

Vietnam: Freedom of religion or belief

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Introduction

There have been some limited positive developments in Vietnam, mostly at central government level; for example the addition of a chapter on human rights in the amended constitution (2013), and the official recognition of additional religious groups.

However, these developments are undermined by continued reports of severe violations of the freedom of religion or belief (FoRB) of Catholics, Cao Daists, Hoa Hao Buddhists, Protestant Christians and Muslims. The violations range from harassment, intimidation and intrusive monitoring, to arrest, imprisonment, torture and extra-judicial killing.

On 1 January 2018 the nation's first ever Law on Belief and Religion came into effect. The new law continues the system of mandatory registration of religious organisations and activities. Religious communities, lawyers and activists have criticised the law for interfering in the internal affairs of religious organisations, and using vague and ambiguous language regarding 'national unity' and 'traditions', which could be used to reject or hinder registration applications.

Violations of freedom of religion or belief

CSW continues to receive reports of violations against every major religious community in Vietnam. 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 areas of the country, and individuals who are both ethnic and religious minorities in remote areas suffer the most severe abuses. FoRB defenders are especially targeted by the authorities.

In his 2014 visit report the then UN Special Rapporteur on freedom of religion or belief proposed that a 'litmus test' for the development of religious freedom in Vietnam is the condition of 'independent or unregistered religious communities'. Under the new Law, as before, religious groups must register for permission for a broad range of activities. The registration process is complex, burdensome and open to abuse by officials prejudiced against a particular religion, belief, organisation or individual.

Religious groups which choose not to register with the authorities for reasons of conscience, or have had their application for registration rejected or ignored, are subject to various levels of harassment, intimidation and violence. Often attacks are carried out by 'thugs' believed to be hired by local authorities to pressure unregistered groups to stop their religious activities.

For example, the government only recognises Cao Dao groups operating under the government-approved Cao

Dao Administrative Council. Authorities routinely harass independent Cao Dao groups and their leaders. Similarly, independent Hoa Hao Buddhist groups not affiliated with the state-sponsored Hoa Hao Administrative Council suffer ongoing harassment from the authorities, including confiscation of property used for worship, intrusive surveillance and disruption of religious activities.

Thich Quang Do, leader of the Unified Buddhist Church of Vietnam (UBCV), an unregistered independent religious group, has been deprived of liberty in various forms for over 30 years. Currently being held under house arrest without charge in Thanh Minh Zen Monastery in Ho Chi Minh City, his communications are closely monitored and he is under constant police surveillance.¹

Montagnard ethnic minority Catholics and Protestants in the Central Highlands of Vietnam are subject to serious ongoing human rights violations including:

- Pressure to recant
- Forced eviction
- Denial of access to public services and grants following conversion to Christianity
- Beatings
- Torture and sexual abuse
- Arbitrary detention, sometimes followed by a trial and imprisonment
- Threats and intimidation
- Disruption of religious services
- Being physically prevented from attending religious services
- Confiscation of religious materials
- Denial of access to education
- Damage to properties used for religious services.

1 Vietnam Committee on Human Rights (2016), *Freedom of Religion or Belief in Vietnam: State management of religions*, p.23 <http://queme.org/app/uploads/2016/02/Report-VCHR-FoRB-in-Vietnam-State-management-of-religions-Feb-2016.pdf>

Human rights defenders

In a statement on 28 July 2017, the Office of the UN High Commissioner for Human Rights (OHCHR) expressed concern over ‘the intensifying crackdown in Viet Nam against human rights defenders who have questioned or criticised the government and its policies,’ stating that ‘human rights defenders should never be treated as criminals who are a threat to national security.’ Many human rights defenders risk their safety to stand up for victims of FoRB violations.

In February 2017 Pastor Nguyen Trung Ton, a Protestant pastor and human rights defender, was kidnapped by state agents, stripped naked, tied, beaten and abandoned in a remote mountainous location in the middle of the night, leaving him with serious injuries. Pastor Ton was tried on 5 April 2018 and sentenced to 12 years in prison. Following an appeal hearing in June 2018, his sentence was upheld.

Also tried on 5 April 2018 was Hoa Hao Buddhist Nguyen Bac Truyen, a legal expert who has provided pro bono legal assistance to families of political prisoners, victims of land grabs and persecuted religious communities. He was sentenced to 11 years in prison. Prior to his detention, Mr Truyen and his wife were physically attacked by unknown assailants on several occasions. Following an appeal hearing in June 2018, his sentence was upheld.

In addition, Catholic leaders and activists have been beaten, denounced by officials, and imprisoned for organising peaceful protests following the Formosa company steel plant disaster in April 2016, which left many families with no means of livelihood. In April 2018 Catholic activist Tran Thi Xuan was sentenced to nine years in prison and five years of house arrest for ‘attempting to overthrow the people’s government’. State media accused her of organising protests against Formosa.

Recommendations

- Urge the government of Vietnam to revise or repeal legislation which does not conform to the international standards set out in the International Covenant on Civil and Political Rights, to which Vietnam is a party, and to consult independent legal experts to ensure that freedom of religion or belief is fully protected in all relevant legislation.
- Urge Vietnam to release all prisoners of conscience immediately and unconditionally, including any person currently detained in connection with their religion or belief; and to initiate immediate and impartial investigations of cases of wrongful imprisonment.
- Raise cases of human rights violations and restrictions on the right to FoRB with the Vietnamese government 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 where safe to do so.

As Christians, we stand with everyone facing injustice because of their religion or belief.