnam and is working to reduce disparities in education and health-care for ethnic children in remote areas and revising its national laws as amendable with Article 2 of the CRC.

The Vietnam state report indicates that the aforementioned children’s rights are fully extended to minorities and ethnic children. However, the continuing reports from Montagnard people contradict this claim. Montagnards’ experiences attempting to access services of education, healthcare and their reports of continued human rights violations indicate that discrimination exists and that Vietnam is in direct non-compliance with the CRC.

¹² Reported by villagers on May 2011 via telephone to MFI, also Interview with households and individuals residing in the village from April 16-25 2011

¹³. Multiple reports over the past years reported by Montagnards from the Village of Plei Kret Krot of disruption of sermons and attacks by security forces. See PR at MFI website, <http://montagnard-foundation.org/wp/2010/12/04/1078> (last accessed March 12, 2011)

¹⁴ UNICEF, At a glance: Vietnam- For new UNICEF ambassador in Viet Nam, appointment is a 'life-long dream' extracted from http://www.unicef.org/infobycountry/vietnam_55700.html (last accessed April 20, 2011))

Montagnard households are among the most economically poor in the country, and continue to lag behind in equal access to formal education and other social-services¹⁵. Under article 16 of the Law on Child Protection, Care, and Education, public primary education should be free. However, Montagnard families whose children are in school consistently report having to pay for primary education, a requirement that many families are not able to fulfill. In many instances, students are compelled to drop out from school because their families are not able to make payments. In addition, regional villages are often not equipped with a school or a program which the parents can enroll their children. As a result, many Montagnards must travel several miles to receive essential education¹⁶.

The teacher told us to pay the fee in order to go school. Because of money situation, many of children drop out that effect their education. Not just that, but many of Kinh people came over to live in our village¹⁷.

The Law on Child Protection, Care, and Education (2004) guarantees specific rights for children under the age of 16. Vietnam is encouraged to amend its domestic legislation to reflect congruency with all provisions of Article 2 of the CRC. Currently, that has yet to occur. The rights of Montagnards' children and other ethnic groups are protected under Vietnam's laws relating to minority ethnic groups. However, implementation of these laws has been deficient.

Question: *What evidence is there to show that the services described under article 2 of the state report are provided to children in the Central Highlands?*

Question: *Please provide funding data divided by region and locality for the services described under paragraphs 83-85; 146-147 of the state report.*

Question: *Please provide evidence that special programs are provided equally throughout the country, including in the Central Highlands. Please respond to the evidence in this report that Montagnard children are not allowed equal access to these programs.*

Recommendation: *Vietnam should implement policies outlawing discrimination in schools and ensuring accountability for such practices.*

Recommendation: *Vietnam should implement stronger monitoring services to decrease violence in schools.*

Article 5: Family Environment and Alternative Care

Vietnam was last reviewed as a state member to the CRC in 2003, after which the Committee concluded with four recommendations in relation to article 5. Vietnam in fact agreed to comply with the recommendations outlined below.

¹⁵ US State Department, *Vietnam: Country Report on Human Rights Practices* – 2005 Release by Bureau of Democracy, Human Rights and Labor, March 8, 2006

¹⁶ As reported by several villages in Phu Yen, Dak Lak, Glai Lai, Kontum provinces, February to May 2011

¹⁷ Ethnic Jrai, age 15, former student, interview March 12, 2011

“Strengthen its effects to make up a comprehensive strategy on family affairs; improve social assistance and support for vulnerable families by establishing a system of social workers that specialize in the community and provide consultancy and assistance; provide financial support to families facing economic disadvantages, especially in the framework of hunger eradication and poverty alleviation plans for rural and remote areas.” (pg 60, paragraph 143)

The official report listed various programs and policies in place to assist families that are facing difficult circumstances. Montagnard families, however, rarely if ever benefit from the services as claimed by the state. Montagnard children in single-parent households often work full time on farms or rice fields as opposed to being integrated in the mainstream education and connected to social services. A number of Montagnard children live under a one-parent household, with one parent being incarcerated for being a religious rights activist or fleeing to another region for reasons of religious or political persecution. In a recent update, one family in Central Highlands on April 8, 2011 indicated that there was limited assistance for children in this situation:

Tino Ksor, was arrested on 2004 for taking part in a demonstration calling freedom of religion and land rights. He was murdered in prison serving a 7 years term and left behind a wife and four young children. He died on July 12, 2009, beaten by security officials. Mr. Ksor has a son and three daughters. His first born (born 1991) dropped out of school in 2007, at age about 16, and of his daughter (born 1993) also dropped out of school in 2008 because the family could not afford to pay for the school. The other children both girls, born 1999 is in the fifth grade and the youngest (born 2002) is in the 3rd grade. The mother reports payments were required and solicited for both children whom are both in primary education. The family received contributions from relatives in the United States, which assisted greatly in the family’s needs. Reportedly, the family received less than a 25kg of rice as part of the state assistance¹⁸.

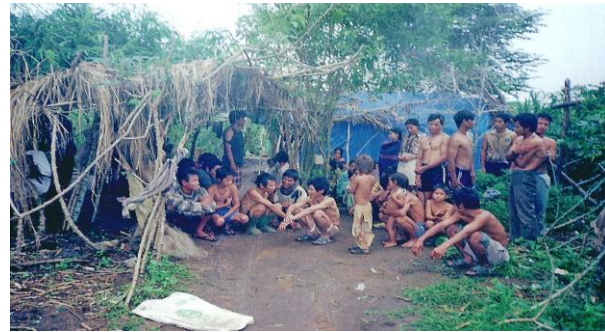
Land Confiscation/forced Relocation

A continued problem facing the Montagnards in Vietnam’s Central Highlands is the resettlement of other populations into their lands and the confiscation of their land for state-run coffee plantations and other commercial developments. Generally these policies displace the current Montagnard residents to infertile regions, less suitable for farming. This is a direct threat to the Montagnards and their children who have been living in the areas for decades, and who depend on traditional agriculture for subsistence.

An example of this land confiscation/forced relocation are the two villages of *Buon Hamong Ktu* and *Buon Dak Wok* in the commune of Hamong, district Dak Ha of Kontum province where a

¹⁸ Updates through telephone conversations-April 2011.

total of 735 Montagnards were forced to leave their villages on February 19, 2005. Recent findings as of March 2011 reveal these Montagnards are virtually living in poverty, under ragged tents in the forest for shelter and barely surviving off the land. There are 306 children in total under the age of eighteen. These children live with limited education or opportunities to develop and grow as children should under the rights enshrined in Vietnam's own legislation and that in the CRC. Photos of these villagers and children are below:



Montagnards displaced since 2005

Question: *Does the Government have any programs that would help the children who have dropped out of school to return to school?*

Question: *Please provide details about what, if any, compensation the government has provided for those relocated from Buon Hamong Ktu and Buon Dak Wok villages in 2005. Please also indicate what measures, if any, were taken to ensure the continued access to education, health and social services for children relocated from these villages.*

Recommendation: *The Government should provide special assistance for children with one parent. The government should provide all such financial assistance equally, without regard for religious, political or ethnic background.*

Article 14: The rights to thoughts, conscience and religion.

"The Montagnards are suffering severe persecution, especially those that are part of independent house churches, because the authorities do not tolerate religious activities that they can not see or control."

Human Rights Watch, Philip Robertson, Deputy Director for Asia., Press Release, March 2011

The plight for religious freedom continues to be an ongoing struggle for ethnic communities in Vietnam, particularly those who do not belong to state approved religious organizations and for those who support democracy. In recent years acts of religious repression and persecution are reported by a growing number of Montagnards who do not belong to the government-sanctioned

church¹⁹. Internally, the Montagnards do not have the freedom to practice their religion and face obstacles by government officials while the state continues to report that religious freedom exists in Vietnam.

Vietnam had conveyed a similar theme such as in the 2002-2007 country report that stated, “Citizens can or can not believe in one religion. No one can infringe on the freedom of religious beliefs or to make use of religious beliefs to harm the benefits of the State, the public, or violate others’ legal rights and benefits” (pg 53, paragraph 125). The Vietnam Constitution as well as obligations with the CRC treaty provide the same provisions yet in reality minorities in the Central Highlands who congregate for peaceful prayer vigils are targeted for persecution. Over the decades the government leaders and local officials equate unsanctioned religious activities or congregations of unrecognized church organizations as illegal. Vietnam enforces this religious control utilizing its militia and security forces in an attempt to eliminate ‘illegal’ house churches. Mass operations to wipe-out activists with independent house churches have been recorded. In August 2010, for example, central government officials and local security forces conducted sweeping operations across thirty villages throughout the Central Highlands²⁰. These acts impacted negatively upon the ability of Montagnard children to exercise their freedom of religion as enshrined in Vietnam’s domestic laws.

Question: *In light of section 4, paragraph 125-126 of the State report, which states that Vietnamese law respects the right of freedom of religion for Vietnamese citizens, please explain the reports of widespread violations of these rights in the Central Highlands as documented and reported by numerous credible sources, including Human Rights Watch.*

Recommendation: *The State party should take action to ensure respect for the right to religious freedom as enshrined in Vietnamese law. This could include an independent, transparent investigation into past instances in which individuals of non-sanctioned faith communities have been forced to renounce their faith and subjected to harassment and arrests.*

Article 23: Disability and Special Education

The 2002-2007 state report states:

“The law also stipulates the rights of disabled children to be integrated and supported in education, vocational training and social activities.” (pg 76, paragraph 190)

Vietnam signed on to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) on October 22, 2007. Interviews with Montagnard households with a disabled child

Obtained original information from: AsiaNews, entitled “Hanoi steps up persecution of Montagnard Christians” at <http://www.asianews.it/news-en/Hanoi-steps-up-persecution-of-Montagnard-Christians-21314.html> (Last accessed April 1, 2011)

¹⁹ Multiple villages across Central Highland, over 24 thousand people are members of an independent church organization

²⁰ Mass operation to overturn in-house churches, forcing villagers to sign pledges to renounce faith and affiliation with in-house church, arrests of multiple Montagnards. Press Release-Full report at MFI

revealed that their children do not benefit from state-sponsored programs and community-based services. Montagnard children with a disability are not integrated in education, nor do their families receive supporting assistance from social services and programs as stated in the state report. Disabled children often remain with families and relatives without ever being educated. Opportunities to contribute to society (through early childhood education and subsequent vocational programs) for these young individuals are non-existent. In addition, local schools do not support the acceptance of individuals with a disability nor do they have supporting accommodation suitable for students with disabilities²¹. The state report also accentuates better policies on social relief, medical and rehabilitation supports, and regulations; however such changes are virtually non-existent for Montagnard children with disabilities.

Question: *The state should provide evidence that the services outlined in paragraph 192-194 of the state report are provided and funded in the Central Highlands.*

Question: *Please provide evidence of what programs and services are available in the Central Highlands, if any, for children with disabilities?*

Recommendations: *Schools should be equipped with physical accommodations and trained staff to educate children with disabilities from primary education and above.*

Article 30 Minority Children and Rights

The Constitution grants that “*every nationality has the right to use its own language and system of writing, to preserve its national identity, and to promote its fine customs, habits, traditions and culture*”²².

Article 30 from the state 2002-2007 report pertains to ethnic minorities, with greater emphasis on socio-economic implementations to the education sector and ethnic minorities’ health. Montagnard students struggle being taught in school with a secondary language that is not their native-tongue. Since the post Vietnam War ban on ethnic languages in formal education occurred, the national language of Vietnamese has been the central language in school. For a few years since the initiation of the Mother-Tongue program, Vietnam has been commendable for undertaking the initiative to implement ethnic languages in school instruction. However, testimonies from local populations and other credible sources report that the implementation of bilingual instruction in Vietnamese and the Montagnard’s ethnic language has been slow and limited in many parts of the Central Highland regions²³.

²¹ From testimonies of families with a disabled child from multiple villages of different provinces in Central Highland, local schools are not equipped with accommodations or services that are applicable to the needs of students with disability.

²² Vietnam Constitution 1992, article 5, < http://coombs.anu.edu.au/~vern/van_kien/constit.html, last accessed June 2011)

²³ A/HRC/16/45/Add.2. UN Expert on Minority Issues, Ms Gay McDougall, visitation to Vietnam on July 5-15, 2010 concludes the educational sector being primarily taught in Vietnamese and notes the struggles ethnic children face in furthering their education due to language barriers. Also, the expert notes accessibility to schools continues to be limited in some regions.

Question: *Please respond to the evidence presented in this report demonstrating that Montagnard students are treated differently in Vietnam and in school?*

Recommendation: *The Government of Vietnam should provide classes for children to learn in their native language; these classes should be taught as well by Montagnard teachers.*

Recommendations: *The Government of Vietnam should provide assistance to local schools in providing mother-tongue curriculum.*