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| **Viet Nam****Tool for Civil Society assessment** of the **actions of the State** **party** in **implementing recommendations** by UN Human Rights Mechanismson the **freedom of religion** |  | **Name of assessing NGO(s)*** **…**
* **…**
* **…**
* **…**

*As of DAY / MONTH / YEAR* |

This tool was primarily developed to assist civil society actors’ efforts to improve the situation of the ***freedom of thought, conscience, and religion or belief (FoRB)*** in Viet Nam by ***utilising the recommendations*** issued by relevant United Nations (UN) Human Rights Mechanisms. It includes recommendations issued by the ***Human Rights Committee***, the monitoring body of the International Covenant on Civil and Political Rights (ICCPR), after its third review of Viet Nam in March 2019 ([CCPR/C/VNM/CO/3](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FVNM%2FCO%2F3&Lang=en)), by the ***Committee against Torture (CAT)*** after its initial review of Viet Nam in November 2018 ([CAT/C/VNM/CO/1](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/447/94/PDF/G1844794.pdf?OpenElement)), by the ***Committee on the Rights of the Child (CRC)*** after its latest review in October 2022 ([CRC/C/VNM/CO/5-6](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fVNM%2fCO%2f5-6&Lang=en)), by ***the Committee on the Elimination of Racial Discrimination (CERD)*** after its latest review in April 2012 ([CERD/C/VNM/CO/10-14](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/418/90/PDF/G1241890.pdf?OpenElement)), as well as recommendations put forward by UN Member States at the 3rd ***Universal Periodic Review (UPR)*** of Viet Nam in January 2019 ([A/HRC/41/7](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/083/45/PDF/G1908345.pdf?OpenElement)). Finally, it also includes the recommendations made by the ***Special Rapporteur on Freedom of Religion and belief*** ***(SR FoRB)*** after its country visit in July 2014 ([A/HRC/28/66/Add.2](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/014/16/PDF/G1501416.pdf?OpenElement)) and the ***Independent Expert on Minority Issues (IE Minority)*** after its last mission to Vietnam in July 2010 ([A/HRC/16/45/Add.2](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/103/82/PDF/G1110382.pdf?OpenElement)).

In this tool, these recommendations are **categorised by Mechanism**.

It should serve as a ***practical tool*** for civil society actors to ***monitor and assess actions taken by Viet Nam*** to implement recommendations issued by UN Human Rights Mechanisms. At the same time, it can also be used as an example or ***model*** tool that can be easily modified and applied to carry out monitoring and assessment of State party’s actions on ***other issues*** and/or in ***other countries***.

**Human Rights Committee** ([CCPR/C/VNM/CO/3](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FVNM%2FCO%2F3&Lang=en)):

*§ 43. The Committee is concerned that the Law on Religion and Belief of 2016 unduly restricts the freedom of religion and belief, such as through the mandatory registration and recognition process for religious organizations and restrictions on religious activities based on vague and broadly interpreted legal provisions related to national security and social unity. It is also concerned that members of religious communities and their leaders, predominantly unregistered or unrecognized religious groups, ethnic minorities or indigenous peoples, face various forms of surveillance, harassment, intimidation, property seizure or destruction, are forced to renounce their faith, pressured to join a competing sect, and are subject to physical assaults, which sometimes leads to death. It is disturbed by reports that non-State actors, such as the “red flag associations,” attack Catholic communities, and are involved in propaganda activities that promote and incite religious discrimination, violence, and hate speech (arts. 2, 18–20 and 26).*

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| **Actions recommended (§ 44)** | **Positive actions** (*What kind of actions are taken by Viet Nam so far to implement recommendations?* *By which State body / bodies? When?**If no action is taken, please put “none”.)* | **Negative actions** *(What kind of actions are taken by Viet Nam in contrary to the recommendations?* *By which State body/bodies? When?**If no action is taken, please put “none”.)* | **Further actions required**(*What kind of concrete actions should or can still be taken by Viet Nam to fully implement the recommendation?* *By which State body / bodies?*) |
| (Viet Nam should) **bring its legislation into conformity with article 18 of the ICCPR**. |  |  |  |
| (Viet Nam should) **refrain from any action that may restrict the freedom of religion or belief beyond restrictions permitted under ICCPR Article 18**. |  |  |  |
| (Viet Nam should) **take into account the recommendations of the Special Rapporteur on freedom of religion or belief (see A/HRC/28/66/Add.2)**. |  |  |  |
| (Viet Nam should) take measures to **prevent** andswiftly and effectively **respond** to **all acts of undue interference with the freedom of religion**, and any incidents of **hate speech, incitement to discrimination, violence** or **alleged hate crime,** and **ensure that those responsible are brought to justice.** |  |  |  |

*§ 55. The Committee is concerned that the State party does not recognize the indigenous peoples in Viet Nam. While noting that policies related to ethnic minorities have been adopted, the Committee is also concerned at the remaining gaps in efforts to promote and protect the rights of persons belonging to ethnic or religious minorities and indigenous peoples. It is further concerned that such communities suffer from discrimination, including with regard to education, employment and other public services. It remains concerned that such communities are not sufficiently consulted in decision-making processes with respect to issues affecting their rights, such as the seizure and allocation of land, including traditional and ancestral lands, for development projects, or offered appropriate remedies. It is also concerned that such development projects have a negative impact on the communities’ culture, lifestyle, use of land and resources, and livelihoods, resulting in the exacerbation of socioeconomic inequalities (arts. 2 and 26–27).*

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| **Actions recommended (§ 56 (a) and (d))** | **Positive actions** (*What kind of actions are taken by Viet Nam so far to implement recommendations?* *By which State body / bodies? When?**If no action is taken, please put “none”.)* | **Negative actions** *(What kind of actions are taken by Viet Nam in contrary to the recommendations?* *By which State body/bodies? When?**If no action is taken, please put “none”.)* | **Further actions required**(*What kind of concrete actions should or can still be taken by Viet Nam to fully implement the recommendation?* *By which State body / bodies?*) |
| (Viet Nam should) **adopt laws and measures to fully promote and protect the rights of persons belonging to minorities and indigenous peoples**, including the right to **enjoy their own culture**, to **profess and practise their own religion,** and to **use their own language**. |  |  |  |
| (Viet Nam should) take measures to **ensure effective access to public services without discrimination for persons belonging to ethnic or religious minorities and indigenous peoples**, including in relation to the **issuance of the household registration card (*Hộ khẩu*).** |  |  |  |

**Committee against Torture (CAT)** ([CAT/C/VNM/CO/1](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/447/94/PDF/G1844794.pdf?OpenElement)):

*§ 22. The Committee is concerned: (a) At the reported disproportionate number of detentions and the high number of deaths in custody of members of ethnic and religious minorities, in particular those living in remote areas of the country, as a result of torture and ill-treatment in police stations and other places of deprivation of liberty; (b) At the treatment of persons associated with minority religious or ethnic communities and their subsequent suspicious deaths in custody, including: (i) Nguyen Huu Tan, a Buddhist who was detained and whom the police alleged had committed suicide while in custody. No independent investigation of the death was carried out and the detainee’s family was subjected to reprisals from the local police after complaining to the authorities; (ii) Ma Seo Sung, a Hmong Christian who was arrested and detained by the police and allegedly committed suicide by hanging and whose family also received threats of reprisals; (iii) Pastor Ksor Xiem of the Montagnard Evangelical Church, who died of injuries sustained in police custody; (iv) Y Ku Knul, a Montagnard Christian who died while under arrest and whose body showed signs of electric shocks; (c) About the situation of the leaders of the Unified Buddhist Church of Viet Nam, such as Thich Quang Do, who is allegedly under house arrest in a monastery (arts. 1, 2, 11–14 and 16).*

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| **Actions recommended (§ 44 (a))** | **Positive actions** (*What kind of actions are taken by Viet Nam so far to implement recommendations?* *By which State body / bodies? When?**If no action is taken, please put “none”.)* | **Negative actions** *(What kind of actions are taken by Viet Nam in contrary to the recommendations?* *By which State body/bodies? When?**If no action is taken, please put “none”.)* | **Further actions required**(*What kind of concrete actions should or can still be taken by Viet Nam to fully implement the recommendation?* *By which State body / bodies?*) |
| (Viet Nam should) **ensure that the treatment of members of religious and ethnic communities by public officials or other persons acting in an official capacity is not based on discrimination of any kind in contravention of the CAT Convention**. |  |  |  |
| (Viet Nam should) **ensure that alleged cases of torture and ill-treatment by law enforcement officials, deaths in custody and complaints of excessive use of force are promptly, effectively and impartially investigated**, that **alleged perpetrators are immediately suspended from duty** for the duration of the investigation, particularly when there is a risk that they might otherwise be in a position to repeat the alleged acts, and that, **if found guilty, the perpetrators are punished with sentences commensurate with the gravity of their crime.** |  |  |  |
| (Viet Nam should) **elucidate the deaths in police custody of the Buddhist Nguyen Huu Tan, the Hmong Christian Ma Seo Sung, pastor Ksor Xiem of the Montagnard Evangelical Church and the Montagnard Christian Y Ku Knul** and **inform the Committee** about the outcome. |  |  |  |
| (Viet Nam should) **provide updated information regarding the situation of Thich Quang Do, a leader of the Unified Buddhist Church of Viet Nam.** |  |  |  |

**Committee on the Elimination of Racial Discrimination (CERD)** ([CERD/C/VNM/CO/10-14](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/418/90/PDF/G1241890.pdf?OpenElement)):

*§16. The Committee is concerned at: (a) Numerous and consistent reports of discrimination and restriction on religious practices faced by some Christian and Buddhist denominations among Khmer Krom, Degar (Montagnard) and Hmong, through legislation, registration requirements, surveillance and imprisonment; (b) Provisions that appear to be discriminatory on both ethnic and religious grounds, including articles 8 and 15 of the Ordinance on belief and religion (2004), which forbid religious activities deemed to “violate national security” and “negatively affect the unity of the people or the nation’s fine cultural traditions;”(c) The household registration system (hộ khẩu), which results in discrimination against ethnic minorities belonging to “unrecognized” religious groups in the fields of employment, social security, health services, education and the right to freedom of movement; (d) Incidents of violent attacks and threats against religious groups and activities, for example, the alleged attacks against the Bat Nha monastery, referred to by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/HRC/15/53, para. 10).*

*§17. The Committee is concerned at: (a) persistent reports of arrests and arbitrary detention of minority groups for activities that constitute their peaceful practice of religion and freedom of expression, and of their ill-treatment in custody, including cases taken up by several special procedures mandate holders (see, for example, A/HRC/16/52/Add.1, para. 249); (b) the lack of effective investigation into those allegations; and (c) the lack of effective remedies provided for victims. In that regard, the Committee notes with concern some legal documents, inter alia, Ordinance No. 44 on regulating administrative justice, which authorizes suspected “national security” offenders to be placed under administrative detention for up to two years without trial, Decree 38/2005/ND-CP on public order, which prohibits demonstrations outside State agencies and public buildings, and Circular 09/2005/TT-BCA, which prohibits gatherings of more than five people without State permission (arts. 2 and 5 (b), (d)).*

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| **Actions recommended (§ 16)** | **Positive actions**(*What kind of actions are taken by Viet Nam so far to implement recommendations?* *By which State body / bodies? When?**If no action is taken, please put “none”.)* | **Negative actions***(What kind of actions are taken by Viet Nam in contrary to the recommendations?* *By which State body/bodies? When?**If no action is taken, please put “none”.)* | **Further actions required**(*What kind of concrete actions should or can still be taken by Viet Nam to fully implement the recommendation?* *By which State body / bodies?*) |
| (Viet Nam should) take measures to **address the phenomenon of double discrimination faced by ethnic minorities belonging to unrecognized religious groups and ensure the rights of all persons to freely profess and practice their religion in public or in private regardless of registration status, by, inter alia: (a) considering the amendment of the household registration system; (b) Reviewing the Ordinance on belief and religion, in particular articles 8, paragraph 2, and 15, and Decree No. 22 on religion, which impose strict controls on religions, in order to ensure full conformity with article 5 (d) of the Convention; (c) Immediately and thoroughly investigating reports of threats and attacks against ethnic and religious minorities, and providing updates in the next periodic report on the outcome of the investigations and any punishments or sanctions imposed on those responsible, as well as on remedies provided for victims.** |  |  |  |

**Committee on the Rights of the Child (CRC)** ([CRC/C/VNM/CO/5-6](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fVNM%2fCO%2f5-6&Lang=en)):

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| **Actions recommended (§24)** | **Positive actions** (*What kind of actions are taken by Viet Nam so far to implement recommendations?* *By which State body / bodies? When?**If no action is taken, please put “none”.)* | **Negative actions** *(What kind of actions are taken by Viet Nam in contrary to the recommendations?* *By which State body/bodies? When?**If no action is taken, please put “none”.)* | **Further actions required**(*What kind of concrete actions should or can still be taken by Viet Nam to fully implement the recommendation?* *By which State body / bodies?*) |
| (Viet Nam should) **respect the right of the child to freedom of thought, conscience and religion and ensure that every child is able to exercise the right to practice freely his or her religion or belief.** |  |  |  |

**Universal Periodic Review (UPR) 3rd cycle** ([A/HRC/41/7](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/083/45/PDF/G1908345.pdf?OpenElement)):

The UPR Working Group proceeded to the 3rd review of Viet Nam in January 2019. Viet Nam received 291 recommendations from the recommending States for consideration. It accepted 241 recommendations, of which 220 were fully accepted and 21 were partially accepted (see [A/HRC/41/7/Add.1](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/189/46/PDF/G1918946.pdf?OpenElement)). Among the recommendations received, 14 related to FoRB. Of these, Viet Nam fully accepted 10 and partially accepted two.

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| **Actions recommended by other States to Viet Nam** | **Positive actions** (*What kind of actions are taken by Viet Nam so far to implement recommendations?* *By which State body / bodies? When?**If no action is taken, please put “none”.)* | **Negative actions***(What kind of actions are taken by Viet Nam in contrary to the recommendations?* *By which State body/bodies? When?**If no action is taken, please put “none”.)* | **Further actions required**(*What kind of concrete actions should or can still be taken by Viet Nam to fully implement the recommendation?* *By which State body / bodies?*) |
| (Viet Nam should) take measures to **combat religious motivated violence and harassment and ethnic discrimination and inequality** (Brazil, § 31.170). |  |  |  |
| (Viet Nam should) **protect religious and ethnic minorities**, and **refrain from imposing restrictions by law** on them (Luxembourg, § 31.277). |  |  |  |
| (Viet Nam should) take steps to **preserve and promote a vibrant and diverse religion and belief** in Viet Nam (Lao PDR, § 31.169). |  |  |  |
| (Viet Nam should) **fully implement** the recently enacted **Law on Freedom of Religion or Belief** (Greece, § 31.173). |  |  |  |
| (Viet Nam should) **consider revising national legislation, including the Law on Belief and Religion and the media Laws**, in order to **harmonize it with international standards** regarding the right of freedom of expression and of religion (Brazil, § 31.174). |  |  |  |
| (Viet Nam should) continue its efforts to **implement policies on promoting harmony among religions** (UAE, § 31.178). |  |  |  |
| (Viet Nam should) continue with measures aimed at **fully implementing the recent law on Freedom of Religion or Belief** in order to guarantee its effectiveness (Malta, § 31.182). |  |  |  |
| (Viet Nam should) enhance efforts to **guarantee freedom of religion or belief**, also by further **reducing administrative obstacles to peaceful religious activities** and by **combating violence and discrimination on religious grounds** (Italy, § 31.199). |  |  |  |
| (Viet Nam should) take the necessary measures to **eliminate administrative barriers in order to guarantee exercise of freedom of worship** (Angola, § 31.206). |  |  |  |
| (Viet Nam should) **safeguard freedom of religion and believe for all in Vietnam** (Kenya, § 31.210). |  |  |  |
| (Viet Nam should) **ensure full implementation of its international human rights obligations regarding freedom of religion and belief** [...] (Poland, § 31.193). |  |  |  |
| (Viet Nam should) **ensure consistent implementation of the Law on Belief and Religion** particularly at the local level, including with respect to registration of Protestant groups and other groups in Northwest Highlands provinces, […] (USA, § 31.205). |  |  |  |

**Special Rapporteur on Freedom of Religion or Belief (SR FoRB)** ([A/HRC/28/66/Add.2](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/014/16/PDF/G1501416.pdf?OpenElement))

*§82. […] Under the current situation, the possibilities of independent religious life are unsafe and restricted, in clear violation of article 18 of the ICCPR to which Viet Na has been a State Party since 1982.*

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| **Actions recommended (§83)** | **Positive actions**(*What kind of actions are taken by Viet Nam so far to implement recommendations?* *By which State body / bodies? When?**If no action is taken, please put “none”.)* | **Negative actions***(What kind of actions are taken by Viet Nam in contrary to the recommendations?* *By which State body/bodies? When?**If no action is taken, please put “none”.)* | **Further actions required**(*What kind of concrete actions should or can still be taken by Viet Nam to fully implement the recommendation?* *By which State body / bodies?*) |
| (Viet Nam should) **broaden and solidify the very limited and unsafe space provided for the free unfolding of religious diversity in Viet Nam.** The situation of independent religious or belief communities should be seen as a test question indicative of the general societal tolerance. |  |  |  |
| (Viet Nam should) **implement to the fullest Article 38 of the current Ordinance on Belief and Religion (Ordinance 21)** which provides for the prevalence of international treaties over conflicting domestic legislation. This requires **reforms both at the legislation and practical implementation levels.** |  |  |  |
| (Viet Nam should) **bring legal provisions related to freedom of religion or belief in line with Article 18 of the ICCPR**. This includes the unconditional protection of the *forum internum* dimension of freedom of religion or belief as well as precise formulations of limitation clauses concerning religious manifestations in the *forum externum*. |  |  |  |
| (Viet Nam should) **remove and replace vague formulations in the legal provisions that are used to limit freedom of religion of belief and other human rights – such as those employed in Article 258 of the Penal Code regarding the “abuse” of freedom – by precise legal definitions in line with international standards.** |  |  |  |
| (Viet Nam should) **clarify that the official registration of religious or belief communities is an offer rather than a legal requirement** and **simplify the registration requirements for the religious communities in its envisaged new law on religious affairs**. |  |  |  |
| (Viet Nam’s Committee on Religious Affairs should) **advise the Vietnamese Government on the draft law on the international standards that protect and promote freedom of religion or belief**.  |  |  |  |
| (Viet Nam’s Committee on Religious Affairs should) **provide proper training and instruction to the local authorities** on these issues (freedom of religion and belief). |  |  |  |
| (Viet Nam should) reform the law of associations to **provide efficient access to an alternative form of legal personality status for religious or belief communities** that, for whatever reasons, do not have or do not wish to have registration status under the current Ordinance 21 (or the future law replacing the Ordinance).  |  |  |  |
| (Viet Nam should) **substantially ease the restrictions imposed on religious communities under Ordinance 21 in conjunction with Decree 92, in accordance with, inter alia, the principle of proportionality** as enshrined in Article 18 of the ICCPR. |  |  |  |
| (Viet Nam should) prioritize effective and accessible legal **recourse in current legal reforms in order to allow victims, whose freedom of religion or belief have been infringed upon, to obtain redress and compensation within an independent judicial system and judiciary**. |  |  |  |
| (Viet Nam should) **refrain from publicly attacking independent religious groups, including through the media**. |  |  |  |
| (Viet Nam should) **investigate allegations of violations of freedom of religion or belief and other human rights.** |  |  |  |
| (Viet Nam should) **handle land issues involving religious communities, including cemeteries and places of worship, in a fair and sensitive manner**. Communities and their representatives should have **legal recourse to rectify decisions deemed to violate freedom of religion or belief or other human rights manner.**  |  |  |  |
| (Viet Nam should) **further develop the landscape of religious training institutions** and **leave the selection of candidates and programmatic issues entirely to the religious communities that operate these institutions**. |  |  |  |
| (Viet Nam should) **create more space for religious and denominational schools, beyond the kindergarten level.** |  |  |  |
| (Viet Nam should) **provide fair and accurate information about religions and beliefs as part of school education**. Such information should **appropriately reflect the self-understanding of the concerned communities**.  |  |  |  |
| (Viet Nam should) **ensure that prison inmates are able to exercise their freedom of religion or belief, including by possessing and using religious literature or other religious items**. They should also **be given the means to contact a religious figure if they so wish**.  |  |  |  |
| (Viet Nam’s Committee on Religious Affairs should) **play a crucial role in instructing and providing regular training to local authorities and public security officials on the interpretation of relevant regulations in conformity with universal human rights**. |  |  |  |
| (Viet Nam should) **remove special public security units, such as Unit 41/PA 38, that seem to carry out controversial functions**, contrary to the purpose of protecting freedom of religion or belief.  |  |  |  |

**Independent Expert on Minority Issues (IE Minority)** ([A/HRC/16/45/Add.2](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/103/82/PDF/G1110382.pdf?OpenElement))

*§92. The independent expert […]. She was also informed, however, of persistent problems, some of which may constitute denial of religious freedoms and other human rights violations.*

*§93. The independent expert remains concerned by continuous reports that legitimate religious practices and peaceful protests by religious minorities, including ethnic minority Protestants, H’mong Christians, and Khmer Buddhists, have resulted in restrictions on freedom of movement, expression and assembly, harassment and imprisonment. […].*

*§94. The bureaucratic controls on faith establishments appear to be used most assiduously with respect to Protestant churches and to be grounded in the history of opposition to the Government by ethnic minorities located in the central highlands that also identified as members of the Protestant church.*

*§96. National security and national unity are issues of great importance to the Government, and harsh penalties exist in law for those considered to be undermining them.*

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| **Actions recommended (§ 93, 96, 97)** | **Positive actions** (*What kind of actions are taken by Viet Nam so far to implement recommendations?* *By which State body / bodies? When?**If no action is taken, please put “none”.)* | **Negative actions***(What kind of actions are taken by Viet Nam in contrary to the recommendations?* *By which State body/bodies? When?**If no action is taken, please put “none”.)* | **Further actions required**(*What kind of concrete actions should or can still be taken by Viet Nam to fully implement the recommendation?* *By which State body / bodies?*) |
| (Viet Nam should) **fully respect the rights of religious minorities** […]. |  |  |  |
| (Viet Nam should) **ensure that its efforts to ensure security and consolidation of national unity comply with international human rights obligations and must not infringe the rights of ethnic or religious minorities.** |  |  |  |
| (Viet Nam should) **immediately release all those in detention for activities that would, under international standards, constitute the peaceful exercise of their rights**.  |  |  |  |

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