

## **Testimony on Freedom of Religion in Vietnam**

Your honorables, my experience in working on the reporting of religious right in Vietnam during the past four years has unequivocally highlighted the absence of true freedom of religion. While the government proclaims a semblance of religious tolerance, the reality is quite different. The stringent regulations outlined in the Law on Religions and Beliefs and subsequent decrees have effectively curtailed religious practices, leading to a façade of faith freedom.

The contemporary framework that governs religious practices, management, and operations in Vietnam is predominantly defined by the Law on Religions and Beliefs 02/2016/QH14, endorsed by the National Assembly on November 18, 2016 (LRB). This legislation is further expounded upon by Governmental Decree 162/2017/ND-CP, ratified on December 30, 2017.

Additionally, those contravening the state's religious management policy are subject to either administrative sanctions or criminal penalties under Governmental Decree 167/2013/ND-CP, passed on November 12, 2013, and Penal Code 100/2015/QH2013, sanctioned by the National Assembly on November 27, 2015.

### **I. The Vietnamese Government has Direct Interference in Religious Practices**

#### **A. Influencing Religious Formation: The Double-Door Registration**

In contrast to legal systems that permit religions and beliefs as long as they do not disrupt societal order, Vietnam mandates that adherence to registration procedures outlined in the LRB is imperative for religious legality. These processes, encapsulated in Chapters IV and V of the LRB, are intricately elaborate.

To legally engage in religious activities, organizations are compelled to secure a certificate for religious operations, contingent upon several requisites (see Articles 16-20). These include the presence of complete religious doctrines, adherence to Vietnamese law, a lawful headquarters, and the absence of proscribed religious ideologies. Notably, certain concepts, such as conscientious objection to military service, are deemed illegal.

Once granted this certificate, an entity is deemed a religious group. Yet, this is not the terminus of religious control. After five years, these groups must reapply to be formally recognized as religious organizations, a legal status that affords more comprehensive participation in transactions compared to religious groups. This framework, while ostensibly rational, offers authorities a mechanism to expunge non-conforming religious elements.

The case of An Dan Dai Dao (ADDD) exemplifies this manipulation. Established as a Buddhist sect in 1969 and operating legally under the Republic of Vietnam, ADDD became a target post the Communist takeover in 1975. Accusations of CIA collaboration led to non-compliance with registration procedures, rendering ADDD a criminal group. Although ADDD sought to reestablish itself in 2003, persecution endured, culminating in severe sentences for its leaders. Phan Van Thu, ADDD top leader was sentenced a life-imprisonment and died in prison in Nov. 2022.

#### **B. Intrusion into Religious Practices: Vigilant Surveillance**

Even when religion gains legal recognition, the ability to practice is restricted by elaborate registration and notification procedures detailed in Chapter VI of the LBR. Concentrated religious activities mandate prior permission, irrespective of affiliation or recognition. Furthermore, religious organizations face a slew of obligatory requirements, from submitting an annual list of activities to obtaining permission for conferences, all underpinned by intrusive governmental oversight.

#### **C. Interfering with Organizational Structure: "Red" and "Religious"**

The most invasive approach involves structural manipulation, exemplified by the government's authority over high-ranking religious appointments, elections, or transfers. Foreign elements in appointments demand adherence to vague "Vietnamese law" and necessitate prior state approval. A case in point is the usurpation of Cao Dai, where a government-controlled organization claimed the identity of the original religion, subjugating its identity and leadership.

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This testimony illustrates the façade of "religious freedom" in Vietnam, spotlighting the fate of faiths the ruling party disapproves of. The comprehensive controls on

religious formation, practice, and organizational structure underscore the intricate measures employed to assert control over the spiritual domain.

The labyrinthine bureaucratic procedures for religious registration and activity approval create an environment where religious groups are coerced to align with the state-sanctioned narrative. The need for continuous government oversight and permission for even the most basic religious gatherings underscores the lack of autonomy that believers face.

Furthermore, the cases of religious organizations like An Dan Dai Dao (ADDD) illustrate the alarming extent to which dissenting beliefs are suppressed. The government's manipulation of organizational structures, appointment processes, and the imposition of criminal penalties on religious leaders who dare to challenge the status quo demonstrate a systemic effort to eliminate any form of religious expression that falls outside state control.

In essence, the work that our organization and our magazines have been doing in Vietnam has illuminated the stark contradiction between the country's proclaimed commitment to freedom of religion and the intricate web of regulations and interventions that suffocate religious diversity and expression. The absence of genuine freedom of religion is palpable and underscores the urgency of addressing this issue on a global stage.

## **What key factors have influenced the Vietnamese Communist Party's policy on religious control.**

The Vietnamese Communist Party (VCP) comprehends how religious groups can rally people together, and it's determined to maintain its supremacy in the nation without any significant opposing influence. Functioning as an authoritarian state with a single-party governing structure, the VCP is acutely aware of the impact religion can have on specific segments of the population.

Looking back, consider the Vietnam War era when tensions between the South Vietnamese government and the Buddhist community led to a tumultuous period that could have potentially destabilized the southern region. Drawing lessons from this historical episode, the VCP internalized the importance of this lesson. This is

why Vietnam currently permits only the Vietnam Buddhist Sangha to operate as a recognized religious entity within the country. Interestingly, this sangha also holds membership within the VCP's Fatherland Front, and several of its leaders are affiliated with the VCP. In contrast, the Unified Buddhist Sangha of Vietnam is prohibited in Vietnam. As you may recall, The Most Venerable Thích Quảng Độ, who held strong religious beliefs, faced imprisonment and lived under house arrest until his passing in 2020. The VCP labeled him as a reactionary force due to his religious convictions.

## **Recommendations**

Vietnam must show its commitment to upholding numerous human rights treaties that it has signed and ratified. As a current member of the Human Rights Council, Vietnam stands at a pivotal juncture, urging a thoughtful reconsideration of its Law on Religions and Beliefs. The imperative for reform emerges as a beacon of progress, for the vitality of religious freedom cannot flourish within a paradigm where spiritual institutions and adherents find themselves entangled in a cumbersome process, petitioning the government for the legal recognition necessary to function.

The essence of genuine religious liberty is rooted in an environment that nurtures faith without encumbrances. Ponder for a moment: how might the cherished convictions and beliefs of individuals be earnestly honored if they remain beholden to the authority's endorsement? An authentic expression of spirituality inherently demands autonomy and agency, free from the constraints of bureaucratic validation.

Vietnam's role on the global stage, particularly within the Human Rights Council, presents a remarkable opportunity to champion the cause of religious freedom in earnest. By recalibrating its approach to the Law on Religions and Beliefs, Vietnam can showcase its dedication to fostering an inclusive society where every individual can embrace their faith without impediment. In doing so, it not only exemplifies its commitment to human rights but also sets a precedent for harmonious coexistence and shared progress.

## **Panelist's Profile:**

Quynh-Vi Tran was a litigation lawyer in Menlo Park and San Jose, California before becoming a democracy advocate and journalist in 2015. Apart from being the Executive Director of Legal Initiatives for Vietnam (LIV), she is in charge of The Vietnamese Magazine, an English publication covering Vietnam's law and politics, and advocacy. The Vietnamese Magazine and its sister-publication, Luat Khoa Magazine, have been writing about Religious Freedom in Vietnam since 2019. They also publish the Religion Bulletin monthly in the last four years as well, in both English and Vietnamese.

She specializes in Vietnam's freedom of expression and criminal justice, and is also a strong advocate for the abolition of the death penalty. In 2021, Vi was accepted as a Democracy and Human Rights Service Fellow at the Taiwan Foundation for Democracy (TFD). She graduated from the master's program in journalism at Columbia University in 2023.