

## Context and legal framework

After the death of Vietnamese President Nguyen Phu Trong, in July 2024, To Lam took over the office. Lam also became the chair of the Vietnamese Communist Party – widely known to be a more powerful and prestigious position than president. This consolidation of power is concerning.

Article 24 of the Constitution of Vietnam states that ‘everyone shall enjoy freedom of belief and of religion’, further emphasising that ‘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’.

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.

From 2023, the Vietnamese government has punished religious actors and human rights activists under Articles 117 (formerly 88) and 331 of the Vietnamese Criminal Code. The articles violate Vietnam’s international human rights obligations and should be repealed or substantially amended to comply with the rules set out under Article 19 of the International Covenant on Civil and Political Rights (ICCPR).

## Targeting of minority/indigenous communities

Following its latest review of Vietnam on 27 December 2023 the United Nations (UN) Committee on the Elimination of Racial Discrimination (CERD) expressed concerns over intensifying religious repression in the country, highlighting ‘restrictions on freedom of religion that disparately affect members of ethnic minorities’, including registration requirements, the use of force and abuse of power by law enforcement and public officials, and institutionalised forms of religious intolerance ‘including denial of school admission or medical treatment, of individuals belonging to ethnic-religious minority groups who refuse to renounce

their religion or belief to join the State-controlled religious associations.’<sup>1</sup>

### The Montagnards

The Montagnard minority ethnic group consists of approximately three million people belonging to around 30 indigenous tribes. The majority of Montagnards are Christians and live in Vietnam’s central highlands.

On 22 January 2024 authorities in the Central Highlands concluded a four-day trial in which over 100 Montagnards were convicted on various terrorism-related charges. The trial took place after an attack on provincial Communist Party offices in Dak Lak Province on 11 June 2023 that left nine dead, including local party officials and police.

Ten Montagnards were sentenced to life imprisonment, while other sentences ranged from three-and-a-half to 20 years in prison. Several Montagnard human rights activists based overseas were also charged in absentia. The charges specifically highlighted US-based Vietnamese American activists as having masterminded and coordinated the attacks; they deny all allegations.

The speed of the trial for such a large group has drawn criticism from human rights observers as evidence of predetermined charges and lack of judicial due process. Family members of those convicted have reported that the charges were based on confessions made under duress. The defendants were also given limited access to defence lawyers, who were state appointed.

On 26 January 2024 Nay Y Blang, a member of the unregistered Central Highlands Evangelical Church of Christ, was sentenced to four-and-a-half years in prison on charges of ‘secession and incitement’ for holding Christian prayer meetings in his home. Local media reported that Mr Blang was not allowed access to legal representation. Most Montagnards would not speak Vietnamese as their first language, yet the trials were conducted entirely in Vietnamese, and it is unclear how much Mr Blang understood about his rights and the charges he was facing.

On 8 March 2024 the body of Y Bum Bya, an evangelist belonging to the Central Highlands Evangelical Church, was found hanging from a tree after he had been summoned to a meeting with public security officers at a cemetery near his home. In December 2023 Mr Bya had been publicly denounced in front of fellow villagers for not disbanding his house church. The Ministry of Public Security subsequently issued an arrest warrant for the founder of Mr Bya’s church, Pastor A Ga, who currently resides in the US.

On 28 March 2024 Y Kréc Byă, a member of the Central Highlands Evangelical Church of Christ who had previously served an eight-year prison sentence, was sentenced to 13 years’ imprisonment and five years’ probation following his conviction on charges of ‘sabotaging implementation

<sup>1</sup> United Nations Committee on the Elimination of Racial Discrimination, Concluding observations on the combined fifteenth to seventeenth periodic reports of Viet Nam, 27 December 2023 <https://documents.un.org/doc/undoc/gen/g23/262/65/pdf/g2326265.pdf>

of solidarity policies.’ He received limited access to legal counsel. Mr Byă was arrested in April 2023 along with Nay Y Blang and had been held without bail.

### **The Khmer Krom**

The Khmer-Krom live in an area of southwest Vietnam that was once part of Cambodia. Vietnamese government statistics state that the population is around 1.3 million. However, several credible human rights groups claim there is significant and deliberate under reporting by the government, and that a conservative estimate of a true number of Khmer-Krom is closer to five million.

The majority of Khmer Krom are Theravadan Buddhist and share many cultural, political and linguistic ties to Cambodia.

On 20 March 2024 two Khmer-Krom activists were charged with ‘abusing democratic freedoms’ by a court in Cau Ngang District, Tra Vinh Province, after they organised training workshops on the rights of indigenous people under international law.

To Hoang Chuong and Thach Cuong had been detained for over eight months without access to legal assistance or family visits prior to their trial, which some sources have reported was arranged in less than a week. Their families were not notified of their trial and therefore could not be present. Chuong and Cuong were sentenced to four and three-and-a-half years in prison respectively.

On 26 March 2024 Thach Chanh Da Ra, a Khmer-Krom Buddhist monk, was arrested and defrocked in violation of the Theravada Buddhist tradition whereby a monk may only be defrocked by his immediate religious superior. Da Ra served as the abbot (head monk) at the Dai Tho Pagoda in Vinh Long province. The Vietnamese government has accused him of using his position of influence in the pagoda to sow anti-government sentiment.

Four more Khmer Krom monks at the Dai Tho Pagoda were arrested on 28 March 2024. Mr Duong Khai, Mr Thach Qui Lay, Mr Kim Sa Ruong, Mr Thach Chop were also defrocked by public security officers, and were charged with ‘abusing democratic freedoms’ under Article 331 of the Vietnamese Criminal Code.

On 1 April 2024 a place of worship used by the Khmer-Krom Theravada Buddhist community in Tong Hung, Loan My village, Tam Binh district, Vinh Long Province, was destroyed by authorities. The hall also served as an educational centre where Khmer-Krom language classes were taught to local children, and as a venue for community events.

### **The Hmong**

In February 2024 school administrations at two ethnic boarding schools prohibited students from participating in religious activities. Students at the high schools in Nậm Nhùn District, Điện Biên Province had to sign a pledge not

to attend Christian prayer services outside the school while no prayer service is allowed to be held in school.

### **Transnational repression**

Vietnamese security police have increasingly targeted Hmong and Montagnard Christians who have fled to Thailand to seek asylum and claim refugee status with the office of the United Nations High Commissioner for Refugees (UNHCR). They have particularly harassed and intimidated members of the Evangelical Church of Christ in the Central Highlands (ECCCH), Montagnards Stand for Justice (MSFJ), and Hmong Human Rights Coalition (HHRC). Many refugees in Bangkok have reported being visited at their homes in Bangkok by Vietnamese plain clothed police.

On 6 March 2024 Vietnamese state media declared the Montagnard Support Group Inc (MSGI) based in North Carolina, USA, and Montagnard Stand for Justice (MSFJ), which was established in Thailand, but now has an office in Virginia, USA, to be terrorist groups. Both organisations specialise in defending the rights of the Montagnard minority ethnic group. The Vietnamese government’s press release named several human rights activists as terrorists and threatened that anyone working with them would face similar charges. In a move clearly intended to intimidate, endanger and silence human rights defenders, it went on to give the personal home addresses of several key human rights figures both in Thailand and the USA.

On 14 March 2024 high-level delegates from the Vietnamese security services visited refugee communities in Bangkok where MSFJ leaders and key associates are based. During this visit, which was facilitated by senior Thai police officers, the most senior security officer from the Montagnard region, Major General Rah Lan Lam, questioned Montagnard asylum seekers in a northern suburb of Bangkok. This terrified refugees and many went into hiding and sought emergency relocation assistance.

On 30 September 2024 a judge in Thailand ruled that Vietnamese human rights activist Y Quynh Bdap could be sent back to Vietnam where he is facing various terrorism-related charges. Bdap’s legal team have filed an appeal and he is still being held in custody in Bangkok. Bdap’s extradition has raised concerns over the fairness of his trial and his safety if returned. Thirteen UN special procedures wrote to the government of Thailand compelling them not to return Bdap.

## **Recommendations**

### **To the government of Vietnam:**

- Ensure full enjoyment of the right to FoRB for all citizens in law and in practice, revising regulations and legislation pertaining to religion to ensure they align with the international standards articulated in Article 18 of the International Covenant on Civil and Political Rights (ICCPR).

- Release immediately and unconditionally all prisoners detained or imprisoned without due process in connection with their religion or belief, or with the peaceful defence of the rights of others and investigate cases of wrongful imprisonment.
- Launch an impartial investigation into the death of Y Bum Bya and adopt a zero-tolerance approach to violence against religious minorities and human rights defenders.
- End judicial harassment and arrests on excessive charges of ethnic and religious minorities and indigenous human rights defenders.
- End undue interference in the religious traditions of minority faiths and compensate any whose properties have been destroyed or seized.
- End transnational repression, harassment and defamation of members of ethnic and religious refugees and human rights defenders from ethnic and religious minority communities who are seeking asylum, reside in other countries.
- Take steps to guarantee and protect the right to freedoms of expression, association, and FoRB through reforming Articles 117 and 331 of the Penal Code.

***To the government of the United Kingdom:***

- Urge Vietnam to repeal or amend Articles 117 and 331 of the penal code, which have been used to criminalize human rights defenders (HRDs) and religious actors. These articles should be reformed to comply with Article 19 of the International Covenant on Civil and Political Rights (ICCPR), ensuring freedom of expression and peaceful religious practice.
- Urge Vietnam to end harassment and forced renunciations of religion.
- Call on Vietnam to stop intimidation of exiled activists and refugees, who are protected under international law, abroad and retract labels of terrorism for legitimate human rights organisations.
- Call for the immediate release of those imprisoned for peaceful religious activities or human rights defense.
- In 2020, the UK-Vietnam Strategic Partnership was renewed for 10 years. This includes exchanges on promoting the rules-based international system. As part of this, the UK should encourage Vietnam to uphold all its international human rights commitments and obligations, including to the right to FoRB.
- Deny UK visas to Vietnamese government officials directly responsible for FoRB violations, and to their families.

**CSW everyone  
free to believe**

T +44 (0)20 8329 0010  
✉ @CSWAdvocacy  
f /CSWUK  
csw.org.uk

PO Box 99  
New Malden  
Surrey, KT3 3YF  
United Kingdom

© Copyright CSW 2024. 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.