

Introduction

There are continued reports of severe 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, torture and extra-judicial killing. In addition, human rights defenders (HRDs) defending the right to FoRB are especially targeted by the authorities.

Law on belief and religion

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 various levels of 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. As detailed below, the Law has not prevented FoRB violations against the most vulnerable groups.

Violations of freedom of religion or belief

While the situation for religious communities varies widely between different areas of the country, 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, suffer the most severe abuses. These include: pressure to recant, forced eviction, denial of access to public services and grants, beatings, torture, sexual abuse, 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.

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.

There are also reports that Muslim and Hindu Cham places of worship have been used as tourist attractions, at times disrupting legitimate religious activities, while land and buildings of religious significance have been confiscated by developers with support from the authorities.

Human rights defenders

Many human rights defenders risk their safety to stand up for victims of FoRB violations and other human rights abuses. 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.

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. Both Mr Truyen and Pastor Ton had their sentences upheld at an appeal hearing in June 2018.

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.

The families of imprisoned human rights defenders have also been targeted by the authorities.

Recent developments

Pastor A Dao

In a welcome development, authorities released Vietnamese Pastor A Dao on 18 September 2020 after more than four years in prison. The pastor was arrested in 2016 while on his way to visit some members of his church following his return from the Southeast Asia Freedom of Religion or Belief Conference in East Timor. His family were not informed of his arrest and heard nothing from him for five days. In April 2017, he was sentenced to five years in prison for ‘illegally taking people to Thailand’, a charge he denies. His release was not expected until August 2021.

Nguyen Bac Truyen

Calls have persisted for the immediate and unconditional release of Nguyen Bac Truyen, among other prisoners of conscience. In an open letter dated 13 August 2020, 62 parliamentarians from around the world called for his freedom, describing Mr Truyen’s imprisonment as a “direct breach” of Vietnam’s constitution and international legal obligations.

In October 2020 Mr Truyen was awarded the Stefanus Prize 2020 for his work promoting human rights in Vietnam. Despite continued international attention on his case, Mr Truyen remains imprisoned.

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. Mr Truyen and other prisoners of conscience also reportedly went on hunger strike in November 2020 in protest of unjust treatment by prison officials.

Loc Hung Vegetable Garden

In November 2020 CSW interviewed several residents of the Loc Hung Vegetable Garden in Ho Chi Minh City.¹ In January 2019, the residents were victims of a massive operation by the Vietnamese authorities which saw the forcible eviction of thousands of residents and the destruction of over 500 homes.

The residents detailed the effects of the forcible evictions on their lives, with large families often forced to live together in small houses. They also spoke of the concerning impact of the evictions on children from the community. Over two years later, the former residents of Loc Hung are still appealing for justice and the opportunity to meet with the authorities.

Freedom of expression

There was a significant crackdown on freedom of expression ahead of the 13th National Congress of the Communist Party of Vietnam, which began on 25 January 2021. On 5 January, authorities sentenced journalists Pham Chi Dung, Nguyen Tuong Thuy and Le Huu Minh Tuan to between 11 and 15 years in prison. All three journalists are members of the Independent Journalists Association of Vietnam (IJAVN). They were convicted of “making, storing, spreading information, materials, items for the purpose of opposing the state.”

On 14 January 2021, four UN human rights experts issued a statement calling the sentences “part of a rising trend in prosecutions, arbitrary detention, reprisals, ill treatment and unfair trials targeting independent journalists, bloggers, pro-democracy activists and human rights defenders in Viet Nam” and “a clear attempt to create a chilling effect among those willing to criticise the government.”²

COVID-19

As a result of the COVID-19 pandemic, prisoners of conscience were rendered more vulnerable to health problems and food shortages, as families were prevented from visiting and sending food packages. 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, since the normal food ration is insufficient.

The international community

As democratic nations pursue closer trade relations with Vietnam, there are serious concerns that human rights violations have been overlooked or ignored.

¹ ForB in Full, ‘The Loc Hung Vegetable Garden’, <https://forbinfull.org/the-loc-hung-vegetable-garden/>

² UN Human Rights, ‘Viet Nam: Arrests send chilling message before key Party meeting – UN experts’, 14 January 2021

<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26661&LangID=E>

On 12 February 2020 the European Parliament approved a Freed Trade Agreement and an Investment Protection Agreement between the European Union and Vietnam, despite human rights concerns raised by various NGOs, including CSW, as well as several MEPs. The agreement entered into force on 1 August 2020.

In September 2020 the UK Foreign Secretary Dominic Raab visited Vietnam for discussions with his counterpart Pham Binh Minh, with the aim of securing a trade deal. On 30 September, the UK and Vietnam agreed a “joint refreshed strategic partnership agreement,” which sets the direction between the two countries for the next decade, including a commitment to “co-operate in the promotion and protection of human rights.” CSW reiterates its recommendation that the UK and EU ensure that human rights concerns are high on the agenda in bilateral relations and that the promotion and protection of FoRB is consistently prioritised.

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 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.
- Ensure that all forms of torture and ill-treatment cease immediately, and that those responsible are held to account.
- Ensure that no citizen is detained incommunicado and that family members of detainees are informed of their whereabouts and the charges against them in good time, in accordance with international standards, and ensure that they receive adequate legal representation of their own choosing.
- Cease all harassment of the family members of human rights defenders and religious leaders.