

KEY FINDINGS

In 2016, Vietnam continued to make progress to improve religious freedom conditions. While the government's Law on Belief and Religion, approved on November 18, 2016, does not comply fully with international standards, the measure reflects the government's and National Assembly's good faith efforts to solicit input from some religious organizations, incorporate guidance from international experts in a relatively transparent fashion, and address myriad religious freedom challenges in the country. Nevertheless, severe religious freedom violations continued, especially against ethnic minority communities in rural areas of some provinces. Given the law's approval late in the reporting period, its effective date of January 1, 2018, and the serious scope and nature of ongoing abuses during

2016, USCIRF again finds that Vietnam merits designation as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA) in 2017, as it has every year since 2002. USCIRF believes Vietnam may be on the right path toward comprehensive and enduring improvements in religious freedom conditions; continued positive movement along this path may prompt USCIRF to consider moving Vietnam to its Tier 2 list in the future. This possible change in tier status will depend, in part, on whether the Vietnamese government implements and enforces the new law in a manner that ensures the rights of religious organizations and individual believers, providing equal treatment and fairness to both state-sponsored and independent groups, as well as registered and unregistered groups.

RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Designate Vietnam as a CPC under IRFA;
- Continue to work with the government of Vietnam on the Law on Belief and Religion to ensure its implementation is consistent with international human rights standards, and encourage accountability for central and local government officials and law enforcement as well as non-state actors acting in contravention to Vietnamese law, its constitution, and international standards;
- Encourage the government of Vietnam to acknowledge and address violations against religious communities by state and non-state actors, including individuals sponsored by the government carrying out such acts, and support the proper training of local government officials, lawyers, judges, and police and security forces who implement, enforce, and interpret 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 discussions related to military, trade, or economic and security assistance, and in programs on Internet freedom and civil society development;
- Continue regular, visible U.S. government visits to remote, rural areas in Vietnam, including direct contact with independent religious communities as appropriate;
- Urge the Vietnamese government to cease detaining and imprisoning members of religious organizations, as well as human rights activists, for peaceful religious activity or religious affiliations, and to promptly and unconditionally release all prisoners of conscience;
- Encourage the U.S. Embassy in Hanoi and the U.S. Consulate General in Ho Chi Minh City to maintain appropriate contact, including in-person visits, with Vietnamese prisoners of conscience, and press the government of Vietnam to ensure them regular access to their families, human rights monitors, adequate medical care, and proper legal representation, as specified in international human rights instruments;
- Continue to advocate for and provide support to individuals threatened, detained, assaulted, or arrested by the Vietnamese government due to their participation in or attendance at domestic and international meetings and other gatherings with U.S. officials and other international stakeholders; and
- Use targeted tools against specific officials and agencies identified as having participated in or responsible for human rights abuses, including particularly severe violations of religious freedom, such as the "specially designated nationals" list maintained by the Treasury Department's Office of Foreign Assets Control, visa denials under section 604(a) of IRFA and the Global Magnitsky Human Rights Accountability Act, and asset freezes under the Global Magnitsky Act.

BACKGROUND

The Vietnamese government has taken notable steps to improve religious freedom conditions in the country. Many individuals and religious communities are able to exercise their religion or beliefs freely, openly, and without fear. In many communities, religious organizations and local officials get along well, with little to no government interference. The country is home to a wide diversity of faiths. The majority of Vietnam's more than 94 million people practice or identify with Buddhism. Estimates vary widely, but more than six million Vietnamese are believed to be Catholic, more than 1.5 to three million are Hoa Hao Buddhists, approximately one to three million are Cao-daist, and approximately one to two million are Protestant. Smaller numbers are Khmer Krom Buddhist, Muslim (including ethnic Cham Muslims), Hindu, Baha'i, Mormon, and Falun Gong, as well as practitioners of local religions or other forms of traditional worship.

In general, religious organizations recognized by the government fare better than unrecognized groups. Despite clear improvements, the Vietnamese government either directs or allows harassment and discrimination against unregistered, independent religious organizations, particularly those that also advocate for human rights and/or religious freedom. There is a disconnect between the central government's overtures to improve religious freedom conditions and the

ongoing actions taken by local officials, public security, and organized thugs to threaten and physically harm religious followers and their houses of worship or other religious property.

In general, the Vietnamese government continues to crack down on anyone challenging its authority, including lawyers, bloggers, activists, civil society, and religious organizations. For example, the government represses online dissent: in March 2016, a well-known political blogger and his assistant, Nguyen Huu Vinh and Nguyen Thi Minh Thuy, received five- and three-year prison sentences, respectively, for posting so-called

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"anti-state" articles. In September 2016, their sentences were upheld after an unsuccessful appeal.

Also, in 2016, an environmental disaster resulted in extensive fish and marine life die-offs and undue hardship on local fisherman

and residents in affected areas in central Vietnam. As the government arrested peaceful demonstrators who were angered by the government's lack of transparency about the catastrophe, many local religious organizations provided support and resources to those impacted by the disaster and were harassed by the authorities for trying to help the demonstrators. In February 2017, uniformed and plainclothes officials attacked and interrogated Catholic activists and others from Song Ngoc Catholic Parish in Nghe An Province for peacefully demonstrating about the government's handling of the disaster.

RELIGIOUS FREEDOM CONDITIONS 2016–2017

Positive and Encouraging Trends

On May 31, 2016, the Vietnamese government granted official national recognition to the Church of Jesus Christ of Latter-day Saints (LDS) and also formally acknowledged the Representative Committee of the LDS Church. Previously, the LDS Church had a temporary representative office. In addition, a handful of clergy reported that the Vietnamese government approved their congregations' registration requests. In September 2016, the Catholic Institute of Vietnam opened in Ho Chi Minh City, becoming the country's first-ever university-level institute of theology. Throughout 2016, the Popular Council of the Independent Cao Dai Church detected less government repression than in previous years. The group was able to perform altar installation ceremonies and funerals without disruption, despite opposition and intimidation by the government-run Cao Dai Church's Governing Council. However, the group remains fearful that government-driven repression will return at any time.

Harassment of Certain Religious Groups and Individuals

The Vietnamese government regularly targets certain individuals and groups because of their faith, ethnicity, advocacy for democracy, human rights, or religious freedom, historic ties to the West, or desire to remain independent of Communist government control. These include the independent Cao Dai; independent Buddhists like the Unified Buddhist Church of Vietnam (UBCV), Hoa Hao, and Khmer Krom; Montagnards; Hmong; Falun Gong; and followers of Duong Van Minh.

In June 2016, public security officials harassed, physically assaulted, and prevented several Hoa Hao Buddhists from participating in celebrations associated with the June 22 anniversary of their faith. Authorities used checkpoints to block access to Quang Minh Pagoda, the only Hoa Hao Buddhist pagoda in the country not under the government's control. Hoa Hao Buddhists reported other incidents involving the pagoda in January and April 2016; according to Hoa Hao followers, the April incident led to the beating of one of their religious leaders by unknown attackers who may

have been part of public security. Hoa Hao Buddhists reported a separate April incident in An Giang Province in which both plain clothes and uniformed public security threatened, harassed, or assaulted more than 50 followers.

Also in June 2016, authorities disrupted a Catholic prayer service, held at a parishioner's home in the Muong Khuong district of Lao Cai Province. Security agents reportedly assaulted some of the Catholics and confiscated cellphones of those attempting to record the incident.

Throughout 2016, Vietnamese officials deliberately targeted individuals for interacting with foreign representatives, particularly Westerners. For example, in March 2016, authorities detained Tran Thi Hong, the wife of imprisoned Pastor Nguyen Cong Chinh, as she was en route to meet with then U.S. Ambassador-at-Large for International Religious Freedom David Saperstein. She eventually met the U.S. delegation at her home, but has since been subjected to repeated official harassment (see the section below on Arrests and Imprisonments). Also, on April 6, authorities reportedly arrested and interrogated Pastor Y Noen Ayun of the Evangelical Church of Christ because he, too, met with then Ambassador Saperstein. The pastor previously has been arrested or threatened with jail time due to his religious activities.

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In another incident, in mid-August 2016 local police in Dak Nong Province invited Y Than to the police station for questioning after his father, Pastor Rmah Loan, formerly of the Southern Evangelical Church of Vietnam, testified in June at a House Foreign Affairs Subcommittee hearing about human rights in Vietnam. Police questioned Mr. Y Than, who is also a pastor, about the three churches where he currently serves.

Also in August 2016, officials targeted two individuals from the Montagnard Evangelical Church

of Christ who attended a regional religious freedom conference in Timor-Leste. Public security in Kon Tum Province arrested Pastor A Dao after he returned to Vietnam from the conference, confiscating documents and his electronic devices; officials similarly interrogated and searched the home of Y Bet, confiscating her personal belongings. Public security also harassed and threatened two other individuals in connection with Pastor A Dao and Ms. Y Bet's participation in the conference. In addition, authorities scrutinized two men upon their return to Vietnam from the conference: Bui Van Tham, a Hao Hao Buddhist, was detained, and Professor Dinh Kim Phuc was interrogated at least twice. Two other men, Mennonite Pastor Pham Ngoc Thach, a former prisoner of conscience, and Cao Dai Popular Council Representative Nguyen Van Phuc were prevented from leaving the country to attend the conference.

Ethnic minority Montagnards from the Central Highlands, many of whom are Protestant, face numerous government restrictions: some are prevented from holding religious ceremonies, many are summoned to meet with local authorities and pressured to cease practicing their faith, and pastors are harassed or punished. In 2016, USCIRF received a report that in one incident, authorities arrested at least seven Montagnard Christians from the Central Highlands after police reportedly instructed the individuals to stop believing in God. In July, 16 Montagnards returned to Vietnam after seeking asylum in Cambodia; applications for all but one, who did not complete the application, were rejected. Aside from an original group of 13 Montagnards, no others have been granted refugee status with the United Nations High Commissioner for Refugees in recent years.

Lastly, USCIRF continues to receive reports of forced renunciations of faith. For example, authorities reportedly harassed followers of Montagnard Pastor Xiem Ksor, who died on January 14, 2016, after public security physically assaulted him on Christmas Eve 2015.

Harassment Relating to Property and/or Disruption of Religious Activities

Religious organizations continue to report threats of eviction from or demolition of their religious property; in some cases, the government follows through on its

threats. Not all seizures or destruction of religious property are rooted in religious freedom, but in many cases the acts ultimately disrupt or interfere with religious practices. For example, on March 24, 2016, officials attempted to seize the An Ninh Tay Cao Dai Temple in Long An Province by locking the doors and demanding that two church officials abandon the temple. The temple is used by followers of the independent Cao Dai Church, whom local officials have for years tried to pressure into joining the government-sanctioned Cao Dai Church.

In June 2016, local authorities desecrated a cross and destroyed other property at the Thien An Catholic monastery in Thua Thien-Hue Province. The local government had accused the monastery of illegal deforestation on the property, an allegation monastery officials deny. On September 8, 2016, authorities in Ho Chi Minh City seized and demolished the UBCV-affiliated Lien Tri Pagoda and evicted its monks. For more than two years, authorities threatened to demolish the pagoda, harassing and intimidating Buddhists in order to make way for development projects.

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The government harassed followers of the small Christian sect known as Duong Van Minh and burned and/or destroyed funeral storage sheds central to the group's core practices. As of September 2016, authorities, sometimes plain clothes, destroyed 52 of 56 funeral sheds throughout four provinces. On August 29, 2016, in Tuyen Quang Province, authorities reportedly injured at least eight Duong Van Minh followers while destroying the group's funeral sheds.

Law on Belief and Religion

The Vietnamese government can stop harassing, threatening, physically assaulting, and detaining or imprisoning religious communities and individuals without legislative action. Now that the Law on Belief

and Religion has been approved, the international community should closely monitor its implementation. In the meantime, it is worth noting the law's positive elements: it extends legal personality to some religious organizations; reduces the time religious organizations must wait for government registration; encourages the establishment of religious schools or other educational facilities; and transitions some government approvals to notifications, for example, regarding clergy and certain religious activities.

Despite this positive language, critics believe the law will restrict freedoms through burdensome, mandatory registration requirements and empower the Vietnamese government to excessively interfere in many aspects of religious life. Critics also believe the law's modest improvements largely benefit only registered, state-recognized religious organizations.

They believe the law ignores the fact that many religious organizations wish to remain independent, and represents the government's desire to increasingly control religion and belief. The law also contains a vaguely

worded national security provision (article 5, clause 4) that human rights advocates and religious communities are concerned will be open to broad interpretation that restricts freedoms, especially at the local level.

Lastly, it is important to note the strong objections many religious organizations in Vietnam have about the law. These are the individuals and groups it will directly impact, and the Vietnamese government and international community should continue to heed their sentiments, both positive and negative, about the law's bearing on their ability to freely practice their faith.

Arrests and Imprisonments

As of July 2016, Amnesty International had identified at least 84 prisoners of conscience in Vietnam, though many other believers are detained, imprisoned, or awaiting trial on related charges. While the number of prosecutions has declined in recent years, many religious communities report increased harassment by

local police, public security, and hired thugs, particularly in remote, rural areas. At times, the government has refused to acknowledge it has incarcerated prisoners of conscience, instead referring to these individuals as "lawbreakers."

On April 14, 2016, authorities arrested Tran Thi Hong just weeks after she met with then Ambassador Saperstein. Authorities continued to harass, detain, and assault Ms. Tran for several weeks after her initial arrest, including physically assaulting her 18-year-old son. Her husband, Pastor Nguyen Cong Chinh, has been in prison since 2011. His health is in critical condition and has been for several months. Other prisoners of conscience include Khmer Krom Buddhist the Venerable Thach Thuol, and Christian human rights lawyer Nguyen Van Dai. In addition,

UBCV Patriarch Thich Quang Do remains under effective house arrest. Ahead of then President Barack Obama's trip to Vietnam in May 2016, the Vietnamese government released Father Thadeus Nguyen Van Ly from prison. Father Ly, a long-time advocate for

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political and religious freedom, had been serving an eight-year prison sentence. While human rights advocates had hoped the Vietnamese government would release several other prisoners of conscience in coordination with then President Obama's visit, Fr. Ly was the only one. Prominent activist and religious freedom advocate Bui Thi Minh Hang completed her sentence and was released in February 2017.

U.S. POLICY

Following then President Obama's trip to Vietnam in May 2016, the United States and Vietnam issued a joint statement highlighting several key collaborations, for example: Fulbright University Vietnam, the country's first privately funded university; a new Peace Corps country agreement; and one-year, multi-entry visas. During remarks at Hanoi's National Convention Center, then President Obama spoke about the universal values of human rights and how freedom of religion

touches both individuals and communities. While U.S. officials noted that then President Obama raised human rights concerns throughout his visit, human rights advocates expressed disappointment for several reasons. First, as mentioned above, the Vietnamese government released only one prisoner ahead of then President Obama's visit: Fr. Ly. Second, many were concerned that by fully lifting the ban on the sale of lethal weapons to Vietnam, the United States gave away influential leverage on human rights issues. Finally, many were angered that Vietnamese officials prevented several individuals from attending a civil society roundtable with then President Obama. The fact that the roundtable occurred at all, with the inclusion of clergy representatives, is a positive sign, albeit marred by the Vietnamese government's interference.

In April 2016, ahead of then President Obama's visit, the United States hosted Vietnam for the annual Human Rights Dialogue, and religious freedom was among the human rights issues discussed.

November 13, 2016, marked the 10-year anniversary of the State Department's removal of Vietnam's designation as a CPC. When the designation was lifted in 2006, USCIRF agreed that the Vietnamese government had made modest religious freedom improvements, but believed the new policies and legal protections had not been in effect long enough to take hold. (For further information, refer to *Religious Freedom in Vietnam: Assessing the Country of Particular Concern Designation 10 Years after its Removal* at www.uscifr.gov.)

The United States should commend Vietnam for its noticeable religious freedom improvements, yet, in light of serious and ongoing religious freedom violations, also encourage its government to undertake additional steps that would bring the country's policies and practices in line with international human rights standards.