

Introduction

1. CSW (Christian Solidarity Worldwide) and Impulso¹⁸ are human rights organisations specialising in the right to freedom of religion or belief (FoRB) for all through research and advocacy.
2. This submission draws attention to concerns regarding the right to FoRB in the Socialist Republic of Viet Nam (Viet Nam) ahead of the state's United Nations (UN) Universal Periodic Review (UPR). During the reporting period, CSW continued to receive reports of violations of FoRB against communities from every major religion or belief in Viet Nam. 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 often suffer the most severe abuses.

Legal framework

3. Article 24 of Viet Nam's Constitution states that 'everyone shall enjoy freedom of belief and of religion', 'the State respects and protects freedom of belief and of religion', and 'no one has the right to infringe on the freedom of belief and religion'.
4. Viet Nam has also signed and ratified the International Covenant on Civil and Political Rights (ICCPR), which guarantees FoRB for all (Article 18). The implementation of such legislation continues to fall short of international standards. In addition, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), ratified by Viet Nam in February 2015, is not adhered to, with violations continuing against religious and ethnic minorities. CSW further regrets Viet Nam's failure to ratify the Optional Protocol of UNCAT as well as the Convention for the Protection of All Persons from Enforced Disappearances (ICPPED), and the Second Optional Protocol to the ICCPR aimed at the abolition of the death penalty.
5. On 1 January 2018 Viet Nam's first ever Law on Belief and Religion (LBR) 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. Religious groups which choose not to register with the authorities for reasons of conscience, or who have had their application for registration rejected or ignored, are vulnerable to harassment, intimidation and violence from the state.

6. In June 2022, the Vietnamese authorities published two draft decrees on religion which provoked significant concern among religious leaders and experts both inside and outside the country.¹ One draft looks to further tighten government control over religious affairs already in place through the 2018 LBR, including controls on online meetings. The second draft stipulates punishments for administrative infractions of the Law, including warnings, fines of up to 30 million VND (USD \$1,300) for an individual and 60 million VND (USD \$2,600) for an organisation, or shutting down a religious organisation entirely.

Freedom of religion or belief recommendations from previous UPR cycles

7. During the third UPR cycle in 2019, Viet Nam fully supported 220 recommendations out of 291. Of the 14 recommendations pertaining to the right to FoRB, Viet Nam supported nine, noted three and partially accepted two.²
8. CSW welcomes Viet Nam's acceptance of multiple recommendations to consider revising the LBR and to enhance efforts to guarantee FoRB, by reducing and eliminating administrative barriers to peaceful religious activities, worship and by combating violence and discrimination on religious grounds.
9. However, regrettably, Viet Nam only partially accepted a recommendation to 'ensure full implementation of its international human rights obligations regarding freedom of religion and belief'³, rejecting the second part, which called for a review of the LBR to bring it into line with Article 18 of the ICCPR. Likewise, Viet Nam agreed to 'ensure consistent implementation of the Law on Belief and Religion, particularly at the local level, including with respect to registration of Protestant groups and other groups in Northwest Highlands provinces'⁴ but regrettably did not accept the second half of the recommendation which called on the State to 'remove undue restrictions on access to religious materials and clergy for those imprisoned and cease any harassment of independent groups on account of their religion.'⁵
10. Regarding the LBR, Viet Nam said that it is already compatible with international human rights instruments to which Viet Nam is a party and that a legal review would be undertaken when required and in accordance with Viet Nam's legal reform plan. Viet Nam also stated in the addendum report of the UPR that recommendations pertaining to revisions on laws are 'impractical for the moment' and that the state 'does

1 CSW, 'Draft decrees on religion provoke concern', 21 June 2022 <https://www.csw.org.uk/2022/06/21/press/5734/article.htm>

2 United Nations, Report of the Working Group of the Universal Periodic Review: Viet Nam, A/HRC/41/7, 28 March 2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/083/45/PDF/G1908345.pdf?OpenElement>; United Nations, Report of the Working Group of the Universal Periodic Review: Viet Nam Addendum, A/HRC/41/7/Add.1, 26 June 2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/189/46/PDF/G1918946.pdf?OpenElement>

3 *Ibid*

4 *Ibid*

5 *Ibid*

not accept them'.⁶

11. Regrettably, Viet Nam noted a recommendation to 'release all human rights defenders as well as political and religious activists detained for the peaceful expression of their political opinions or religious beliefs.'⁷
12. Outstanding FoRB violations in Viet Nam throughout the reporting period suggest that the accepted recommendations have not been implemented in policy or practice.

Violations of freedom of religion or belief

Buddhists

13. Khmer Krom Buddhist monks are frequently supervised by the government whilst conducting their religious ceremonies, and the content of religious books and teaching materials in the Khmer language is strictly controlled and restricted by the authorities. Since 2019, all the Khmer Krom monasteries in the Mekong Delta region have had their official documentation stamps replaced with Vietnamese language stamps. Khmer language stamps are prohibited.⁸
14. On 2 December 2022, a Khmer Krom community received a letter from the Vietnamese authorities ordering them to demolish their religious hall in Tong Hung Hamlet, Loan My District, Vinh Long Province in southern Viet Nam.⁹ The religious hall is used by Khmer Krom Buddhist followers for the practise of Theravada Buddhism and as a site to teach the Khmer language to children in the hamlet. On 10 December 2022, the authorities visited the community again, to enforce the court order, but the villagers did not open the gate to allow them entry.
15. On 13 December 2022, local authorities in Kon Tum Province destroyed a pagoda belonging to the independent Unified Buddhist Church of Viet Nam (UBCV).¹⁰ Local government workers and police removed items of worship and used chainsaws, cranes, and excavators to destroy the buildings. Followers of UBCV report that they regularly face harassment and pressure from the authorities to join the State-approved Buddhist Church of Viet Nam.
16. On 4 June 2023, a Khmer Krom Buddhist gathering was attacked by Vietnamese authorities during a ceremony at Chedey temple in Tap Son village, Tra Cu district, Tra Vinh province in southern Viet Nam.¹¹ The ceremony,

held by the Khmer Krom community to pay respect to their ancestors, was disrupted by approximately ten representatives of the Vietnamese authorities at 9.40am local time. The perpetrators did not wear uniforms and are thought to have come from outside the village. The authorities reportedly physically attacked approximately ten community members, including two Khmer Krom Buddhist monks.

17. In June 2023, Hoa Hao Buddhists Bui Van Trung and Bui Van Tham completed their six-year prison sentences.¹² The father and son had been charged on 9 February 2018 with 'disrupting public order' under Article 245 of the penal code in relation to a peaceful demonstration held in April 2017. On 19 April 2021, Tham was attacked by another inmate at Xuyen Moc Prison. Despite witnesses reporting that Tham was not the instigator of the attack, prison wardens punished Tham, including by reducing family visits to once every two months, reducing phone calls from 10 minutes to three minutes per month, and limiting the amount of money he could spend to purchase food at the prison canteen. It was reported that Trung appeared 'very weak' upon his release from prison, having been transferred to Cho Ray Hospital in Ho Chi Minh City earlier in June for colon cancer treatment. Trung's tumour was reportedly discovered in mid-2022, but prison authorities did not allow him to seek treatment until it became significantly worse.

Catholics

18. On 8 January 2019, over 1,000 officers and military forces attacked the predominantly Catholic community of Loc Hung Vegetable Garden in Ho Chi Minh City, forcibly evicting thousands of residents and destroying over 500 homes.¹³ The officers did not produce any warrants or official orders, which are needed when the government wants to expropriate land. Many individuals from the community were forced to find new accommodation away from the Loc Hung land they had lived on for decades, and the forced displacement made it harder for children in the community to attend school. Several community members developed severe trauma-induced mental problems because of the attack.
19. In May 2019, it was reported that Nguyen Van Hoa, a young Catholic activist who helped victims of the Formosa environmental disaster in 2016, had sustained bruises and abrasions and been choked by a prison

⁶ Ibid

⁷ Ibid

⁸ CSW, 'Belief and belonging: Indigenous identity and freedom of religion or belief', 7 December 2022 <https://www.csw.org.uk/2022/12/07/report/5882/article.htm>

⁹ CSW, 'Buddhist community ordered to destroy religious hall', 15 December 2022 <https://www.csw.org.uk/2022/12/15/press/5888/article.htm>

¹⁰ RFA, 'Authorities destroy Unified Church of Vietnam's Son Linh Pagoda', 13 December 2022 <https://www.rfa.org/english/news/vietnam/son-linh-pagoda-destroyed-12132022232958.html>

¹¹ CSW, 'Authorities attack Buddhist community during religious ceremony' 13 June 2023 <https://www.csw.org.uk/2023/06/13/press/6015/article.htm>

¹² RFA, 'After 6 years in prison, Vietnam frees father and son adherents of Buddhist group', 28 June 2023 <https://www.rfa.org/english/news/vietnam/release-06282023133355.html>

¹³ CSW, 'Even though I was scared, I didn't comply' - The people of Loc Hung Vegetable Garden', 29 September 2021 <https://www.csw.org.uk/2021/09/29/feature/5427/article.htm>

guard.¹⁴ Hoa was sentenced to seven years in prison in a closed trial in November 2017. He has also been beaten on previous occasions and held in solitary confinement with his feet shackled.

20. During the reporting period, several Catholic Priests have been prevented from leaving Viet Nam in violation of their right to freedom of movement. In November 2019, Catholic Priest Father Nguyen Dinh Thuc was prevented from travelling to Japan to attend a mass for reasons of 'national security and social order'.¹⁵ Father Thuc had previously advocated for victims of the Formosa environmental disaster in 2016. In October 2022, Father Truong Hoang Vu was stopped by security at Tan Son Nhat International Airport and prevented from travelling to the United States of America through the issuance of an exit suspension.¹⁶

Duong Van Minh

21. On 12 December 2021, police in Tuyen Quang province disrupted the funeral of Duong Van Minh, the ethnic Hmong founder of an eponymous religious community not recognised by the Vietnamese government.¹⁷ Hundreds of persons in medical protective suits and plainclothes, and police, some armed with shields and batons, disrupted the funeral, claiming they were there to force people to take COVID-19 tests. At least 36 Duong Van Minh (DVM) adherents were initially beaten and arrested, and seven more were arrested on 13 December when they went to protest the police action. On 15 December police ordered five more people to surrender over loudspeaker. In total at least 56 people were arrested.
22. Between 18 and 24 May 2022, Vietnamese authorities sentenced 15 ethnic Hmong followers from the DVM religious community to prison sentences of up to four years, in two separate closed-door trials.¹⁸ They were convicted on charges of 'resisting officers on duty' under Article 330 of the Penal Code and 'violating regulations on safety in crowded areas' under Article 295, in relation to the events of 12 December 2021. Relatives said that the authorities refused access to lawyers engaged by the victims' families. Many of the relatives of those who have been sentenced were reportedly not informed of the trial date and were only allowed to listen to proceedings

through loudspeakers outside the courtroom. Such incidents continue, despite Viet Nam accepting a recommendation during the last UPR to 'ensure that fair trial guarantees and due process rights, as provided in international law and standards, are respected and upheld in all cases'.¹⁹

23. On 12 April 2023, DVM followers in Nam Quang commune, Bao Lam district, Cao Bang province were forced by local authorities to sign a document renouncing their religion.²⁰ In one instance, around 15 commune officials came to the home of a DVM adherent in Na Heng Hamlet and physically forced them to sign the pledge, causing their hand to be broken.

Falun Gong

24. In July 2022, Falun Gong practitioners in Di An City, Binh Duong experienced regular harassment by government authorities when practising in Green Square Park.²¹ Police in Di An City repeatedly mobilized forces to disrupt Falun Gong gatherings, including by removing meditation mats, distributing defamatory leaflets, confiscating phones, taking adherents to the police station for interrogation, and carrying out physical attacks.

Protestants

25. On 22 December 2021, police in Phu Yen province assaulted and detained Y Cuon Nie, a pastor belonging to the Montagnard Evangelical Church of Christ, while he was making a Christmas banner at a printing shop.²² Pastor Nie told Radio Free Asia (RFA) that police hit him and confiscated the banner before detaining him at the town's police headquarters for five hours. At 10pm on 24 December 2021, police disrupted a Christmas ceremony in Pastor Nie's home and took him in for questioning at the Song Dinh district station. Pastor Nie also said that his church had tried to meet the requirements for registration under the LBR, but that he had not received any response from the authorities over several years.
26. On 6 November 2022, law enforcement authorities arbitrarily arrested Y Khiu Niê and Mr Y Sĩ Êban, two Montagnard Protestant Christian human rights defenders (HRDs), at Tân Sơn Nhất International Airport, as they travelled to Bali, Indonesia, to participate

14 CSW, 'Vietnam prisoners of conscience in poor health', 29 May 2019 <https://www.csw.org.uk/2019/05/29/press/4349/article.htm>

15 CSW, 'Priest prevented from attending mass in Japan', 28 November 2019 <https://www.csw.org.uk/2019/11/28/press/4498/article.htm>

16 RFA, 'Priest who assists disabled Southern vets banned from leaving Vietnam', 24 October 2022 <https://www.rfa.org/english/news/vietnam/vietnam-priest-10242022154034.html>

17 CSW, 'Communities harassed, activists and journalists tried in December crackdown', 6 January 2022 <https://www.csw.org.uk/2022/01/06/press/5528/article.htm>

18 CSW, '15 Hmong religious believers sentenced to total 38 years in prison after police raid on funeral', 7 June 2022 <https://www.csw.org.uk/2022/06/07/press/5722/article.htm>

19 United Nations, Report of the Working Group of the Universal Periodic Review: Viet Nam, A/HRC/41/7, 28 March 2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/083/45/PDF/G1908345.pdf?OpenElement>

20 RFA, 'Chính quyền Cao Bằng ép nhiều tín đồ Dương Văn Minh ký giấy bỏ đạo', 13 April 2023 <https://www.rfa.org/vietnamese/news/vietnamnews/authorities-in-cao-bang-province-force-multiple-followers-of-duong-van-minh-to-renounce-their-faith-04132023083823.html?ref=thevietnamese.org>

21 RFA, 'Người thực hành Pháp luân công tố cáo bị đánh đập nhưng đồn không được đoái hoài!', 27 December 2022 <https://www.rfa.org/vietnamese/in-depth/practitioners-of-falun-in-binh-duong-report-being-beaten-by-the-police-12272022131651.html>

22 RFA, 'Vietnamese police disrupt Christmas celebration of Montagnard Christians', 29 December 2021 <https://www.rfa.org/english/news/vietnam/montagnard-christians-12292021155717.html>

in the Southeast Asia Freedom of Religion or Belief Conference.²³ Niê was taken to a building of the Police Department of Đắk Lắk Province, where he was interrogated, threatened with imprisonment, and forced to sign a document stating he will end all communication with international human rights organisations. He was not given an opportunity to obtain access to legal counsel. Êban was taken separately to the same building in which Niê was detained, where he was interrogated and physically assaulted, causing injuries to his face and head. Êban was forced to sign a document stating he will leave the Evangelical Church of Christ of the Central Highlands and cease contact with international human rights advocates. The case was raised in a communication by four UN Special Procedures in April 2023.²⁴

Indigenous communities and the right to FoRB

27. 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 Viet Nam, often suffer the most severe abuses of their right to FoRB.
28. In most regions, the use of spoken and written indigenous language during religious services has been severely limited, or outright prohibited, by the Vietnamese authorities. Several individuals from indigenous communities have reported the confiscation of unauthorised religious books in native languages.²⁵ One individual reported police officers ‘destroying chairs, tables and stage during the Spring festival’ when their group tried to hold a religious meeting in their own mother tongue.
29. In 2022, CSW interviewed ten members of religion or belief communities in indigenous people groups.²⁶ Eight participants reported that individuals in their community who attend school experience discrimination because of their race, colour, or religion.

The detention of individuals promoting FoRB

30. On 5 April 2018, Nguyen Bac Truyen, a Hoa Hao Buddhist and legal expert who provided pro bono legal assistance to families of political prisoners, victims of land grabs, and persecuted religious communities, was sentenced to an 11-year prison sentence. Serious concerns were raised for Mr Truyen’s safety and wellbeing on multiple occasions during his detention. In October 2022, Truyen was moved to Gia Trung prison. Truyen reportedly suffered medical complications, including indications

of heart valve disease and diabetes in detention, but the prison refused him adequate medical treatment. CSW sources report that prisoners of conscience in the prison in which Truyen was held are routinely pressurised to ‘confess’ to the charges against them to avoid receiving a ‘poor’ grading in their semi-annual conduct review. Prisoners who receive a poor grading can receive disciplinary punishments, including solitary confinement, being put in shackles, and reductions in monthly prison visits and food rations. Nguyen Bac Truyen and his wife Bui Kim Phuong arrived in Germany on the evening of 8 September 2023 after he was released from Gia Trung prison. The reason for his release has not been made known.

31. On 5 April 2018, Nguyen Trung Ton, a Protestant pastor and HRD, was sentenced to 12 years in prison. On several occasions Ton’s wife Nguyen Thi Lanh reported that detention officers failed to provide Ton with a clean water supply and refused Ton medical treatment. In June 2023, it was reported that Ton was suffering from the long-term effects of COVID-19 and an eye disease which has caused a near total loss of vision, but prison authorities did not allow Pastor Ton to be examined or treated and prevented his family from sending medicine to him or paying for medical care.²⁷
32. In December 2021, Vietnamese activist and journalist Pham Doan Trang was sentenced to nine years in prison for ‘anti-State propaganda’.²⁸ Pham Doan Trang has a long history of peacefully advocating for freedom and human rights. On 25 August 2022, Trang’s appeal at the Hanoi High People’s Court was rejected.²⁹ She is currently being held in An Phuoc prison, which is 1,500km from her home. Vietnamese prisoners of conscience are often deliberately detained in prisons far from their home province, making it difficult for their families to visit them, as an additional form of financial and mental punishment.
33. Inhumane treatment and lack of medical care in Viet Nam’s prisons are reported to have caused the deaths of several political prisoners in recent years, including Doan Dinh Nam, a Buddhist An Dan Dai Dao religious adherent, in October 2019, Phan Van Thu, the founder of the Buddhist An Dan Dai Dao religious group, in November 2022, and Dinh Diem, a Lutheran pastor, in January 2023.

23 UN Special Procedure communication, AL VNM 2/2023, 28 April 2023 <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=28006>

24 Ibid

25 CSW, ‘Belief and belonging: Indigenous identity and freedom of religion or belief, 7 December 2022, <https://www.csw.org.uk/2022/12/07/report/5882/article.htm>

26 Ibid

27 Radio Free Asia, ‘Sức khỏe TNLT Nguyễn Trung Tôn nguy kịch, trại giam từ chối điều trị y tế’, 27 June 2023 <https://www.rfa.org/vietnamese/news/vietnamnews/prisoner-of-conscience-nguyen-trung-ton-suffers-many-serious-diseases-without-treatment-06272023090239.html>

28 CSW, ‘Vietnamese activist sentenced to nine years in prison’, 15 December 2021 <https://www.csw.org.uk/2021/12/15/press/5510/article.htm>

29 Radio Free Asia, ‘Vietnamese journalist loses appeal against nine-year sentence’, 25 August 2022 <https://www.rfa.org/english/news/vietnam/vietnamese-journalist-loses-appeal-08252022015721.html>

Recommendations to the government of Viet Nam:

34. *Revise all regulations and legislation pertaining to religion, particularly the Law on Belief and Religion to ensure they align with international standards as set out in Article 18 of the ICCPR to which the State is party, in consultation with religious communities and legal experts;*
35. *Ratify the Optional Protocol of the CAT and ICPPED, and the Second Optional Protocol to the ICCPR aiming to the abolition of the death penalty.*
36. *Ensure that any form of registration system is optional, not mandatory, and is not used as a tool to control religious activities;*
37. *Immediately and unconditionally release all prisoners of conscience detained in connection with their religion or belief, and investigate cases of wrongful imprisonment;*
38. *Ensure that all forms of torture and ill-treatment cease immediately. The State Party must guarantee that perpetrators of torture and ill-treatment, including extrajudicial killing, are held to account; where necessary, legal provisions should be revised or revoked in order to comply with the Convention against Torture (CAT);*
39. *Protect ethnic and religious minorities from all forms of social hostility, as well as discrimination by state agents; cases of abuse of power by authorities should be subject to thorough, impartial investigations, and mechanisms established to deal with complaints by religious communities and individuals.*
40. *Address intolerance and discrimination based on religion or belief in indigenous communities. Recognise the rights and specific needs and vulnerabilities of indigenous peoples, and codify and ensure their cultural, social and economic rights, as well as their civil and political rights, including land rights.*
41. *Provide a safe environment for human rights lawyers, civil society actors and human rights defenders, enabling them to carry out their work;*
42. *Consult with genuine, independent civil society groups in Viet Nam and strongly encourage their participation in preparations for human rights related reporting, including the UPR process;*
43. *Immediately release human rights defenders detained or imprisoned in connection with their peaceful defence of the rights of others;*
44. *Ensure that no citizen is detained incommunicado and that family members of detainees are informed of their whereabouts and the charges against them swiftly, in accordance with international standards;*
45. *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.*

**CSW everyone
free to believe**

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