

HUMAN RIGHTS COMMITTEE
125th session – 4-29 March 2019

Alternative report

VIET NAM

Freedom of religion and belief (Art. 18 ICCPR)

Comments on §§17 and 18 of the List of Issues, CCPR/C/VNM/Q/3

Submission date: 4 February 2019

1. Viet Nam pursues a policy aiming to control and “contain” religious communities. As protestant Evangelical churches have observed a rapid growth over the last 40 years, in particular among ethnic minorities, they are particularly surveilled. They represent an estimated number of 2 million people, of which 75% belong to ethnic minorities. Members of other religious groups are also targeted, in particular unregistered religious communities such as independent Cao Dao groups, Hao Hao or independent Buddhists.

New Religious Law (in reference to CCPR/C/VNM/Q/3, §17)

2. The ‘*Law of Belief and Religion*’ of 2016, which became effective on January 2018, has not led to significant improvement of Freedom of Religion or Belief in the country. Positively, the law has streamlined registration for religious groups, as well as opened up the possibility for religious organizations to get involved in educational, health, social protection, charitable, and humanitarian activities in conformity with relevant laws and regulations (Art. 55 of the Constitution). However, the law also tightened government control and supervision of religious activities, as well as endowing the State a blank check to restrict religious freedoms where it is seen as “*undermining national defense, national security, national sovereignty, public order, public safety, and the environment.*” (Art.6 of the Constitution).
3. A year after its entry into force, many of Viet Nam’s Christians leader conclude that the new religion law and ancillary documents, totaling nearly 200 pages, provide more tools for government management of religion, but certainly not more freedom for believers and religious organizations
4. Although the new law has simplified the process for unrecognized religious groups to obtain certificates of registration, many communities still experience unreasonable burden and non-transparent rejection from the government, in particular in remote areas. Churches also report that they often simply receive no answer to their request to be officially registered.
5. The pending time for a registered religious group to obtain official recognition has reduced significantly from 23 years to 5 years. It seems however that the 5 years period starts with the entry into force of the new law and is not based on the date of establishment of the community in Viet Nam. Also, the provision implies that a community still has to operate “illegally” for several years before it can claim official recognition, leaving them very vulnerable to government oppression.
6. Other provisions still show a high degree of intrusion of the government in internal affairs of religious organizations. Religious groups must submit to the government an annual list of their religious activities (Article 43). Certain activities need to seek explicit approval from corresponding authorities. For instance, prior to an internal conference, a religious organization must send an application for consideration to relevant authorities, with a detailed description of the purpose of the said conference, number of participants, content, concrete programs, times and venues anticipated, etc. (Article 45) In addition, a religious organization which wishes to modify their charter must also report to and request permission from the government (Article 24).

Recommendations

In order to ensure freedom of religion or belief (FoRB) in accordance with Art. 18 of the ICCPR, Viet Nam should pursue the following:

- **Review the 2016 Law on Belief and Religion and bring it in conformity with international human rights and FoRB standards and stop unjustified State interference in religious activities.**

Harrassment of religious communities (in reference to CCPR/C/VNM/Q/3, §18)

7. The religious communities in the cities and those in the rural areas or belonging to ethnic minorities sometimes face different situations in terms of government or social harassment. It is notable that recently in Ho Chi Minh City, congregations of the registered Evangelical Church of Vietnam – South were permitted to hold a large, outdoor, public Christmas program on December 8, 2018, attracting some 20,000 people. However, during the same week on December 5, 2018 the education department of Nha Be District in Ho Chi Minh City published a strong directive totally banning anything relating to Christmas in all public, private and tutoring schools.
8. Believers in rural regions or belonging to ethnic minorities are hit the hardest in Viet Nam. This is also true for the Christian communities. In some rural areas, merely possessing a local language Bible or holding services is deemed illegal by local authorities. Christians are harassed by both authorities and the local population, while perpetrators of human rights violations remain unpunished.
9. Catholic bishops claim that local governments have applied additional and unnecessary hardship upon parishes in rural regions which applied for recognition. This burdensome enforcement was to discourage them from registering and was inconsistent with the promised national framework. The most problematic areas include the Central Highlands (Provinces of Gia Lai, Dak Lak, Dak Nong, Kon Tum, and Lam Dong), the Northwest Highlands, and Hoa Binh Province.
10. Unregistered communities, either by refusal or by bureaucratic barriers, face continued suppression by government officials. Representing a large proportion of the Evangelical population, unregistered Christians groups are forced to hold underground services in houses or outside and are frequently harassed by the police. Strong official and societal pressure against converts has made the situation even more difficult for many new believers. Members of other unregistered religious communities such as independent Cao Dao groups, Hao Hao or independent Buddhists are also targeted.

Oppression of Hmong Christians

11. Several hundreds of thousands Hmongs are adhering to Evangelical Protestantism. Heavy measures are used to try to contain the steady growth of Evangelical Christianity among this ethnic minority. Only a fraction of the thousands of Hmong Christian communities have received formal registration under the Vietnamese law and they continue to face stigmatization and oppression from both societal and governmental sources. Hmong Bibles and other religious material in Hmong are considered illegal and cannot be printed or imported.
12. In March 2018, a group of four Hmong families was attacked by a mob led by the village chief, shortly after having converted to Christianity. Four people had to be hospitalized following the incident. Prior to the event, provincial authorities had strongly advised them to recant their new faith.

13. On the 2nd of December 2018, a peaceful religious service of 33 Hmong Christians in the Nghe An province was interrupted by heavily armed police officers, who dragged the congregants out into the public village square and demanded they recant their faith and return to traditional animistic religion. Those who refused were threatened with expulsion from the commune and the country, or even death. Various police units and local civil authorities combined to form an “investigation task force”. For four consecutive Sunday’s in late November and early December the large task force, including at least 20 officers in full riot gear, invaded and shut down the Christians’ worship service at a believer’s modest home. The same group of believers had suffered interruptions to their services and severe beatings in April, and June already.
14. Over the past year, over 100 evangelical Christians were forced from their homes in the provinces of Lao Cai and Yen Bai, with many fleeing the country.

Property confiscation

15. No individual or group can claim an ultimate ownership of the land as Viet Nam considers all land as State possession. For the sake of economic development, urbanization and modernization projects, certain religious groups, unregistered and registered alike, have lost or are facing risks of losing large portions of their land and property. In fact, land conflict is one of the major sources of tension between the government and religious communities in Viet Nam.
16. In January 2016, a group of approximately 200 security officials and plainclothes police burst into the Thien An Catholic Monastery, Thua Thien Hue Province. They intimidated and physically assaulted the residents and cut down trees within the property. The attack was allegedly to threaten and pressure the monastery’s leaders to give up their land for a local tourism project. In June 2017, the same monastery was attacked by a mob who beat the monks and demolished the cross and statue of Jesus on the property. Several members of police were identified as part of the group.
17. In another dispute, the Hanoi Archbishop’s office is vigorously protesting the government’s construction of a public school on its property, at 29 Nha Chung Street in central Hanoi. so far to no avail. The government has yet to produce a building permit required by law, but construction continues.
18. Likewise, in April 2016, Phu Phong Church in Binh Dinh province, a member of the Evangelical Church of Viet Nam-South, reported provincial officials ordered security forces to confiscate a plot of 1,000 m2, which originally belonged to the church, for the formation of a public garden. While still under dispute, local authorities mobilized loaders and excavators to forcibly start the construction process.

Recommendations:

In order to ensure freedom of religion or belief (FoRB) in accordance with Art. 18 of the ICCPR, Viet Nam should pursue the following:

- **Provide legal education and training to provincial and local-level security and government officials, including instruction on international HR standards that protect and promote FoRB and respect for the rule of law.**
- **Respect rule of law in rural areas, protect the right to FoRB of ethnic minorities, including their right to change religion or belief.**
- **Stop harassment, oppression and violence against Hmong Christians and other minority religious groups.**

- **Allow unregistered religious groups to freely exercise their FoRB. Take all measures to stop any forms of restrictions and harassment against them.**
- **Promote a spirit of respect, tolerance and pluralism in State media and publications.**
- **End unlawful property acquisitions and damages through official or unofficial means.**