



Terraced rice fields in Vietnam. Photo: CSW

VIETNAM

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FREEDOM OF RELIGION OR BELIEF: CURRENT ISSUES & CASES

CSW continues to receive reports of violations against every major religious community in Vietnam, including Buddhists, Catholics, Cao Daists, Hoa Hao Buddhists, Protestants and Muslims. Violations include harassment, intimidation, forced eviction, intrusive surveillance, disruption of religious services, confiscation of religious materials, arrest, imprisonment, torture and extra-judicial killing.

The situation for religious communities varies widely between different parts of Vietnam and depends on a number of factors. In general, the more serious violations tend to be against individuals who are both ethnic and religious minorities, particularly in remote areas, and against unregistered or independent religious communities. However, harassment and intimidation of established religious communities in urban areas, including registered groups, is not unheard of. Religious leaders, lawyers and human rights activists who defend the right to freedom of religion or belief are especially targeted by the authorities. These cases undermine the limited improvements which have taken place at central government level, including the addition of a chapter on human rights in the amended constitution (2013) and the recognition of some additional religious groups.

RECENT DEVELOPMENTS: LEGISLATION

Since Vietnam began to implement the policy of 'reform and renewal' (doi moi) in 1986, there have been a series of policy documents relating to religion, including the problematic Ordinance and Decree Concerning Religious Activities and Operations, both of which focused on the management and control of religious life rather than the protection of the right to freedom of religion or belief. On 18 November 2016 Vietnam's National Assembly passed the nation's first ever Law on Belief and Religion amid concerns that multiple drafts of the bill retained many of the problems found in the Ordinance and Decree and did not conform to international standards on

freedom of religion or belief (FoRB). The Law on Belief and Religion will be effective from 1 January 2018.

Religious communities, lawyers and human rights activists have criticised the laws for interfering in the internal affairs of religious organisations and for the long, burdensome and challenging process of applying for registration. They further criticised the vague and ambiguous language concerning 'national unity' and 'traditions', which could be used to reject applications for registration. The law's ambiguous language and administrative burdens prevent rather than protect the enjoyment of full freedom of religion or belief.

In June 2017 Archbishop Joseph Nguyen Chi Lin, head of the Catholic Bishops' Conference of Vietnam, and Bishop Peter Nguyen Van Kham, the Conference's secretary general, issued a statement to National Assembly members which criticised the Law for continuing to strengthen the "asking-and-granting mechanism", in which religious communities must "inform government authorities about their activities that authorities may or may not approve".¹ The authors believe that this mechanism allows the government to intervene in religious communities' internal affairs, and legalises its tight control over religious activities. The Interfaith Council of Vietnam, which includes leaders from the Buddhist, Protestant, Catholic, Cao Dai and Hoa Hao Buddhist communities, welcomed the statement.²

1 <http://www.ucanews.com/news/in-bold-words-vietnams-bishops-criticize-new-religion-law/79431>

2 <http://www.ucanews.com/news/support-for-vietnamese-bishops-criticism-of-religious-laws/79574>

CASES OF CONCERN

A DAO

Pastor A Dao is a Ha Lang ethnic minority Protestant belonging to the Evangelical Church of Christ. On 18 August 2016 public security officers arrested A Dao while he was on the way to visit church members in Gia Lai Province. They confiscated his mobile phone and checked its contents. His family were not informed of his arrest and heard nothing from him for five days. On 28 April 2017 Pastor A Dao was sentenced to five years in prison for 'illegally taking people to Thailand'. On 25 May 2017, Pastor A Dao's wife and three other church members tried to visit A Dao in Prison No. T20, Gia Lai Province. Prison authorities refused to allow the visit.

The Evangelical Church of Christ was established in 2009 and has attempted to register with the government several times without success. The congregations in Kontum and Dak Lak have been subject to ongoing oppression by the local authorities. In April and May 2017, several of the community's leaders were interrogated by the provincial police. Pastor Y Nuen Ayun of Krong Pac District, Dak Lak Province, was interrogated about his religious activities and was pressured to join a different (registered) denomination. He was also warned not to communicate with Christians and pastors living overseas, and was threatened with prison if he refused to comply. Police also questioned Pastor A Trung about his religious activities and told him that the Church of Christ is 'political and intends to oppose the State'. In addition, they threatened him and his school age daughter with arrest if they communicated with overseas pastors.

NGUYEN HUU TAN

Hoa Hao Buddhist Nguyen Huu Tan died within ten hours of being taken into custody at a police detention facility in Vinh Long Province on 3 May 2017.

The authorities claim that Mr Tan committed suicide by cutting his own throat with a letter opener. However, his injuries suggest that he was tortured in police custody, and other explanations and materials provided by the police as evidence of suicide are inconsistent and contradictory. Family members who have requested an investigation into his death have been harassed and threatened with arrest.

Mr Tan was detained under Article 88 of Vietnam's Penal Code, an article with broad and undefined prohibitions against conducting anti-state propaganda, which is often levelled at petitioners and activists. His family have been the subject of ongoing harassment and surveillance in connection with their affiliation with an independent Hoa Hao Buddhist religious group. Mr Tan's father had previously petitioned the government for the return of temple land confiscated and sold by the authorities. For more information, please see CSW's June 2017 briefing entitled 'Hoa Hao Buddhist death in police custody'.

NGUYEN VAN DAI AND LE THU HA

On 16 December 2015 Christian human rights lawyer Nguyen Van Dai and his colleague, Le Thu Ha, were taken into police custody in Hanoi. They were later charged with 'conducting propaganda against the Socialist Republic of Vietnam' under Article 88 of the penal code. This charge is commonly levelled against activists and dissidents, and can carry a sentence of up to 20 years in prison. Ten days before his arrest, on 6 December, Mr Dai had been assaulted along with three of his friends after attending a conference which was organised to educate the Catholic citizens of Nghe An about their rights. In January His detention was reportedly extended until April 2017. However, at the time of writing, Dai remains in pre-trial detention with no news of a trial date.

On 5 April 2017, the German Association of Judges awarded him its Human Rights Prize for 2017. Dai's wife was stopped by authorities at the airport and prevented from travelling to Germany to receive the prize on his behalf.

For more information, please see CSW's February 2016 briefing entitled 'Detention of lawyer and activist Nguyen Van Dai'.

NGUYEN CONG CHINH AND TRAN THI HONG

Nguyen Cong Chinh is a pastor and advocate for freedom of religion or belief who is currently serving an 11-year prison sentence. Before his arrest on 28 April 2011, Pastor Chinh held senior positions in several national Christian bodies and provided support and protection for ethnic minorities in the Central Highlands facing religious persecution. He was tried on 26 March 2010 without legal representation and later sentenced to 11 years in prison for 'undermining national unity policy'.

In prison, he has been attacked by other prisoners and prison guards have subjected him to mental torture. He has also been beaten by guards while praying, and his Bible has been confiscated. He has been in solitary confinement since October 2016. Pastor Chinh's wife, Tran Thi Hong, visited him in February 2017 and reported that his health has deteriorated to a potentially life-threatening degree due to this ongoing abuse. He is suffering from acute sinusitis, joint inflammation and gastritis, as well as high blood pressure, but has been denied medical treatment and Mrs Hong herself has not been allowed to bring him medicine.

A diplomatic delegation from the US was able to meet with Pastor Nguyen Cong Chinh on 25 May 2017. In the meeting, Chinh reported that he has been tortured and severely mistreated in prison. Chinh was put into solitary confinement immediately after the meeting.

Tran Thi Hong, who is also a member of the civil society organisation Vietnamese Women for Human Rights, reported several incidents of 'intolerable' harassment against her and her family between March and May 2016, including severe beatings during interrogation sessions.

In addition to the above cases, CSW remains deeply concerned about the following³:

- The imprisonment of Do Thi Hong, a leader of the Buddhist sect An Dan Dai Dao. Ms Hong is serving a 13 year sentence and is in poor health;
- The oppression of Catholic parishioners in Dong Yen Parish who have peacefully protested about the Formosa environmental disaster in April 2016;
- The ongoing oppression of the Duong Van Minh community and the demolition of funeral sheds in Thai Nguyen Province;
- Heavy restrictions on the freedom of movement of Unified Buddhist Church of Vietnam leader Thich Quang Do, who is under house arrest;
- Denial of medical care for Hoa Hao Buddhist and activist Tran Thi Thuy, who has been detained since 2010, and urgently needs treatment for a tumour on her uterus.

Recommendations to the international community:

- Urge Vietnam to revise or repeal legislation which is discriminatory and/or which does not confirm to the international standards set out in the International Covenant on Civil and Political Rights (ICCPR), to which Vietnam is a party, and to consult independent legal experts to ensure that the right to freedom of religion or belief (FoRB) is fully protected in all relevant legislation
- Urge Vietnam to immediately and unconditionally release all prisoners of conscience and any person currently detained in connection with their religion or belief, and immediate and impartial investigation of cases of wrongful imprisonment

- Continue monitoring violations of the right to FoRB and developments in the treatment of religious minorities

- Raise cases of human rights violations and restrictions on the right to FoRB through all available means, including annual dialogues and bilateral meetings and exchanges, and include clear goals for improving protection of FoRB and benchmarks for measuring progress

- Urge delegations to Vietnam, including religious groups, trade delegations and other non-government visitors, to meet and engage with representatives from civil society, including religious communities and individuals: if such individuals are prevented from attending these meetings, ensure that this is raised firmly and directly with officials both in public and in private

- Advise delegations to Vietnam and embassies in the country to develop relationships with key religious leaders – especially those who take on the role of human rights defenders – and both registered and unregistered religious groups; and to arrange, in consultation with local contacts, visits to imprisoned religious leaders and communities of religious minorities.

3 Further information available on request.