

HUMAN TRAFFICKING - FREEDOM OF RELIGION - INDIGENOUS

HUMAN TRAFFICKING

In the 2019 UPR, the United Kingdom recommended that the Vietnamese government “*Ensure all forms of trafficking in persons are criminalized according to international standards, including a legal amendment to define children as persons under 18.*”

However, in all known cases of workers trafficked under its state-run labor export program, the Vietnamese Government has consistently failed to prosecute the traffickers and protect the victims.

Vietnam’s law does not recognize victims of labor exploitation in a foreign country. This legal loophole has affected all trafficked victims recently repatriated from Saudi Arabia. Sent to work as domestic workers in Saudi households, they were abandoned by the labor export companies and abused by the Saudi employers. After being repatriated, the victims were not recognized as victims of human trafficking; none of them received any support from government agencies. Those who demanded justice against their traffickers received threats from the police. One outspoken victim who denounced a Vietnamese diplomat involved in human trafficking faced threats to her life; she had to relocate from Saudi Arabia to Thailand, where she has been recognized a refugee by the UNHCR. Link: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27223>

Furthermore, the Vietnamese government fails to comply with the non-punishment principle. In the past three years, thousands of Vietnamese were trafficked by fraudulent online gambling companies in Cambodia. After being released, they were fined 123 to 205 USD at Vietnam’s immigration checkpoints for illegally exiting the country. The Immigration police did not take into account that the victims were trafficked.

FREEDOM OF RELIGION

Many Hmong Christians were threatened with eviction, arrest, confiscation of property, and revocation of personal documents for refusing to abandon their faith. Some one hundred thousand undocumented Hmong currently reside in the Central Highlands; many of them had to leave their ancestral villages in northern Vietnam to preserve their Christian faith.

Link:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FNGO%2FVNM%2F56360&Lang=en

Hundreds of Montagnard Christians in the Central Highland were forced to abandon their unaffiliated house churches to join the Evangelical Church of Vietnam - South, which is a state-controlled organization.

Link:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FICO%2FVNM%2F57058&Lang=en

- Backed by the government, the state-created Cao Dai Sect of 1997 continues to occupy some 300 temples, including the central temple in Tay Ninh Province, of Cao Dai followers. This 1997 Sect was recently ruled a criminal enterprise by a U.S. court in Texas. Link: https://www.ohchr.org/sites/default/files/HRBodies/HRC/RegularSessions/Session28/Documents/A_HRC_28_66_Add_2_fr.doc
- Vietnamese Law redefines “belief” as faith “expressed through rites associated with traditional customs and habits” which severely limits the concept of “freedom of thought, conscience and religion” in Article 18 of ICCPR.

INDIGENOUS

The Vietnamese Government continues to resist recognizing indigenous populations. In Vietnam's 27 July 2023 response to the joint communication by several UN Special Rapporteurs stated:

“In Viet Nam, there are no indigenous people, nor do there exist so-called ‘indigenous Montagnard and some individuals and organizations with bad intentions often take advantage of the concept of indigenous people’ to spread false information, distort the situation in Viet Nam... ”.

Thus, the Vietnamese Government does not recognize the Cham People in the Central, the Khmer Krom in the Mekong Delta region, the H’mong in the Northernwestern Mountainous Area, or the Montagnard (Degar) in the Central Highlands as indigenous peoples, despite the international standard that allows those ethnic populations to self-identify as indigenous people.

RECOMMENDATIONS

Human trafficking

1. Ensure that all repatriated victims receive effective remedies, including assistance from government agencies and compensation from their traffickers.
2. Prosecute perpetrators according to the Palermo Protocol.
3. Issue a provision on protecting migrant workers who are vulnerable to labor trafficking.
4. Set up a facility agency designed to facilitate responsibility for the victim identification process based on victim-centered approaches.

Freedom of religion

5. Amend “the 2016 law on belief and religion” to bring it into conformity with international human rights standards and in compliance with the definition of freedom of thought, conscience, and religion per Article 18 of ICCPR;
6. End the practice of forced renunciation and forced conversion of faith against Montagnard and Hmong Christians and sanction government officials committing such violations of freedom of religion or belief;
7. Allow independent religious organizations to practice without any interference from the Government.
8. Ensure the return of all Cao Dai temples to Cao Dai followers in time for their marking the Centennial of their religion in late 2025.

Indigenous people

9. Consider the ratification of ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.
10. Officially recognize the existence of Indigenous Peoples within the territory of Vietnam, including but not limited to Cham, H’mong, Montagnard (Ede, Jarai, Banaa), and Khmer Khrom.

SOURCES

[BPSOS Joint Submission 1: Enforced disappearance, Torture, Death Penalty and Trafficking in Persons](#)

[BPSOS Joint Submission 2: Rights of the Child, Freedom of Expression](#)

[BPSOS Joint Submission 3: Freedom of Religion or Belief, Indigenous Peoples](#)

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