



VIETNAM

Key Findings

The Vietnamese government continues to control all religious activities through law and administrative oversight, restrict severely independent religious practice, and repress individuals and religious groups it views as challenging its authority, including independent Buddhists, Hoa Hao, Cao Dai, Catholics, and Protestants. This occurs despite some improvements in the area of religious freedom, such as generally wider space for some religious communities to practice their faiths. Notably, the government requires religious organizations and congregations to register with a state-sanctioned entity in order to be considered legal. Individuals remain imprisoned for religious activity or religious freedom advocacy. Based on these severe violations, USCIRF again recommends in 2015 that Vietnam be designated as a “country of particular concern,” or CPC, under the International Religious Freedom Act (IRFA). USCIRF has recommended that Vietnam be named a CPC every year since 2001.

Background

Vietnam’s overall human rights record remains very poor, including relating to religious freedom. Accurate numbers of religious adherents in the country are difficult to ascertain, but the majority of Vietnam’s 90 million citizens are Buddhist. More than six million are Catholic, Vietnam’s second largest religious group,

Baha’is, Hindus and followers of other folk religions and beliefs.

The Communist government has moved decisively in recent years to repress perceived challenges to its regime, tightening controls on freedom of expression, association, religion, and assembly. Although the 2013 Constitution goes much further than its predecessor in protecting the right to freedom of religion or belief, other provisions create exceptions to those rights. In addition, other laws, decrees, and ordinances collectively restrict religious practices and create latitude for local officials to interpret and implement their own policies without federal influence. This inconsistency leads individuals to fear that the open practice of their faiths will result in harassment, attacks, or arrest. In 2013, the government implemented a new decree on religion (Decree 92) that provides clearer timetables for registration, but expands oversight of religious affairs and makes it more difficult for new religious groups to ever achieve legal status. Moreover, broadly-worded Penal Code provisions, such as Articles 88 and 258, ensnare countless human rights defenders, bloggers, journalists, religious leaders, and other activists whom the government accuses of acting against the state. At least 100-200 prisoners of conscience are detained in Vietnam, some for their religious activity or religious freedom advocacy.

In 2015, Vietnam is expected to produce a new law on religion that, as rumored, will supersede the 2004

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and roughly one million or more are Protestant. Other minority religious groups include the Cao Dai, Hoa Hao, Khmer Krom Buddhists, ethnic Cham Muslims,

Ordinance on Beliefs and Religions and Decree 92. The UN Special Rapporteur on Freedom of Religion or Belief Heiner Bielefeldt visited Vietnam in July 2014, but had to curtail his visit due to state interference that

violated the terms of reference agreed upon in advance with the Vietnamese government. His findings, released in January 2015, noted that the “. . . autonomy and activities of independent religious or belief communities, that is, unrecognized communities, remain restricted and unsafe, with the rights to freedom of religion or belief of such communities grossly violated in the face of constant surveillance, intimidation, harassment and persecution.”

Religious Freedom Conditions 2014–2015

Buddhists

The Unified Buddhist Church of Vietnam (UBCV), the largest independent Buddhist organization in Vietnam, is not recognized by the state-sanctioned Vietnamese Buddhist Sangha, and by choosing to maintain its independence is considered an illegal entity.

Throughout 2014, officials in Da Nang City carried out efforts to take over the land belonging to the An Cu Temple. Similarly, in August, the Lien Tri Pagoda in Ho Chi Minh City was issued a government notice to close so that local officials could appropriate the property. Both locations have been sites of previous harassment. In January, UBCV monks and laypersons from the Long Quang Pagoda in Thua Thien Province were harassed and prevented from carrying out a celebratory service, with several subject to close police surveillance. Thich Quang Do,

Thach Phum Rich and Tra Quanh Tha, remain imprisoned for allegedly attempting to flee the country and for attempting to assist others in fleeing. The two monks have been outspoken critics of the government’s treatment of the Khmer-Krom and the treatment of fellow monk, Venerable Ly Chanh Da. Laypersons reportedly have also been arrested for their support of Ven. Ly Chanh Da.

Cao Dai

Followers of the Cao Dai religion continued to experience harassment and obstacles to the peaceful practice of their faith. Several incidents occurred in Vinh Long Province where police and other government officials disrupted memorial services and other peaceful gatherings. Police prevented a member of the Cao Dai clergy from attending a July 2014 meeting of the Inter-Faith Council of Vietnam. Several followers were harassed and attacked upon leaving a ritual ceremony in Tay Ninh Province.

Catholics

Father Phan Van Loi testified before the Tom Lantos Human Rights Commission on March 26, 2014, via video conference because government surveillance and restrictions on his movement prevented him from traveling to give testimony in person. He described the difficulties, obstacles, harassment, and sometimes imprisonment priests and laypeople face when they

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the head of the UBCV, has been arrested numerous times, spent 10 years in exile, and is currently under house arrest. Throughout much of the year, police harassed Lê Công Cầu, leader of the UBCV-affiliated Buddhist Youth Movement, subjecting him to harsh interrogation before arresting him and placing him under house arrest.

Khmer-Krom Buddhists

Prominent Buddhist monks Venerable Lieu Ny and Venerable Thach Thuol, along with two of their students,

speak out about their beliefs. He also referenced the limitations and outright prohibitions on the Catholic Church imposed by current laws and government decrees on religion. Local governments refuse to recognize Catholicism as a religion in the three northern provinces of Dien Bien, Son La, and Lai Chau, making it especially challenging for priests and their parishioners to practice their faith in these areas.

Catholics continue to experience land confiscations, including parishioners from the Thai Ha Redemp-

torist Church in Dong Da District, who protested in Hanoi to object to the government filling in an existing lake on church property. Similarly, Con Dau parishioners near Da Nang City were forced to move their parish cemetery and in some cases have been evicted from their homes, disrupting the entire parish community. While some land rights disputes may be, in part, the result of local-level corruption or development projects, the religious identity of the targeted community and its status as a minority are also often factors.

On a positive note, in September, representatives of the Joint Vatican-Vietnam Working Group held another meeting in Hanoi as part of the group's efforts to restore diplomatic relations.

Hmong Protestants

During 2014, countless Hmong Protestant house churches continued to be denied registration, effectively consigning them to illegal status. In an ongoing effort to limit the freedom of Hmong Christians to practice their faith, local authorities continued to interfere with the way in which Hmong villagers honor and grieve their dead. In addition to destroying storage facilities which house supplies for Hmong funerals, authorities harassed and attacked villagers attempting to carry out funerals in accordance with their beliefs. In March 2014, Hoang Van Sang received an 18-month jail sentence for constructing a new funeral storage facility. Hmong villagers who marched in protest of Sang's sentence were stopped by police.

Montagnards (Degar)

Ethnic minority Montagnards, primarily from Vietnam's Central Highlands region, continued to face severe ethnic- and religious-based discrimination and violence, prompting some to flee Vietnam. During the year, Montagnards reported the police carrying out beatings, arrests, and forced renunciations of faith. In November, 13 Christian Montagnards fled persecution in Vietnam to seek refugee status in Cambodia, only to suffer harsh conditions while hiding in the Cambodian jungles. A UN team was able to meet with the group weeks later after first being blocked by local officials. Since then, dozens more have fled to Cambodia, and some forcibly returned to Vietnam by Cambodian officials, including small children. The UN High Commissioner for Refugees and the

Office of the UN High Commissioner for Human Rights both have urged the Cambodian government to abide by

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their international obligations and allow the Vietnamese Montagnards to pursue refugee claims.

Mennonites

A Mennonite Christian center in Binh Duong Province was the site of repeated attacks throughout the year. In June 2014, 76 Mennonite Christians were attacked by more than 300 (some estimate closer to 500) police and security forces; the church itself was vandalized. In November, nine Mennonites, including two pastors, were arrested and the church vandalized once again. Three church employees were arrested, interrogated and beaten in early December. One of those arrested, a pastor, was ordered to end his role as pastor or face criminal charges. The three were eventually released but suffered additional harassment just outside the police station, and attacks on the church continued.

Hoa Hao

Early in 2014 in An Giang Province, several Hoa Hao worshippers who had gathered for a commemorative service were severely beaten. More than 300 police and thugs hired by the government carried out the attack on approximately 30 Hoa Hao followers; they later seized electronic and other equipment used during the ceremony and arrested 14 of the followers. The attack follows a similar one in the province less than one year earlier at the independent Hoa Hao Quang Minh Tu pagoda. Hoa Hao worshippers in Dong Thap Province experienced an even larger force of police and thugs in February 2014 as they attempted to visit Nguyen Bac Truyen, a former prisoner of conscience who had been recently arrested.

Prisoners

The ill-treatment and imprisonment of prisoners of conscience in Vietnam remains a key human rights concern, despite several releases during the year. Among them are countless individuals who have been harassed, beaten, detained, arrested, and imprisoned for their religious beliefs. Those still imprisoned include: Father Thaddeus Nguyen Van Ly, Mennonite Pastor Nguyen Cong Chinh, and Catholic intellectual and activist Francis Jang Xuan Dieu, for example.

Several prisoners of conscience were released in 2014, including prominent dissident Nguyen Van Hai, also

major source of clothing, footwear, furniture, and electrical machinery for the United States. The two are also part of the 12-nation negotiations of the Trans-Pacific Partnership (TPP), a regional free trade agreement. While the TPP talks are ongoing, the Obama Administration and some in Congress are concurrently pursuing the renewal of Trade Promotion Authority (TPA) that could grant the president greater flexibility when negotiating and approving trade agreements such as the TPP. Some members of Congress have raised concerns with a number of key components in the TPP, including agriculture, automotive markets, worker

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known as Dieu Cay. He was released in October 2014, coinciding with the visit of U.S. Assistant Secretary of State for Democracy, Human Rights, and Labor Tom Malinowski to Vietnam. Upon his release, Hai, like Cu Huy Ha Vu in April, was forced to leave the country and was immediately escorted onto a plane bound for the United States before he could inform his family of his release. Three others, Bui Thi Minh Hang, Nguyen Van Minh and Nguyen Thi Thuy Quynh, all well-known human rights defenders, received multi-year prison sentences in August.

U.S. Policy

The year 2015 marks the 20th anniversary of the normalization of ties between the United States and Vietnam. In 2013, the two countries entered into the U.S.-Vietnam Comprehensive Partnership, a framework for bilateral cooperation on a number of strategic issues, including trade and the economy, science and technology, defense and security, and human rights, among others. As part of their regular engagement on human rights, the two countries will conduct a session of the U.S.-Vietnam Human Rights Dialogue in Hanoi in May 2015. On January 1, 2014, Vietnam began its three-year term on the UN Human Rights Council.

The United States and Vietnam have a strong bilateral trade relationship, with Vietnam serving as a

rights, environmental protections, and human rights, among others, that are likely to be heavily debated during consideration of TPA.

In October 2014, the United States announced the partial easing of the arms ban with Vietnam with respect to maritime security. The State Department cited specific human rights improvements in Vietnam, including the release of prisoners of conscience and the registration of new church congregations. However, critics noted that Vietnam is still detaining numerous prisoners of conscience, including individuals imprisoned for their religious beliefs, and that registration figures pale in comparison to the thousands of congregations that either choose to remain independent or are denied registration, leaving them no choice but to operate illegally. Notably, Assistant Secretary Malinowski visited Vietnam shortly after the announcement and stressed the importance of Vietnam continuing to make progress on human rights.

The State Department designated Vietnam as a CPC in 2004 and 2005, but removed the designation in 2006 because of progress toward fulfilling a bilateral agreement to release prisoners, ban forced renunciations of faith, and expand legal protections for religious groups. USCIRF, however, has found that, the progress achieved

through the bilateral agreement has been inconsistent and not fully realized, and that religious freedom violations in Vietnam have continued, and in some cases worsened. These ongoing violations in Vietnam serve as a cautionary tale of the potential for backsliding in religious freedoms when vigilance in monitoring such abuses ceases. Accordingly, USCIRF has continued to recommend CPC designation for the country.

Recommendations

The United States has a strategic interest in furthering its relationship and engagement with Vietnam, as does Vietnam in deepening ties with and support from the United States. Given Vietnam's past receptivity to constructive engagement on human rights, and specifically religious freedom, the United States should consider additional avenues to encourage improvements to religious freedom conditions, particularly for those groups and congregations that wish to remain independent from Vietnam's communist government. A formal framework with Vietnam that establishes a roadmap toward improved religious freedom conditions could strengthen the U.S. government's leverage to seek an end to such violations. Until such time that improvements are made, USCIRF recommends the U.S. government designate Vietnam as a CPC, as well as:

- Continue discussions with the government of Vietnam on the drafting of the new law on religion to urge that the measure both simplifies registration requirements for religious congregations and makes registration optional, and to ensure that those opting not to register have other appropriate means by which to operate legally;
- Encourage the government of Vietnam to acknowledge and address violations against religious communities perpetrated by state and non-state actors, and support the proper training of local government officials, lawyers, judges, and police and security forces tasked with implementing, enforcing, and interpreting the rule of law;
- Ensure that human rights and religious freedom are pursued consistently and publicly at every level of the U.S.-Vietnam relationship, including in the context of discussions relating to military, trade, or economic and security assistance, such as Vietnam's

participation in the Trans-Pacific Partnership, as well as in programs that address Internet freedom and civil society development, among others;

- Increase the frequency and visibility of U.S. government visits to remote, rural areas in Vietnam, including direct contact and communications with independent religious communities as appropriate;
- Encourage the U.S. Embassy in Hanoi and the U.S. Consulate General in Ho Chi Minh City to maintain appropriate contact, including through in-person visits, with Vietnamese prisoners of conscience to ensure that prisoners have regular access to their families, human rights monitors, adequate medical care, and proper legal representation, as specified in international human rights instruments; and
- Ensure the U.S.-Vietnam Human Rights Dialogue establishes concrete actions and outcomes relating to religious freedom, including the unconditional release of all prisoners of conscience arrested or otherwise detained for the peaceful practice of their beliefs, make those actions and outcomes part of a larger strategy of U.S. engagement, and report to Congress on the trajectory of progress on these issues.