Legal framework

Article 24 of the Constitution of Vietnam states that "everyone shall enjoy freedom of belief and of religion" (1), further emphasising that "the State respects and protects freedom of belief and of religion" (2), and "no one has the right to infringe on the freedom of belief and religion" (3).

On 1 January 2018 Vietnam's first ever Law on Belief and Religion came into effect. The Law requires religious groups to register for permission for a broad range of activities. The registration process is complex and open to abuse by officials prejudiced against a particular religion, belief, organisation or individual.

For some already registered groups the Law has provided clarity about which activities are permitted, and a number have been able to obtain permission for activities not previously allowed. These groups tend to be larger, urban and well-established, with good relations with the authorities.

However, religious groups which choose not to register with the authorities for reasons of conscience or have had their application for registration rejected or ignored, can be subject to harassment, intimidation and violence. In recent years, attacks have been carried out by 'thugs' believed to be hired by local authorities to pressure unregistered groups to stop their religious activities. The Law has also failed to prevent FoRB violations against the most vulnerable groups.

Violations of freedom of religion or belief

There are continued reports of violations of freedom of religion or belief (FoRB) against some communities from every major religion or belief in Vietnam, including Buddhists, Catholics, Cao Daists, Hoa Hao Buddhists and Protestants. The violations range from harassment, intimidation and intrusive monitoring, to arrest, imprisonment and torture.

Individuals in remote areas who are both ethnic and religious minorities, such as the Montagnard ethnic minority Catholics and Protestants in the Central Highlands of Vietnam, often suffer the most severe abuses.

These include pressure to recant, forced eviction, denial of access to public services and grants, beatings, torture, arbitrary detention, imprisonment, threats, intimidation, disruption of religious services, prevention from attending religious services, confiscation of religious materials, denial of access to education, and damage to properties used for religious services. In the past decade there have also been cases of sexual violence and deaths in custody.

Independent religious groups not recognised by the government continue to encounter various forms of harassment. Among these groups is the Unified Buddhist Church of Viet Nam, whose leader Thich Quang Do was deprived of liberty in various forms for decades before he passed away in February 2020. Independent Cao Dai and Hoa Hao Buddhist groups are also targeted with a range of violations, including disruption of religious activities, arbitrary detention of religious leaders and adherents, and confiscation of property used for religious worship.

Additionally Khmer Krom Theravada Buddhist monks have been forced to join the state-sanctioned Vietnam Buddhist Sangha; those who refuse to do so have been subject to intimidation and threats. Temples and monks have also been restricted in their use of the Khmer language and forced to display portraits of Ho Chi Minh inside their temples.

Human rights defenders

Many human rights defenders risk their safety to stand up for victims of FoRB violations and other human rights abuses. The families of imprisoned human rights defenders have also been targeted by the authorities.

Notable is the case of Nguyen Bac Truyen, a Hoa Hao Buddhist legal expert who provided pro bono legal assistance to families of political prisoners, victims of land grabs and persecuted religious communities. Mr Truyen is currently serving an 11-year prison sentence after he was sentenced on 5 April 2018. Serious concerns have been raised for Mr Truyen's safety and wellbeing on multiple occasions during his detention, including in May 2019 when he went on hunger strike along with three other prisoners of conscience in protest of the grievous ill-treatment of a fellow prisoner, Nguyen Van Hoa.

Also sentenced on 5 April 2018 was Pastor Nguyen Trung Ton, a Protestant pastor and human rights defender who was previously 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, in February 2017. Pastor Ton is serving a 12-year prison sentence.

The Communist Party of Vietnam has also repeatedly cracked down on the right to freedom of expression, including in January 2021 when authorities sentenced journalists Pham Chi Dung, Nguyen Tuong Thuy and Le Huu Minh Tuan to between 11 and 15 years in prison on charges of "making, storing, spreading information, materials, items for the purpose of opposing the state."

In December 2021, Vietnamese activist and journalist Pham Doan Trang was sentenced to nine years in prison for "anti-State propaganda". Pham Doan Trang has a long history of peacefully advocating for freedom and human rights. In 2017, Trang and other writers produced a report on FoRB which concludes that "no religions (Buddhism, Catholicism, Protestantism, Hoa Hao Buddhism, Caodaism, Muslim, etc.) or beliefs can fully enjoy the right" to FoRB in Vietnam.

COVID-19

In at least one case, authorities have accused a religious organisation of spreading COVID-19. On 30 May 2021 the registration of Revival Ekklesia Mission (REM) - a church organisation based in Ho Chi Minh City with other branches around the country - was temporarily suspended by authorities. The next day police announced that it was under criminal investigation for spreading COVID-19. The pandemic has also significantly impacted prisoners of conscience in Vietnam, as restrictions prevented families

from visiting and sending food packages to inmates. Although some restrictions may have been in line with genuine concerns about containing the virus, the authorities failed to take measures to reduce the impact, for example by allowing more frequent and longer telephone calls instead of in-person visits, and ensuring alternative sources of food for prisoners.

Recommendations

To the government of Vietnam:

- Revise all regulations and legislation pertaining to religion to ensure they align with international standards as set out in Article 18 of the International Covenant on Civil and Political Rights (ICCPR), in consultation with religious communities and legal experts.
- Ensure that any form of registration system is optional, not mandatory, and is not used as a tool to control religious activities.
- Immediately release all those detained or imprisoned in connection with their religion or belief, or with the peaceful defence of the rights of others, and investigate cases of wrongful imprisonment.
- Issue a standing invitation to all UN Special Procedures, ensuring they have unhindered access to all areas of the country and that members of civil society can meet with them without reprisals.

To the United Nations and Member States:

- Urge all relevant UN mechanisms, including the Special Procedures and Treaty Bodies, to include the right to freedom of religion or belief in their reporting on Vietnam, addressing the vulnerabilities and violations faced by religion or belief communities and those seeking to defend them.
- Call for Vietnam to immediately cease all harassment and intimidation of religion or belief minorities and HRDs and independent lawyers defending the right to FoRB, and allow impartial and timely investigations into allegations of abuses against them, ensuring that perpetrators are held to account.
- Monitor reports of arbitrary detention and follow court proceedings and call on Vietnam to protect all persons from arbitrary detention, and to guarantee the right to a fair trial and legal counsel of their own choosing, in accordance with Article 9 and 14 of the ICCPR.
- Publicly condemn all reprisals against members of civil society who engage with the UN and other international organisations on matters relating to human rights in Vietnam and support the establishment of a safe environment for human rights lawyers, civil society actors and human rights defenders, enabling them to carry out their work.

To the European Union and Member States:

- Review the compliance of Vietnam with the Trade & Sustainable Development Chapter of the EU-Vietnam FTA. In this assessment, the EU should consider the issues of land rights, access to water and labour market inclusion – particularly given the discrimination that indigenous and religious minorities have faced, for example being forced to leave their ancestral homelands due to discriminatory land grabs by corrupt officials.
- Vietnam must also fulfil its commitment under Article 13.15.4 of the EVFTA, to host a complete Domestic Advisory Group (DAG) that consists of “independent representative organisations”. The EU should thoroughly investigate allegations that civil society activists have been targeted by the authorities after their organisations applied for membership of the Vietnam DAG.

CSW everyone free to believe

T +32 473 53 29 50
@CSW_UK
/CSWUK
csw.org.uk

PO BOX 90 Brussels Livingstone
1000 Brussels,
Belgium

© Copyright CSW 2022. All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, transmitted, in any form or by any means, electronic, photocopying, mechanical, recording and/or otherwise without the prior written permission of CSW.